



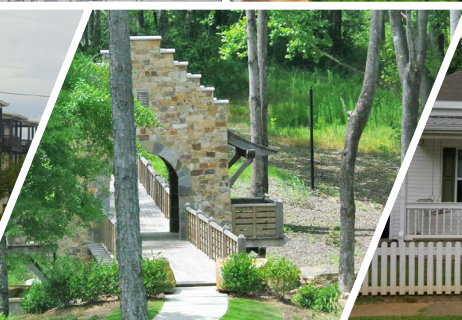
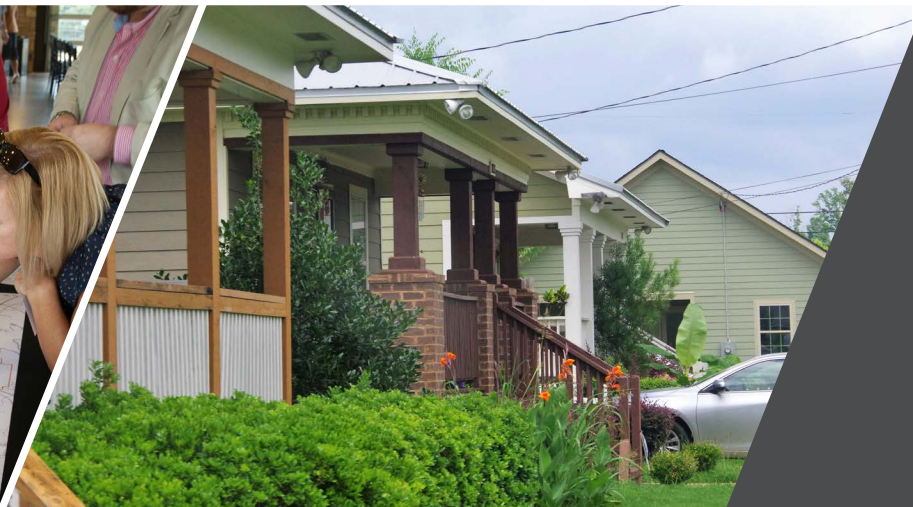
# Tuscaloosa Zoning Ordinance

Special Call Meeting | March 2023

Sec. 24-1: General Provisions    Sec. 24-2: Definitions and Rules for Measurement

Sec. 24-3: Administration

Sec. 24-4: Zoning Districts (Zoning Districts Established, General Purpose Statements, and Mixed Residential, Multifamily, Mobile Home, & Historic Buffer Overlay districts)



**FRAME**WORK  
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# ARTICLE 24-1. GENERAL PROVISIONS<sup>1</sup>

## Commentary on Draft:

This article contains important provisions that pertain to the regulations as a whole. It includes 10 sections that:

- Establish the title or official name, of the zoning ordinance;
- Identify the statutory authority for the City Council to adopt the ordinance;
- State the City Council’s purpose and intent in adopting the ordinance;
- Set out activities to which the regulations in the ordinance apply;
- State that the ordinance is intended to ensure that development is in accordance with the goals, objectives, policies, strategies, and actions of plans adopted by the City, and that the Comprehensive Plan is the principal policy guide for the ordinance;
- Clarify that the more restrictive regulation applies in cases where there is a conflict between two ordinance regulations or between ordinance provisions and state or federal law;
- Adopt and incorporate by reference the City’s Zoning Map, and establish requirements for interpreting the map and rules for amending the map to classify newly annexed lands;
- Address the rules governing development that have been approved under the previous regulations but not yet started or completed, or development applications that have been submitted but not yet approved;
- Provide a severability provision in the event a portion of the ordinance is determined invalid by a court of law; and
- Establish the effective date of the ordinance.

*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. 24-1.1. TITLE<sup>2</sup>

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This article shall officially be entitled the “Zoning Ordinance of the City of Tuscaloosa, Alabama,” and may be referred to as the “Tuscaloosa Zoning Ordinance,” the “Zoning Ordinance,” or “this Ordinance”.

## SEC. 24-1.2. AUTHORITY<sup>3</sup>

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The Tuscaloosa City Council is authorized to adopt this Ordinance in accordance with the enabling authority contained in the Code of Alabama, 1975, including Title 11, Chapter 19, Sections 1-24; Title 11,

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<sup>1</sup> **NOTE TO STAFF:** Footnotes are provided throughout this draft document to track and explain zoning ordinance provisions. These footnotes will be removed from the final document.

<sup>2</sup> This section carries forward and builds on Sec. 24-1 of the current Ordinance.

<sup>3</sup> This is a new section that contains references to the authority by which the City has to adopt the Zoning Ordinance.

Chapter 45, Sections 1-11; Title 11, Chapter 52, Sections 1-85; Title 41, Chapter 9, Section 166; and all other relevant laws of the state of Alabama.

## **SEC. 24-1.3. GENERAL PURPOSE AND INTENT<sup>4</sup>**

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The purpose of this Ordinance is to promote the public health, safety, and general welfare of the residents of Tuscaloosa, and to implement the goals, objectives, and policies of the Comprehensive Plan and other City-adopted plans addressing the City's growth and development. This Zoning Ordinance is enacted to exercise the full range of authority available to the City in accordance with state law to:

- a. Provide for adequate light, air, and open space;
- b. Facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements;
- c. Protect and preserve scenic, historic, or environmentally sensitive areas;
- d. Regulate the form and arrangement of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports, water supply, sanitation, protection against floods, public activities, and other purposes in a way that creates a quality place, increases transportation options for residents, and enhances quality of life of the community;
- e. Facilitate the creation of a sustainable and livable community;
- f. Secure safety from fire, flood, and other dangers;
- g. Facilitate the harmonious, orderly, and continuing development of land within the City that maintains complete neighborhoods and uses the characteristics of traditional neighborhoods;
- h. Encourage economically sound development and use of land within the City;
- i. Ensure an orderly and harmonious display of signs within the community;
- j. Support a downtown that features a vibrant mix of businesses, residences, institutions, and entertainment with distinctive character;
- k. Foster the growth of strategically-located centers of greater intensity of development that integrates a mix of uses and connects with existing developed areas;
- l. Ensure the adequate provision of safe, convenient, and diverse transportation infrastructure within and through new developments, so that development patterns are well-connected and meaningfully support multiple modes of travel;
- m. Support a range of uses along the riverfront in appropriate locations, including conservation of sensitive lands, growth of mixed-use development with high quality architecture, and integration of public open space and recreation networks;
- n. Ensure the provision of high-quality public space through the dedication of land for recreation, education, transportation, and other public purposes;
- o. Facilitate an efficient, transparent, and understandable development review process that balances diverse interests;
- p. Manage student housing growth around the university and throughout the community;
- q. Facilitate, in general, the fiscally-balanced, timely, and orderly development of new areas, and redevelopment of previously developed areas; and

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<sup>4</sup> This section states the general purpose of the City Council in adopting the Zoning Ordinance. It builds on statements of purpose and intent that are in Sec. 24-3 in the current Zoning Ordinance. It also draws on policies in the Comprehensive Plan.

- r. Carry out such other purposes in the public interest as may be specifically cited in this Ordinance.

## **SEC. 24-1.4. APPLICABILITY<sup>5</sup>**

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- a. Unless stated otherwise in this Ordinance, and to the extent allowed by state and federal law, the provisions in this Ordinance apply to all development of land within the planning jurisdiction of the City.
- b. Development shall not occur and land shall not be used except in accordance with the requirements of this Ordinance and all other applicable City, county, state, and federal laws and regulations.
- c. Unless stated otherwise, the standards and requirements of this Ordinance are minimum requirements.

## **SEC. 24-1.5. CONFORMANCE WITH ADOPTED PLANS<sup>6</sup>**

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This Ordinance is intended to ensure that all development within the City's jurisdiction is developed in accordance with the goals, objectives, policies, strategies, and actions of plans adopted by the City that address growth and development.

## **SEC. 24-1.6. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DEEDS<sup>7</sup>**

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### **SEC. 24-1.6.1. CONFLICTS WITH PROVISIONS OF ADOPTED CODES OR ORDINANCES**

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- a. If a provision of this Ordinance is inconsistent or conflicts with another provision of this Ordinance or with a provision found in other adopted ordinances or codes of the City, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.
- b. When there is a conflict between an overlay zoning district and an underlying base zoning district, the provisions of the overlay district shall control, unless stated to the contrary. When there is a conflict between provisions of two or more applicable overlay zoning districts, unless otherwise stated in this Ordinance, the more restrictive provision controls.
- c. When it is possible to implement, administer, or construe a particular provision of this Ordinance in more than one way, it shall be implemented, administered, or construed in a way that eliminates or minimizes conflicts with other Ordinance provisions.

### **SEC. 24-1.6.2. CONFLICTS WITH STATE OR FEDERAL LAW**

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If the provisions of this Ordinance are inconsistent or conflict with the laws or regulations of the State or federal government, the more restrictive provision shall control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

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<sup>5</sup> This section identifies activities and entities that are subject to the Zoning Ordinance.

<sup>6</sup> This new section sets out that one of the legislative intents of the Zoning Ordinance is to ensure it is in accordance with the City's Comprehensive Plan and other City-adopted plans.

<sup>7</sup> This new section provides that in case of conflict between the zoning ordinance and other legislative enactments of the federal government, the state, or City, the stricter provision applies, to the extent allowed by law; It also states that restrictive covenants and deed restrictions between private parties are not the City's responsibility to enforce, but that land subject to covenants and restrictions must still comply with the zoning ordinance.

### **SEC. 24-1.6.3. RELATIONSHIP TO RESTRICTIVE COVENANTS AND DEED RESTRICTIONS**

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The City shall not be responsible for monitoring or enforcing easements, covenants, deed restrictions, or other agreements between private parties. Private easements, covenants, and restrictions notwithstanding, all development, unless expressly exempted by this Ordinance, shall comply with the minimum requirements of this Ordinance.

## **SEC. 24-1.7. OFFICIAL ZONING DISTRICT MAP<sup>8</sup>**

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### **SEC. 24-1.7.1. ESTABLISHMENT**

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Land subject to this Ordinance is divided into various base, planned development, and overlay zoning districts established in Article 24-4: Zoning Districts. The location and boundaries of the zoning districts shall be shown on a map entitled, “Zoning Map of City of Tuscaloosa, Alabama,” which may also be referred to as the “Official Zoning Map.” The Official Zoning Map, including all its notations, is incorporated herein by reference and made part of this Ordinance. The Official Zoning Map shall be the final authority as to the status of the zoning district classification of land in the City and can be amended in accordance with the procedures and standards of this Ordinance. If there is a clerical error on the map, this Zoning Ordinance shall control.<sup>9</sup>

### **SEC. 24-1.7.2. MAINTENANCE AND DISTRIBUTION**

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The Office of Urban Development shall keep as a digital file the Official Zoning Map.<sup>10</sup> The most recent approved iteration of the map shall be clearly labeled. A copy of the Official Zoning Map shall be available for inspection by the general public in the Office of Urban Development during normal business hours. Access to a digital document satisfies this requirement.

### **SEC. 24-1.7.3. INTERPRETATION OF DISTRICT BOUNDARIES**

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The Director of Planning is authorized to interpret the exact location of zoning district boundaries shown on the Official Zoning Map in accordance with Sec. 24-3.4.11, Interpretation. The Zoning Board of Adjustment is authorized to hear appeals of the Director of Planning’s interpretation, in accordance with Sec. 24-3.4.10, Appeal of Administrative Decision.

## **SEC. 24-1.8. TRANSITIONAL PROVISIONS<sup>11</sup>**

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### **SEC. 24-1.8.1. VIOLATIONS CONTINUE**

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Any violation of any provision repealed and replaced by this Ordinance (see Sec. 24-1.10, Effective Date) shall continue to be a violation under this Ordinance unless the development complies with the express terms of this Ordinance.

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<sup>8</sup> This section incorporates by reference the Official Zoning Map as well as any related maps. It replaces Sec. 24-23 of the current Zoning Ordinance.

<sup>9</sup> This last sentence was added in accordance with staff comments. Is this language appropriate?

<sup>10</sup> Per staff comments, this is not current practice.

<sup>11</sup> This is a new section that establishes rules governing continuing violations of the regulations, pending development applications at the time of adoption, and existing development approvals. It also outlines the translation from the current zoning districts to the new zoning districts with the adoption of the rewritten zoning ordinance.

### SEC. 24-1.8.2. COMPLETED APPLICATIONS UPON WHICH NO FINAL ACTION TAKEN

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- a. Any development application submitted and accepted as complete before [ ] [insert the effective date of this Ordinance], but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted as complete. Complete applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, the application shall expire, and future development shall be subject to the requirements and standards of this Ordinance.
- b. To the extent an application reviewed and approved in accordance with subsection a. above, proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 24-8: Nonconformities.
- c. An applicant with a pending application accepted as complete before [ ] [insert the effective date of this Ordinance] may opt to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending application and submitting a new application in accordance with the requirements of this Ordinance.

### SEC. 24-1.8.3. APPROVED APPLICATIONS

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Any development approvals granted before [ ] [insert effective date of this Ordinance] shall remain valid until their expiration date, unless they are revoked (e.g., for failure to comply with their terms and conditions) or are substantially modified with respect to the character of development or the intent of the approval. Development with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval. If the approval or permit expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), or is substantially modified with respect to the character of development or the intent of the approval, any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance. To the extent the prior-approval or permit recognized by this section proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 24-8: Nonconformities.

### SEC. 24-1.8.4. NEW APPLICATIONS

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Any application that is submitted or accepted as complete after [ ] [insert the effective date of this Ordinance] is subject to the requirements and standards in this Ordinance.

### SEC. 24-1.8.5. ZONING DISTRICT TRANSITION

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On [ ] [insert effective date of this Ordinance], land zoned with a zoning district classification from the previous zoning regulations shall be reclassified to one of the zoning district classifications in this Ordinance as set forth in Article 24-4, Zoning Districts. Table 1-1: Zoning District Transitions, summarizes the translation or reclassification of the zoning districts used in the previous zoning ordinance to the zoning districts used in this Ordinance. (For example, Table 1-1 shows that all lands classified as RD-1 and RD-2 in the previous zoning ordinance (under the column titled "Zoning District in Previous Ordinance") are classified SFR-4 in this Ordinance (under the column titled "Zoning District in this Ordinance").)

**Table 1-1: Zoning District Transitions**

ZONING DISTRICT IN PREVIOUS ORDINANCE	ZONING DISTRICT IN THIS ORDINANCE
<b>OPEN SPACE DISTRICT</b>	
	OS: Open Space <b>(NEW)</b>
<b>RESIDENTIAL DISTRICTS</b>	
	CN: Compact Neighborhood <b>(NEW)</b>
	SFR-E: Single Family Residential Estate <b>(NEW)</b>
	LR: Lake Residential <b>(NEW)</b>
	LMF: Lake Multifamily <b>(NEW)</b>
R-1: Residence	SFR-1: Single Family Residential 1
R-2: Residence	SFR-2: Single Family Residential 2
R-3: Residence	SFR-3: Single Family Residential 3
RD-1: Residential Detached	SFR-4: Single Family Residential 4
RD-2: Residential Detached	<b>(CONSOLIDATED)</b>
	SFR-5: Single Family Residential 5 <b>(NEW)</b>
R-4: Moderate Density Residence	MR-1: Mixed Residential 1
RA-1: Residential Attached	MR-2: Mixed Residential 2 <b>(CONSOLIDATED)</b>
RA-2: Residential Attached	
	MRU: Mixed Residential University <b>(NEW)</b>
	MFRU: Multifamily Residential University <b>(NEW)</b>
RMF-1: Multi-family Residence	MFR: Multifamily Residential <b>(CONSOLIDATED)</b>
RMF-2: Multi-family Residence	
RM-3: Residential Multifamily	
RM-4: Residential Multifamily	
RMH: Mobilehome Residence	MHR: Mobile Home Residential
<b>INSTITUTIONAL DISTRICTS</b>	
I: Institutional	IU: Institutional University <b>(NEW)</b>
	IP: Institutional Public <b>(NEW)</b>
	ISP: Institutional Semi-Public <b>(NEW)</b>
<b>BUSINESS DISTRICTS</b>	
BC: Central Business	D: Downtown
BGO: General Business Office	DP: Downtown Perimeter
	DHE: Downtown Historic Edge <b>(NEW)</b>
	R: Riverfront <b>(NEW)</b>
	LC: Lake Commercial <b>(NEW)</b>



**Table 1-1: Zoning District Transitions**

ZONING DISTRICT IN PREVIOUS ORDINANCE	ZONING DISTRICT IN THIS ORDINANCE
	GC: General Commercial <b>(NEW)</b>
	UC: University Commercial <b>(NEW)</b>
	NC: Neighborhood Commercial <b>(NEW)</b>
BH: Highway-Related Commercial	HC: Highway Commercial
BN: Neighborhood Commercial	<b>DELETE</b>
BNS: Special Neighborhood Commercial	<b>DELETE</b>
MX-3: Mixed Use Low	<b>DELETE</b>
MX-5: Mixed Use Medium	<b>DELETE</b>
MX-8: Mixed Use High	<b>DELETE</b>
<b>INDUSTRIAL DISTRICTS</b>	
ML: Light Industrial	IL: Industrial Light
MG: General Industry	IG: Industrial General
MH: Heavy Industry	IH: Industrial Heavy
<b>PLANNED DEVELOPMENT DISTRICT</b>	
PUD: Planned Unit Development	GPD: General Planned Development
RD: Riverfront Development	RPD: Riverfront Planned Development
<b>OVERLAYS</b>	
H: Historic	<b>DELETE</b> (historic districts are described in Chapter 20, Planning and Development, Article II, Historic Preservation, of the City Code)
Historic District Buffer Zone	HBO: Historic Buffer Overlay
UAN: University Area Neighborhood	<b>DELETE</b> (standards updated and moved into new MRU, MFRU, and UC districts)
(UAN) R-4U: University Area Neighborhood Residential	<b>DELETE</b> (standards updated and moved into new MRU district)
(UAN) RMF-2U: University Area Neighborhood Residential	<b>DELETE</b> (standards updated and moved into new MFRU district)
(UAN) BNU: University Area Neighborhood Business	<b>DELETE</b> (standards updated and moved into new UC district)
DROD: Downtown/Riverfront Overlay	<b>DELETE</b> (standards updated and moved into R and RPD districts)
TO: Tourist Overlay Downtown – Campus	<b>DELETE</b> (some standards relocated as use-specific standards)
ECLOD: Estate Lot Conservation Overlay	<b>DELETE</b> (some standards moved into the new SFR-E district)

## **SEC. 24-1.9. SEVERABILITY<sup>12</sup>**

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If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity and continued enforcement of any other section, subsection, sentence, clause, or phrase of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and any section, subsection, sentence, clause, and phrase, thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid by a court of competent jurisdiction.

## **SEC. 24-1.10. EFFECTIVE DATE<sup>13</sup>**

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This Ordinance shall become effective on [ ] [insert effective date of Ordinance]. It repeals “The Zoning Ordinance of Tuscaloosa” as originally adopted on [ ] [insert original date of adoption], 1972 and subsequently amended.

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<sup>12</sup> This provision is intended to ensure that the remainder of the ordinance remains in effect if a portion is invalidated by a court of law. It carries forward and builds on Sec. 24-204 of the current ordinance.

<sup>13</sup> This section establishes the effective date of the updated zoning ordinance.

# ARTICLE 24-2. DEFINITIONS AND RULES FOR MEASUREMENT

## SEC. 24-2.1. GENERAL RULES FOR INTERPRETATION<sup>14</sup>

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### SEC. 24-2.1.1. MEANINGS AND INTENT

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All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Sec. 24-1.3, General Purpose and Intent, and the specific purpose statements set forth throughout the Ordinance. When a specific section of the Ordinance gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term shall control.

### SEC. 24-2.1.2. HEADINGS, ILLUSTRATIONS, AND TEXT

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In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

### SEC. 24-2.1.3. LISTS AND EXAMPLES

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Unless otherwise specifically indicated, lists of items or examples that use terms like “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

### SEC. 24-2.1.4. REFERENCES TO OTHER REGULATIONS AND PUBLICATIONS

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Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall mean a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

### SEC. 24-2.1.5. DELEGATION OF AUTHORITY

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Any act authorized by this Ordinance to be carried out by the Director of Planning may be delegated by the Director of Planning to a professional-level City employee under the Director of Planning's authority or control.

### SEC. 24-2.1.6. PUBLIC OFFICIALS AND AGENCIES

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All public officials, bodies, and agencies to which references are made are those of the City of Tuscaloosa, Alabama, unless otherwise indicated.

### SEC. 24-2.1.7. MANDATORY AND DISCRETIONARY TERMS

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The words “shall,” “must,” and “will” are mandatory, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive.

### SEC. 24-2.1.8. CONJUNCTIONS

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Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

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<sup>14</sup> This section builds on and consolidates the general rules for construction of terms in the zoning ordinance, and for interpreting the zoning ordinance.

- a. “And” indicates that all connected items, conditions, provisions, or events apply; and
- b. “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

**SEC. 24-2.1.9. TENSES AND PLURALS**

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words referring to a specific gender may be extended to any other gender.

**SEC. 24-2.1.10. TERM NOT DEFINED**

If a term used in this Ordinance is not defined in this Ordinance, the Director of Planning is authorized to interpret its meaning in accordance with Sec. 24-3.4.11, Interpretation. Such interpreted meaning shall be based upon the definitions used in accepted sources—including, but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, A Survey of Zoning Definitions (all published by the American Planning Association), and Black’s Law Dictionary, as well as general dictionaries such as Merriam-Webster, American Heritage, Webster’s New World, and New Oxford American dictionaries.

**SEC. 24-2.2. RULES OF MEASUREMENT<sup>15</sup>**

**SEC. 24-2.2.1. BUILDING MEASUREMENTS**

**a. Building Footprint<sup>16</sup>**

The area of a building measured at its outside walls at its ground plane, including covered porches that may not have walls, but not including uncovered porches, terraces, steps, or courtyards.

**b. Building Height in Feet<sup>17</sup>**

The vertical distance measured from the mean level of the finished grade abutting all sides of the building to the following points:

- 1. For mansard roofs, to the deck line;
- 2. For gable, gambrel, and hip roofs, to the mean height between eaves and ridges; and
- 3. For flat roofs and all other types of roofs, to the highest point excluding chimneys, spires, elevator penthouses, and similar projections.

**c. Building Height in Stories<sup>18</sup>**

The height of each story in a building is measured from the top of the finished floor to the ceiling above. An attic is not considered a building story if 50 percent or more of the attic floor area has a clear height of less than 7½ feet, measured from the finished floor to the finished ceiling. A

<sup>15</sup> This section consolidates measurement rules that apply throughout the Ordinance, including building height and terms relating to lots and district dimensional requirements. Some rules are new; some are carried forward from the general definitions included in Sec. 24-5, Definitions, of the current Zoning Ordinance, and others are carried forward from provisions that applied only to the Mixed-Use and Mixed Residential zoning districts in the current Zoning Ordinance. Sign measurements can be found with the sign regulations in Sec. 24-6.10.6, Sign Measurements.

<sup>16</sup> This is a new definition.

<sup>17</sup> This carries forward the substance of the current definition of *Height of Building* in Sec. 24-5 of the current Zoning Ordinance with reorganization for clarity. The definitions of building height in feet that apply to the mixed-use districts (Sec. 24-286(h)) and mixed residential districts (Sec. 24-335(h)) have not been carried forward.

<sup>18</sup> This definition is adopted from the provisions for determining a building story that apply to the mixed-use districts (Sec. 24-286) and the mixed residential districts (Sec. 24-335) in the current Zoning Ordinance.

building level such as a basement or subterranean parking deck is not considered a building story if 50 percent or more of its perimeter wall area is surrounded by natural grade.

**d. Gross Floor Area<sup>19</sup>**

The sum of the horizontal areas of all the floors of a building, measured from the exterior faces of the exterior walls or center lines of walls separating two buildings. Open balconies, rooftops, parking areas, basements and cellars not designed for occupancy, elevator shafts, and ventilation shafts are not included in gross floor area.

## SEC. 24-2.2.2. LOT MEASUREMENTS

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**a. Buildable Area<sup>20</sup>**

The area of the lot excluding areas within each lot line and the minimum setback lines.

**b. Ground Coverage Ratio<sup>21</sup>**

The percentage of the lot area covered by buildings, measured using the building footprint(s).

**c. Lot Area<sup>22</sup>**

The area included within the rear, side, and front lot lines, not including existing or proposed right-of-way, whether dedicated or not dedicated to public use.

**d. Lot Width<sup>23</sup>**

The distance between the side lot lines (generally running perpendicular to a street) measured at the primary street property line along a straight line or along the chord of the property line.

**e. Lake Frontage Width<sup>24</sup>**

The length of a lot bordering Lake Tuscaloosa along the Acquisition Line.

**f. Lot Depth<sup>25</sup>**

The distance between the front and rear property lines measured along a line midway between the side property lines. For lots of irregular configuration, the Director of Planning shall determine the method of calculating lot depth.

**g. Lot Frontage<sup>26</sup>**

The portion of a lot nearest a street. A lot adjacent to multiple streets is considered to have multiple frontages for purposes of determining the minimum front setbacks of a lot.

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<sup>19</sup> This is a new definition to support the calculation of minimum parking requirements and other provisions in this Ordinance.

<sup>20</sup> This carries forward and simplifies the definition in Sec. 24-5 of the current Zoning Ordinance.

<sup>21</sup> This carries forward and simplifies the definition in Sec. 24-5 of the current Zoning Ordinance.

<sup>22</sup> This carries forward the definition of lot depth that apply to the mixed-use districts (Sec. 24-286(b)(2)) and the mixed residential districts (Sec. 24-335(b)(2)) in the current Zoning Ordinance.

<sup>23</sup> This carries forward the definition of lot width that apply to the mixed-use districts (Sec. 24-286(b)(3)) and the mixed residential districts (Sec. 24-335(b)(3)) in the current Zoning Ordinance.

<sup>24</sup> This is a new definition. This definition simplifies the provision. Our review of a sample of developed parcels along Lake Tuscaloosa showed that the majority of developed parcels had been platted and include precise measurements for the length of the lot along the Acquisition Line. While some lands are unplatted and do not specify a precise Acquisition Line, most of those properties appear to be large, and given the requirement for subdivision for development, we concluded that a definition of lake frontage width that accommodated land configurations such as peninsulas is unnecessary.

<sup>25</sup> This carries forward the definition of lot depth that apply to the mixed-use districts (Sec. 24-286(b)(4)) and the mixed residential districts (Sec. 24-335(b)(4)) in the current Zoning Ordinance, and adds a provision for means of calculating lot depth on irregular lots.

<sup>26</sup> This carries forward and simplifies the definition in Sec. 24-5 of the current Zoning Ordinance.

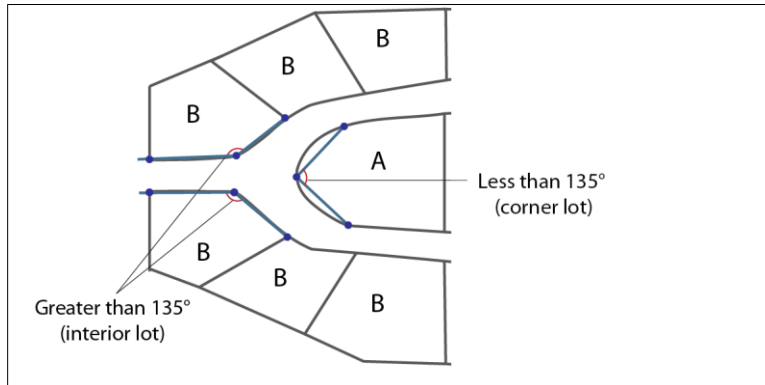
**h. Lot Types<sup>27</sup>**

Lots are classified as follows:

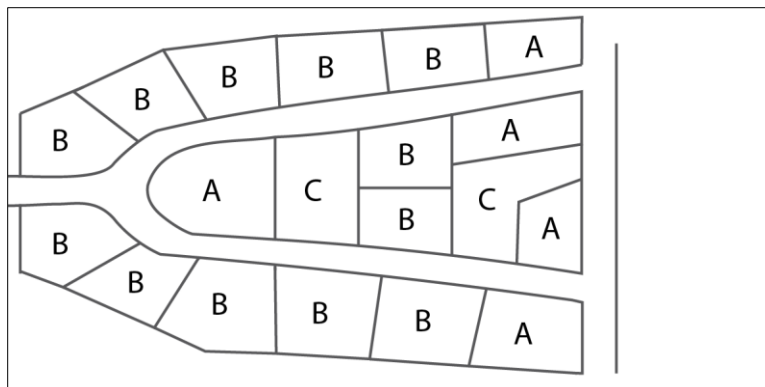
**1. Corner Lot**

A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot meet an interior angle of less than 135 degrees (see Figure 2-1). A corner lot shall designate one primary street; all other streets abutting the lot shall be considered side streets. (Corner lots are marked “A” in Figure 2-2.)

**Figure 2-1: Measurement of Angles Abutting Curved Street**



**Figure 2-2: Examples of Lot Types**



**2. Interior Lot**

A lot other than a corner lot with only one frontage on a street. (Interior lots are marked “B” in Figure 2-2.)

**3. Through Lot**

A lot other than a corner lot with frontage on more than one street. (Through lots are marked “C” in Figure 2-2.)

<sup>27</sup> This carries forward the definition of lot types in Sec. 24-5 of the current Zoning Ordinance.

**i. Setback<sup>28</sup>**

A required distance, specified in the standards of a zoning district, between a lot line and the closest projection of a building or structure, extending along the entire length of the lot line. Where a minimum setback is specified, it shall be the required minimum distance which shall be unoccupied and unobstructed by any structure except as provided in Sec. 24-2.2.3, Allowable Encroachments, or elsewhere in this Ordinance. Where a maximum setback is specified, it shall be the maximum distance between the lot line and the closest projection of the principal building or structure. Setbacks are measured as follows:

**1. Primary and Side Street Setbacks, and Front Setbacks**

Measured from the edge of each right-of-way. Except as otherwise provided in this Ordinance, on a corner lot (see definition of “Corner Lot” above), the minimum front setback from the side street right-of-way shall be equal to two-thirds (2/3) of the minimum front setback that applies in the zoning district in which the lot is located.

**2. Side Interior Setbacks**

Measured from the side lot line.

**3. Rear Setbacks**

Measured from the rear lot line or, where there is an alley, from the edge of the right-of-way. In the case of through lots and corner lots, there may be no rear setback, but only front and side setbacks.

**j. Yard<sup>29</sup>**

An open space between the principal building or structure on a lot and the nearest lot line, unobstructed and unoccupied from the ground upward except as otherwise provided in this Ordinance. There are three types of yards:

**1. Front Yard<sup>30</sup>**

A yard abutting a public street. Through lots and corner lots have front yards on all street frontages.

**2. Side Yard**

A yard abutting a side lot line.

**3. Rear Yard**

A yard abutting the rear lot line or, where there is an alley, from the edge of the right-of-way. Through lots and corner lots may have no rear yard, but only front and side yards.

**k. Lot Line**

A boundary dividing a lot from another lot or from a public or private right-of-way.<sup>31</sup>

<sup>28</sup> These definitions are new. This new Zoning Ordinance uses terminology like “required minimum setbacks” rather than minimum yard depth and width. It is also modified to address maximum setbacks, which are included in districts such as the Downtown (D) district. These definitions, and the definitions under “Yards” below, are revised to use consistent terminology throughout the new Zoning Ordinance.

<sup>29</sup> This modifies the definition in Sec. 24-5 of the current Zoning Ordinance. For consistency in terminology, minimum yard depth and width are now referred to as “minimum setbacks.” Yards refer to the actual open area between buildings and lot lines, rather than the required minimum setbacks. Portions of the definition of yard in the current Zoning Ordinance that reference required minimum setbacks are incorporated into the setback definitions above. The current yard definition excludes eaves, gutters, cornices, fences, walls, poles, posts, and other yard accessories. Those exceptions to the minimum setbacks are consolidated in the table below.

<sup>30</sup> The reduced setback on a corner lot from a side street is addressed in the setback provision above.

<sup>31</sup> This is a new definition

**1. Lot Line, Front**

A lot line forming a boundary between the lot and the right-of-way of a street other than an alley.<sup>32</sup>

**2. Lot Line, Side**

A lot line that is not a front lot line and that intersects with a front lot line.<sup>33</sup>

**3. Lot Line, Rear**

A lot line that is not a front lot line or a side lot line.<sup>34</sup>

**SEC. 24-2.2.3. ALLOWABLE ENCROACHMENTS<sup>36</sup>**

Fixtures and features that are permitted to encroach into required minimum setbacks are listed in Table 2-1: Allowable Encroachments Into Yards.

**Table 2-1: Allowable Encroachments Into Yards**

FEATURE	EXTENT AND LIMITATIONS OF ENCROACHMENT
Fences, walls <sup>37</sup>	Allowed anywhere in an area within a required minimum setback subject to the limitations in Sec. 24-6.5, Fence and Wall Standards
Eaves, gutters, and cornices <sup>38</sup>	Allowed anywhere in an area within a required minimum setback
Customary yard accessories, ornaments, and outdoor furniture <sup>39</sup>	Allowed anywhere in an area within a required minimum setback except as limited elsewhere in this Ordinance
Play equipment such as a slide, jungle gym, or tree house	Allowed anywhere in a side or rear yard except as limited elsewhere in this Ordinance
Porch, stoop, and balcony <sup>40</sup>	Up to six feet into an area within a required minimum setback and at least two feet from a lot line. Shall not encroach into public right-of-way except as allowed elsewhere in this Ordinance.
Swimming pool on private property within a residential district	Allowed in an area within a required minimum rear setback subject to the limitations of Sec. 24-5.3.4.t, Swimming Pool <sup>41</sup>
Antennas	Allowed in an area within a required side or rear minimum setback subject to the limitations of Sec. 24-5.3.4.b, Antenna

<sup>32</sup> This is a new definition.

<sup>33</sup> This is a new definition.

<sup>34</sup> This is a new definition.

<sup>36</sup> 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).

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

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

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

<sup>40</sup> 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.

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



## SEC. 24-2.3. DEFINITIONS<sup>42</sup>

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

### A

<b>Abutting</b>	Having a common boundary line, such as two contiguous parcels with a shared lot line. <sup>43</sup>
<b>Accessory Use or Structure</b>	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. <sup>44</sup>
<b>Acquisition Line</b>	The line which marks the limits of the City's ownership of Lake Tuscaloosa, at approximately the 230-foot level. <sup>45</sup>
<b>Adjacent</b>	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. <sup>46</sup>
<b>Administrative Adjustment</b>	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.
<b>Aerodrome</b>	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. <sup>47</sup>
<b>Animal Shelter</b>	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. <sup>48</sup>
<b>Antenna</b>	A device used to transmit or receive wireless communications signals, including parabolic antennas such as satellite dishes. <sup>49</sup>

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<sup>42</sup> 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.

<sup>43</sup> This is a new definition.

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

<sup>45</sup> This is a new definition.

<sup>46</sup> This is a new definition.

<sup>47</sup> This is a new definition.

<sup>48</sup> This is a new definition.

<sup>49</sup> This is a new definition.

<b>Approval letter for development in historic district buffer zone</b>	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.
<b>Artisanal Production</b>	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 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. <sup>50</sup>
<b>Assisted Living Facility</b>	<p>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.</p> <p>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.</p> <p>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.<sup>51</sup></p>
<b>Assisted Living Facility, Family</b>	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.
<b>Assisted Living Facility, Group</b>	An assisted living facility authorized to care for 3 to 16 adults.
<b>Assisted Living Facility, Congregate</b>	An assisted living facility authorized to care for 17 or more adults.

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<sup>50</sup> This is a new definition.

<sup>51</sup> 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.

- Authorized agent** Someone who has the power to act on behalf of another person.<sup>52</sup>
- 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 other locations, an ATM may be considered a separate accessory use to the principal use(s) of the location.<sup>53</sup>
- 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.<sup>54</sup>
- Automobile Wash (Car Wash)** A facility where automobiles are washed by individuals or by machines.<sup>55</sup>
- 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.<sup>56</sup>
- Awning** A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk or other pedestrianway.<sup>57</sup>

**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.<sup>58</sup>
- Banner** Any sign made of lightweight fabric, cloth, canvas, plastic sheeting, nylon or any other flexible material, with no enclosing framework and which is not rigidly and permanently attached to a building or the ground through a permanent support structure.<sup>59</sup>
- 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.<sup>60</sup>
- Barge Terminal** A facility for the docking, loading, or unloading of ships, barges, or boats that primarily transport freight.<sup>61</sup>

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<sup>52</sup> This is a new definition.

<sup>53</sup> This is a new definition

<sup>54</sup> This is a new definition.

<sup>55</sup> This is a new definition.

<sup>56</sup> This is a new definition.

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

<sup>58</sup> This is a new definition.

<sup>59</sup> This carries forward the definition in Sec. 24-132 of the current Zoning Ordinance.

<sup>60</sup> This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

<sup>61</sup> This is a new definition.

<b>Bed and Breakfast</b>	An owner-occupied residence where rooms are rented to transient guests on an overnight basis and breakfast is served to these guests. <sup>62</sup>
<b>Bicycle Parking Facility</b>	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. <sup>63</sup>
<b>Billboard</b>	A sign with a message related to a business, profession, product, activity, service, or commodity that is offered, sold, or manufactured on property or premises other than that upon which the sign is located. <sup>64</sup>
<b>Bioswale</b>	A vegetated surface designed to treat sheet flow from adjacent surfaces, including filtering strips that reduce the velocity of water runoff, filter out sediment and other pollutants, and allow for infiltration into soil. <sup>65</sup>
<b>Boat Ramp</b>	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. <sup>66</sup>
<b>Brewery</b>	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. <sup>68</sup>
<b>Brewpub</b>	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. <sup>69</sup>
<b>Broadcasting Studio</b>	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. <sup>70</sup>
<b>Building</b>	A structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure. <sup>71</sup>

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<sup>62</sup> This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

<sup>63</sup> This is a new definition.

<sup>64</sup> This this definition has been substantially updated to remove reference to commercial message and content other than whether the sign is on- or off-premises.

<sup>65</sup> This builds on the definition in Sec. 24-252 of the current Zoning Ordinance.

<sup>66</sup> This is a new definition.

<sup>68</sup> This is a new definition.

<sup>69</sup> 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.

<sup>70</sup> This is a new definition.

<sup>71</sup> This is a new definition.

- 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.<sup>73</sup>
- 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.<sup>74</sup>
- 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.<sup>75</sup>
- Catering** An establishment in which food and meals are prepared on the premises for delivery to an off-site location for consumption.<sup>76</sup>
- Cemetery/Graveyard** Land used or dedicated to the burial of the dead, including columbaria, mausoleums, and necessary maintenance facilities, but not including a crematory.<sup>77</sup>
- 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.
- Channel Letters** Fabricated or formed three-dimensional letters, numbers, or symbols, typically used as signage and illuminated.<sup>78</sup>
- 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

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<sup>73</sup> This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

<sup>74</sup> This is a new definition provided by staff.

<sup>75</sup> This is a new definition.

<sup>76</sup> This is a new definition

<sup>77</sup> This is a new definition.

<sup>78</sup> This is a new definition.

the Alabama Pawn Shop Act, Title 5, Chapter 19A of the Code of Alabama, 1975.<sup>79</sup>

<b>Chief Building Official</b>	The Chief Building Official of Tuscaloosa, Alabama.
<b>City Code</b>	The Code of Ordinances of the City of Tuscaloosa, Alabama.
<b>City Council</b>	The City Council of Tuscaloosa, Alabama.
<b>City Engineer</b>	The City Engineer of Tuscaloosa, Alabama.
<b>Club or Lodge</b>	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. <sup>80</sup>
<b>Coffee House</b>	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. <sup>81</sup>
<b>College or University</b>	An institute of higher education authorized by the State to award associates or higher degrees. Ancillary facilities may include 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. <sup>82</sup>
<b>Commercial Message</b>	For purposes of the sign and billboard regulations in this Ordinance, any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. <sup>83</sup>
<b>Comprehensive Plan</b>	The Framework Comprehensive Plan, adopted in 2021, as amended <sup>84</sup>
<b>Composting Facility</b>	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. <sup>85</sup>
<b>Composting, small-scale</b>	An enclosed area that contains a compost tumbler or similar apparatus designed for the purpose of converting household kitchen and yard waste into fertilizer. <sup>86</sup>

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<sup>79</sup> This is a new definition.

<sup>80</sup> This is a new definition.

<sup>81</sup> This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance for *Café, coffee house, juice bar*.

<sup>82</sup> This is a new definition.

<sup>83</sup> This carries forward the definition in Sec. 24-132 of the current Zoning Ordinance.

<sup>84</sup> This is a new definition.

<sup>85</sup> This is a new definition.

<sup>86</sup> This is a new definition

<b>Community Garden</b>	A public facility for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family. <sup>87</sup>
<b>Conference or Training Center</b>	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. <sup>88</sup>
<b>Continuing Care Retirement Development</b>	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. <sup>89</sup>
<b>Contractors Office</b>	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. <sup>90</sup>
<b>Convenience Store</b>	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. <sup>91</sup>
<b>Correctional Facility</b>	A public or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense. <sup>92</sup>
<b>Cool Roof</b>	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. <sup>93</sup>
<b>Critical Root Zone</b>	The area around a tree that is within its Drip Line. <sup>94</sup>
<b>Cultural Facility</b>	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. <sup>95</sup>
<b>Cul-de-sac</b>	The circular turnaround at the end of a dead-end street. <sup>96</sup>

**D**

<b>Data Center</b>	A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting
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<sup>87</sup> This is a new definition.

<sup>88</sup> This is a new definition.

<sup>89</sup> This is a new definition.

<sup>90</sup> This is a new definition.

<sup>91</sup> This is a new definition.

<sup>92</sup> This is a new definition.

<sup>93</sup> This is a new definition.

<sup>94</sup> This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

<sup>95</sup> This is a new definition.

<sup>96</sup> This is a new definition.

equipment includes back-up batteries and power generators, cooling units, fire suppression systems, and enhanced security features.<sup>97</sup>

**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.<sup>98</sup>

**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.<sup>99</sup>

**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.<sup>100</sup>

**Determination Guidelines for Sale and Consumption of Alcoholic Beverages** 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:

- (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.<sup>101</sup>

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<sup>97</sup> This is a new definition.

<sup>98</sup> 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.

<sup>99</sup> 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.

<sup>100</sup> This updates for consistency the definition in Sec. 24-5 of the current Zoning Ordinance.

<sup>101</sup> This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.



<b>Dead Storage</b>	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. <sup>102</sup>
<b>Deck</b>	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. <sup>103</sup>
<b>Development</b>	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). <sup>104</sup>
<b>Development, New</b>	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. <sup>105</sup>
<b>Development Application</b>	Any application or request for development submitted in the form required by this Zoning Ordinance.
<b>Diameter at Breast Height (DBH)</b>	The diameter of a tree, measured four-and-a-half feet above ground level. <sup>106</sup>
<b>Director of Planning</b>	The Director of Planning of Tuscaloosa, Alabama. Also referred to as the Planning Director.
<b>Distillery</b>	An establishment where spirituous liquors are manufactured for commercial purposes. <sup>107</sup>
<b>Dock</b>	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. <sup>108</sup>
<b>Donation Center</b>	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. <sup>109</sup>

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<sup>102</sup> This is a new definition.

<sup>103</sup> This is a new definition.

<sup>104</sup> This is a new definition.

<sup>105</sup> This is a new definition.

<sup>106</sup> This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

<sup>107</sup> This is a new definition.

<sup>108</sup> This is a new definition and adds a reference to potential relevant regulations in Chapter 18 of the City Code.

<sup>109</sup> This is a new definition.

<b>Drip Line</b>	The perimeter of a tree’s canopy. <sup>110</sup>
<b>Drive Aisle</b>	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. <sup>111</sup>
<b>Drive-Through Facility</b>	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. <sup>112</sup>
<b>Driveway</b>	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. <sup>113</sup>
<b>Drug Rehabilitation Facility</b>	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. <sup>114</sup>
<b>Dwelling, Duplex</b>	A building which is not physically attached to any other principal structure and contains two 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. <sup>115</sup>
<b>Dwelling, Live/work</b>	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. <sup>116</sup>
<b>Dwelling, Mobile Home</b>	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. <sup>117</sup>
<b>Dwelling, Multifamily</b>	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-

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<sup>110</sup> This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

<sup>111</sup> This is a new definition.

<sup>112</sup> This is a new definition.

<sup>113</sup> This revises the definition in Sec. 24-5 of the current Zoning Ordinance.

<sup>114</sup> This is a new definition.

<sup>115</sup> 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.

<sup>116</sup> This is a new definition.

<sup>117</sup> 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.

	Rowhouse Dwelling, U-Duplex Dwelling, U-Triplex Dwelling, or any Group Living uses. <sup>118</sup>
<b>Dwelling, Multifamily Student</b>	A multifamily structure that meets the definition of a Student-Oriented Dwelling. <sup>119</sup>
<b>Dwelling, Quadplex</b>	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. <sup>120</sup>
<b>Dwelling, Single-Family Detached</b>	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. <sup>121</sup>
<b>Dwelling, Student-Oriented</b>	<p>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:</p> <ol style="list-style-type: none"> <li>(1) Interior layout of development.</li> <li>(2) Location of development and proximity to a college or university.</li> <li>(3) Company portfolio.</li> <li>(4) Marketing and branding of development.</li> <li>(5) Amenities provided in development (fitness facilities, study rooms, pools, assembly rooms, club houses, etc.).</li> <li>(6) Provided furnishings in units.<sup>122</sup></li> </ol>
<b>Dwelling, Townhouse</b>	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. <sup>123</sup>

<sup>118</sup> 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.

<sup>119</sup> This applies the Student-Oriented Dwelling definition to multifamily units

<sup>120</sup> This is a new definition.

<sup>121</sup> This revises the definition of *Dwelling, Single-Family* in Sec. 24-5 of the current Zoning Ordinance.

<sup>122</sup> 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.

<sup>123</sup> 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.

<b>Dwelling, Triplex</b>	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. <sup>124</sup>
<b>Dwelling, U-Duplex</b>	A Student-Oriented Dwelling as defined at Sec. 6-109(v) of the City Code. <sup>125</sup>
<b>Dwelling, U-Rowhouse</b>	A Student-Oriented Dwelling as defined at Sec. 6-109(v) of the City Code. <sup>126</sup>
<b>Dwelling, U-Single</b>	A Student-Oriented Dwelling as defined at Sec. 6-109(v) of the City Code. <sup>127</sup>
<b>Dwelling, U-Triplex</b>	A Student-Oriented Dwelling as defined at Sec. 6-109(v) of the City Code. <sup>128</sup>

**E**

<b>Electric Vehicle Charging Station</b>	<p>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:</p> <ol style="list-style-type: none"> <li>(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.</li> <li>(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.</li> <li>(3) A Level 3 charging station is an industrial-grade charging station that operates on a high-voltage circuit to allow for fast charging.<sup>129</sup></li> </ol>
<b>Electric Vehicle Parking Space</b>	A parking space for use by motor vehicles that is served by an electric vehicle charging station. <sup>130</sup>
<b>Electronic, Digital, or Video Display</b>	For purposes of the sign and billboard regulations in this Ordinance, any portion of a sign displaying letters, characters, figures, or illustrations that are generated by light-emitting devices which may be electronically programmed by computer to change the sign copy without altering the face or surface of the sign. Such light-emitting

<sup>124</sup> This is a new definition.

<sup>125</sup> 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.

<sup>126</sup> This references the current definition incorporated into the building code by the City Code.

<sup>127</sup> This references the current definition incorporated into the building code by the City Code.

<sup>128</sup> This references the current definition incorporated into the building code by the City Code.

<sup>129</sup> This is a new definition.

<sup>130</sup> This is a new definition.

devices may be integral to the sign face, such as a matrix composed of light emitting diodes (LEDs), or they may be an external light source designed to reflect off the changeable component display.<sup>131</sup>

**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.<sup>132</sup>

**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.<sup>133</sup>

**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.<sup>134</sup>

## **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.<sup>135</sup>

**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.<sup>136</sup>

**FCC** The Federal Communications Commission.

<sup>131</sup> This is a new definition that incorporates some language from relevant definitions in Sec. 24-132 of the current Zoning Ordinance.

<sup>132</sup> This is a new definition for a term used in Sec. 24-223(a)(2)d of the current Zoning Ordinance.

<sup>133</sup> This revises for clarity the definition for *Event space, banquet/reception hall* in Sec. 24-5 of the current Zoning Ordinance.

<sup>134</sup> This is a new definition.

<sup>135</sup> This is new and replaces the definition in the current Zoning Ordinance. Limit of three unrelated persons is new

<sup>136</sup> This is a new definition.

**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.<sup>137</sup>

**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.<sup>138</sup>

**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.<sup>139</sup>

**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.<sup>141</sup>

## **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:

- (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.<sup>142</sup>

**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.<sup>143</sup>

**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

<sup>137</sup> This is a new definition.

<sup>138</sup> This is a new definition.

<sup>139</sup> This is a new definition.

<sup>141</sup> This is a new definition.

<sup>142</sup> 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.

<sup>143</sup> This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

included in the Public Safety use, but excluding the Correctional Facility use.<sup>144</sup>

**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.<sup>145</sup>

**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.<sup>146</sup>

**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.<sup>147</sup>

**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.<sup>148</sup>

## H

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

**Hedge** A linear arrangement of shrubs, bushes, or other plants grown closely together to create a solid, continuous barrier.<sup>149</sup>

**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.<sup>150</sup>

**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

<sup>144</sup> This is a new definition.

<sup>145</sup> This is a new definition.

<sup>146</sup> This is a new definition.

<sup>147</sup> 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.

<sup>148</sup> This is a new definition.

<sup>149</sup> This is a new definition.

<sup>150</sup> This carries forward the definition in Sec. 24-106 of the current Zoning Ordinance.

personal use by the occupant of the site and not for sale or other form of commercial transaction with others.<sup>151</sup>

**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.<sup>152</sup>

**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.<sup>153</sup>

**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.<sup>154</sup>

**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, recreational facilities, and/or gift shops, and similar amenities designed primarily for use by guests.<sup>155</sup>

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<sup>151</sup> 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.

<sup>152</sup> 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.k.

<sup>153</sup> This is a new definition which is based on the definition in the state administrative regulations and includes a reference to the regulations.

<sup>154</sup> This is a new definition.

<sup>155</sup> 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.



**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.<sup>156</sup>
- Illuminance, Horizontal** The intensity of artificial light falling on a horizontal surface, measured in footcandles.<sup>157</sup>
- 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.<sup>158</sup>

**J**

**K**

- Kenel** 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.<sup>159</sup>

**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 includes automatic, self-service, or hand laundries. This shall not include dry cleaning or processing with any solvents.<sup>160</sup>
- 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

<sup>156</sup> This carries forward and simplifies the definition in Sec. 24-5 of the current Zoning Ordinance

<sup>157</sup> This is a new definition.

<sup>158</sup> This is a new definition, based in part on the definition in Executive Orders 13751 (Dec. 5, 2016) and 13112 (Feb. 3, 1999).

<sup>159</sup> This is a new definition.

<sup>160</sup> This is a new definition.

and dry-cleaning on the premises is limited to items which are brought directly to the premises by the retail customer.<sup>161</sup>

**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.<sup>162</sup>

**Light Vehicle Fuel Station** 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.<sup>164</sup>

**Light Vehicle Repair** 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.<sup>165</sup>

**Light Vehicle Sales or Rental** 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.<sup>166</sup>

**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).<sup>167</sup>

**Loading Berth** A space designated for the temporary parking of commercial vehicles and used for the loading or unloading of goods or materials.<sup>168</sup>

**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.<sup>169</sup>

**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

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<sup>161</sup> This is a new definition.

<sup>162</sup> This is a new definition.

<sup>164</sup> This builds on the definition of *Automobile service station* in Sec. 24-5 of the current Zoning Ordinance.

<sup>165</sup> This is a new definition. The cutoff of 8,500 pounds is based on vehicle classification standards from the Environmental Protection Agency.

<sup>166</sup> This is a new definition. The cutoff of 8,500 pounds is based on vehicle classification standards from the Environmental Protection Agency.

<sup>167</sup> This builds on the definition in Sec. 24-5 of the current Zoning Ordinance.

<sup>168</sup> This is a new definition.

<sup>169</sup> This carries forward the definition in Sec. 24-286 of the current Zoning Ordinance.

described by metes and bounds the description of which has been recorded by the county office of probate.<sup>170</sup>

**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.<sup>171</sup>

**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 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.<sup>172</sup>

**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.<sup>173</sup>

**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.<sup>174</sup>

**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

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<sup>170</sup> This is a new definition

<sup>171</sup> This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

<sup>172</sup> This is a new definition.

<sup>173</sup> This is a new definition.

<sup>174</sup> This revises for clarity the definition in Sec. 24-5 of the current Zoning Ordinance.

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.<sup>175</sup>

- 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.<sup>177</sup>
- 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.<sup>178</sup>
- Mobile Home Sales** An establishment that engages in the sale or repair of mobile homes.<sup>179</sup>
- 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.<sup>180</sup>

## **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/m<sup>2</sup>)).<sup>181</sup>
- 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.

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<sup>175</sup> 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.

<sup>177</sup> 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.

<sup>178</sup> This clarifies and simplifies the definition in Sec. 24-5 of the current Zoning Ordinance.

<sup>179</sup> This is a new definition.

<sup>180</sup> This carries forward the definition in Sec. 24-229(c)(1) of the current Zoning Ordinance with minor revisions.

<sup>181</sup> This carries forward the definition in Sec. 24-132 of the current Zoning Ordinance.

- 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 [redacted] *[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 sign** A sign which was lawful at the time of its installation but that does not comply with Sec. 24-6.10, Signs and Billboards, or as otherwise specified by this Ordinance.<sup>182</sup>
- 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.<sup>183</sup>
- Nonconformity** A nonconforming use, structure, lot of record, sign, or site feature.
- 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.<sup>184</sup>

**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.<sup>185</sup>
- 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.<sup>186</sup>
- 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

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<sup>182</sup> This is a new definition.

<sup>183</sup> This is a new definition.

<sup>184</sup> 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.

<sup>185</sup> This is a new definition.

<sup>186</sup> This is a new definition.

bounded by Martin Luther King Jr. Boulevard to the west, 4<sup>th</sup> Street to the north, Queen City Avenue to the east, and 15<sup>th</sup> Street to the south.<sup>187</sup>

- 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.<sup>188</sup>
- 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.<sup>189</sup>
- Outdoor Storage** An area used for the keeping of any material or machinery.<sup>190</sup>

**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.<sup>191</sup>
- Parapet** The portion of a wall that extends above the roof line.<sup>192</sup>
- 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.<sup>193</sup>
- 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.<sup>194</sup>
- 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

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<sup>187</sup> This is a new definition.

<sup>188</sup> 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.

<sup>189</sup> This is a new definition.

<sup>190</sup> This is a new definition.

<sup>191</sup> This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

<sup>192</sup> This definition is carried forward from Sec. 24-132 of the current Zoning Ordinance.

<sup>193</sup> This is a new definition.

<sup>194</sup> This is a new definition.

for the temporary parking of bicycles, scooters, and other mobility devices.<sup>195</sup>

**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.<sup>196</sup>

**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.<sup>197</sup>

**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.<sup>198</sup>

**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.<sup>199</sup>

**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.<sup>200</sup>

**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

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<sup>195</sup> 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.

<sup>196</sup> 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.

<sup>197</sup> This is a new definition.

<sup>198</sup> This is a new definition.

<sup>199</sup> This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

<sup>200</sup> This is a new definition.

	fee is charged. This use does not include the overnight boarding of animals. <sup>201</sup>
<b>Pharmacy</b>	An establishment where drugs and medicine are prepared and dispensed. Drive-through services are permitted only where it is allowed as an accessory use. <sup>202</sup>
<b>Planned Development</b>	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.
<b>Planning and Zoning Commission</b>	The City of Tuscaloosa Planning and Zoning Commission established in Chapter 20, Article 1, Division 1 of the City Code.
<b>Plant Nursery</b>	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. <sup>203</sup>
<b>Porch</b>	A raised structure attached to the front of a building, forming a covered entrance to a doorway. <sup>204</sup>
<b>Primary Pedestrian Entrance</b>	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. <sup>205</sup>
<b>Primary Use</b>	The main use to which a premises is devoted and the purpose for which the premises exists. <sup>206</sup>
<b>Professional-Level City Employee</b>	A person employed by the City of Tuscaloosa for wages or salary. <sup>207</sup>
<b>Property Line</b>	See definition of “Lot Line” in Sec. 24-2.2.2, Lot Measurements.
<b>Public Safety Facility</b>	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. <sup>208</sup>

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<sup>201</sup> This is a new definition.

<sup>202</sup> This is a new definition.

<sup>203</sup> This is a new definition.

<sup>204</sup> This definition is carried forward from Sec. 24-349 of the current Zoning Ordinance.

<sup>205</sup> This is a new definition.

<sup>206</sup> This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance with minor revisions.

<sup>207</sup> This is a new definition.

<sup>208</sup> This is a new definition.



**Q**  
**R**

<b>Railroad Facility</b>	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. <sup>209</sup>
<b>Railroad Terminal</b>	An area designed and used for the storage, loading, and unloading of containers from railroads to facilitate transshipment with trucks. <sup>210</sup>
<b>Rain Garden</b>	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. <sup>211</sup>
<b>Rainwater Cistern or Barrel</b>	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. <sup>212</sup>
<b>Recreation, Indoor</b>	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. <sup>213</sup>
<b>Recreation, Outdoor</b>	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. <sup>214</sup>
<b>Recreational Vehicle (RV)</b>	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.
<b>Recreational Vehicle (RV) Park</b>	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. <sup>215</sup>

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<sup>209</sup> This is a new definition.

<sup>210</sup> This is a new definition.

<sup>211</sup> This replaces the definition in Sec. 24-252 of the current Zoning Ordinance with updates for clarity.

<sup>212</sup> This is a new definition.

<sup>213</sup> This is a new definition.

<sup>214</sup> This is a new definition.

<sup>215</sup> 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.

<b>Recyclables Processing Center</b>	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. <sup>216</sup>
<b>Recycling Collection Area</b>	An outdoor area where recyclables are collected and temporarily stored, as an activity incidental to the principal use of the property.
<b>Religious Institution</b>	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. <sup>217</sup>
<b>Research and Development</b>	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. <sup>218</sup>
<b>Restaurant, Quick-Service</b>	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.
<b>Restaurant, Sit-Down</b>	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. <sup>219</sup>
<b>Retail Sales Establishment</b>	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.

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<sup>216</sup> This is a new definition.

<sup>217</sup> This is a new definition.

<sup>218</sup> This is a new definition.

<sup>219</sup> 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.

	Rental of heavy construction equipment including bulldozers, grading pans, power rollers, large backhoes, and asphalt spreaders is prohibited. <sup>220</sup>
<b>Retail Sales, Large</b>	A Retail Sales Establishment that is at least 45,000 square feet in gross floor area. <sup>221</sup>
<b>Retail Sales, Medium</b>	A Retail Sales Establishment that is larger than 7,500 square feet and smaller than 45,000 square feet in gross floor area. <sup>222</sup>
<b>Retail Sales, Small</b>	A Retail Sales Establishment that is 7,500 square feet or smaller in gross floor area. <sup>223</sup>
<b>Ride-hailing or Taxi Service</b>	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 coordinate the dispatch of vehicles and operate the business, areas for vehicle storage, and related uses. <sup>224</sup>
<b>Right-of-Way</b>	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. <sup>225</sup>
<b>Runoff</b>	The water from precipitation that flows over the ground. <sup>226</sup>

**S**

<b>Sale of Motor Vehicles on Private Property</b>	The offering for sale of a motor vehicle through such means as a sign within the vehicle that is visible to passers-by. <sup>227</sup>
<b>Salvage or Junkyard</b>	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. <sup>228</sup>
<b>School, K-12</b>	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. <sup>229</sup>

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<sup>220</sup> This is a new definition.

<sup>221</sup> This is a new definition.

<sup>222</sup> This is a new definition.

<sup>223</sup> This is a new definition.

<sup>224</sup> This is a new definition.

<sup>225</sup> This updates the definition in Sec. 24-252 of the current Zoning Ordinance.

<sup>226</sup> This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

<sup>227</sup> This is a new definition.

<sup>228</sup> This is a new definition.

<sup>229</sup> This is a new definition.

<b>Seawall</b>	A structure installed along a waterfront that is intended to minimize erosion along a shoreline. Also known as a bulkhead or retaining wall. <sup>230</sup>
<b>Self-Service Storage</b>	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. <sup>231</sup>
<b>Sexually-oriented Business</b>	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.
<b>Shopping Center</b>	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. <sup>233</sup>
<b>Short-Term Rental</b>	The transient use of any dwelling or any part of a dwelling for overnight occupancy. <sup>234</sup>
<b>Shrub</b>	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. <sup>235</sup>
<b>Sign</b>	Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, designed to inform or advertise. <sup>236</sup>
<b>Sign, A-Frame</b>	A freestanding sign consisting of two boards hinged at the top hanging back to back and separate at the base, forming an “A” shape. Also known as a sandwich-board sign. <sup>237</sup>

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<sup>230</sup> This is a new definition..

<sup>231</sup> 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.

<sup>233</sup> 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.

<sup>234</sup> This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

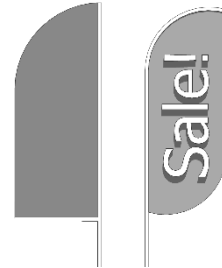
<sup>235</sup> This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

<sup>236</sup> This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance but removes the phrase that a sign is designed to attract the attention of “persons not on the premises on which the sign is located.”

<sup>237</sup> This is a new definition.

**Sign, Building/Wall** A sign displayed upon or attached to any part of the exterior of a building, including walls, doors, parapets, and marquees. Canopy signs, awning signs, projecting signs, and signs suspended from buildings are considered types of building signs.<sup>238</sup>

**Sign, Feather Flag** A temporary fabric sign intended to be inserted directly into the ground or into a mounting device that sits on the ground, often with a feather-like shape. Other common names for feather flag signs include blade flags, sail flags, quill flags, and flutter flags.<sup>240</sup>



**Sign, Freestanding** Any sign supported by structures or supports that are placed on, or anchored in the ground, and that are independent from any building or other structure and not located within right-of-way (see Sec. 24-6.10.6.b.1). The posts or other supporting structures shall be considered as part of the sign and shall be included in computing the sign display area.<sup>241</sup>

**Sign, Projecting** A sign which is attached to and projecting from a structure, building, or wall and is oriented perpendicular or nearly perpendicular to the building or wall façade to which it is attached.<sup>242</sup>

**Sign, Temporary** Any sign that is used only for a short, specifically limited time and that is not permanently mounted.<sup>243</sup>

**Sign, Window** Any sign that is placed inside or upon an exterior window of a commercial building and is legible from the exterior of the building.<sup>244</sup>

**Sign Supporting Structure** Any structure or component to which sign copy is attached, such as a monopole, uprights, braces, guys, anchors, framework, base, foundation, stringers, walkways or catwalks, catwalk supports, lighting, display surfaces, face(s) of a sign panel, caps, cross beams, headers, skirting, ladders, lighting fixtures, electrical components (including any artificial means of heating and cooling electronic, digital, or video billboards and signs), electrical service meters, boxes, and conduit.<sup>245</sup>

**Sign, Logo** A sign containing a graphic image, with or without words, that represents an organization.<sup>246</sup>

<sup>238</sup> This definition is carried forward from Sec. 24-132 of the current Zoning Ordinance.

<sup>240</sup> This is a new definition.

<sup>241</sup> This definition is carried forward from Sec. 24-132 of the current Zoning Ordinance.

<sup>242</sup> This definition is carried forward from Sec. 24-132 of the current Zoning Ordinance, with minor modifications for clarity.

<sup>243</sup> This definition is carried forward from Sec. 24-132 of the current Zoning Ordinance.

<sup>244</sup> This is a new definition based on the definition of “window sign” in Sec. 24-132 of the current Zoning Ordinance. References to the type of information communicated by the sign are removed.

<sup>245</sup> This definition is carried forward from Sec. 24-132 of the current Zoning Ordinance, with minor modifications for clarity.

<sup>246</sup> This is a new definition.

<b>Sign Permit</b>	A uniform mechanism for ensuring that the erection and maintenance of signs complies with City regulations.
<b>Sight Triangle</b>	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.
<b>Slaughterhouse or Stockyards</b>	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. <sup>247</sup>
<b>Sober Living Facility</b>	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. <sup>248</sup>
<b>Solar Energy Conversion System, Small-Scale</b>	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. <sup>249</sup>
<b>Solar Energy Conversion System, Large-Scale</b>	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. <sup>250</sup>
<b>Special Event</b>	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. <sup>251</sup>

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<sup>247</sup> This is a new definition.

<sup>248</sup> 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.

<sup>249</sup> This is a new definition.

<sup>250</sup> This is a new definition.

<sup>251</sup> This is a new definition.

- 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.<sup>252</sup>
- 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.<sup>253</sup>
- Stormwater** See Sec. 21-151 of the City Code.<sup>254</sup>
- 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.<sup>255</sup>
- 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.<sup>256</sup>
- 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.<sup>257</sup>
- 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.<sup>258</sup>
- 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

<sup>252</sup> This is a new definition.

<sup>253</sup> This definition is carried forward from Sec. 24-349 of the current Zoning Ordinance.

<sup>254</sup> This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

<sup>255</sup> This is a new definition.

<sup>256</sup> 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.t.

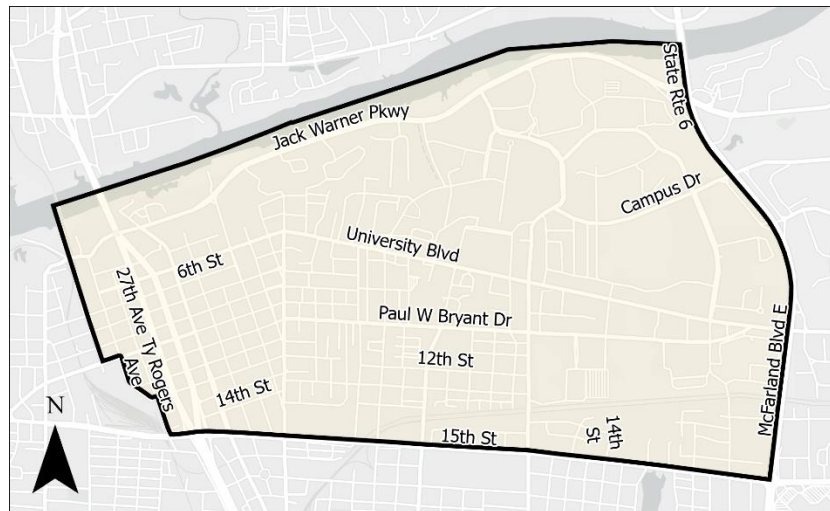
<sup>257</sup> This definition is provided by staff.

<sup>258</sup> This builds on the definition for *Live entertainment* in Sec. 24-5 of the current Zoning Ordinance.

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.<sup>259</sup>

**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.<sup>260</sup>

**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 15<sup>th</sup> 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 29<sup>th</sup> Avenue, thence northward from this point to the centerline of the Black Warrior River, as indicated in the map below.<sup>261</sup>



**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.<sup>262</sup>

**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.

<sup>259</sup> 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.

<sup>260</sup> This definition is provided by staff and has been revised to clarify it does not include the sale or distribution of products containing cannabis.

<sup>261</sup> This carries forward the definition in Sec. 24-371 of the current Zoning Ordinance with updates to a street name. The map is new.

<sup>262</sup> The tree definitions (from Tree through Tree, Understory) are carried forward from Sec. 24-252 of the current Zoning Ordinance with minor refinements.



<b>Tree, Dead</b>	A tree that does not contain any live tissue, such as green leaves or live limbs.
<b>Tree, Deciduous</b>	Any tree which naturally loses its leaves in the fall.
<b>Tree, Private</b>	A tree located on private property.
<b>Tree, Public</b>	A tree located on City property or City, county, or state right-of-way.
<b>Tree, Replacement</b>	A new tree planted on a site to meet minimum site density factor requirements (regardless of whether trees existed prior to any development).
<b>Tree, Street</b>	A tree existing or to be planted adjacent to a street.
<b>Tree, Understory</b>	A tree with a single or multiple trunks with height less than 35 feet at maturity. See Table 6-9: Approved Tree List
<b>Turf Grass</b>	Grass grown for lawns, of a type that forms a dense even turf if mown and maintained. <sup>265</sup>
<b>Transient</b>	A person who occupies a dwelling for less than 30 days. <sup>266</sup>
<b>Tri-vision Technology</b>	A display surface composed of three-sided rotating slats arranged side by side, either horizontally or vertically, that are rotated by an electromechanical process, capable of displaying a total of three separate and distinct messages on a sign face, one message at a time. <sup>267</sup>
<b>Truck Terminal</b>	A building or area in which trucks, including tractor or trailer units are parked, stored, or serviced, including the transfer, loading, or 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. <sup>268</sup>

## **U**

<b>Utility, Major</b>	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. <sup>270</sup>
<b>Utility, Minor</b>	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

<sup>265</sup> This is a new definition.

<sup>266</sup> This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

<sup>267</sup> This carries forward the definition in Sec. 24-132 of the current Zoning Ordinance, with minor modifications for consistency with the terminology used in the sign and billboard regulations in this draft.

<sup>268</sup> This is a new definition.

<sup>270</sup> This is a new definition.

pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission pipes and valves, and broadband lines.<sup>271</sup>

**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.<sup>272</sup>

**V**

**Vegetated** The use of vegetation to cover ground.<sup>273</sup>

**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.<sup>274</sup>

**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.<sup>275</sup>

**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.<sup>276</sup>

**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.<sup>277</sup>

**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.

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<sup>271</sup> This is a new definition.

<sup>272</sup> This updates the definition in Sec. 24-252 of the current Zoning Ordinance.

<sup>273</sup> This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance with minor revisions.

<sup>274</sup> This is a new definition.

<sup>275</sup> This builds on the definition of *Automobile service station* in Sec. 24-5 of the current Zoning Ordinance.

<sup>276</sup> This is a new definition. The cutoff of 8,500 pounds is based on vehicle classification standards from the Environmental Protection Agency.

<sup>277</sup> This is a new definition. The cutoff of 8,500 pounds is based on vehicle classification standards from the Environmental Protection Agency.

The principal use of the site shall be the marketing of heavy vehicles or farm equipment whether by sale, lease or rent.<sup>278</sup>

**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.<sup>279</sup>

**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.<sup>280</sup>

**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.<sup>281</sup>

**Vocational School** An educational establishment that primarily teaches usable skills that prepares students for jobs in a trade or in industry, construction, or commerce.<sup>282</sup>

**W**

**Warehouse** A facility primarily used for the storage of products, supplies, and equipment.<sup>283</sup>

**Waste Disposal** A facility for the temporary or permanent storage or disposal of solid waste, such as a landfill, incinerator, or waste transfer station, operated in accordance with all federal, state, and local laws and regulations.<sup>284</sup>

**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.<sup>285</sup>

**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.<sup>286</sup>

**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

<sup>278</sup> This is a new definition. The cutoff of 8,500 pounds is based on vehicle classification standards from the Environmental Protection Agency.

<sup>279</sup> This is a new definition. The cutoff of 8,500 pounds is based on vehicle classification standards from the Environmental Protection Agency.

<sup>280</sup> This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

<sup>281</sup> This is a new definition.

<sup>282</sup> This is a new definition.

<sup>283</sup> This is a new definition.

<sup>284</sup> This is a new definition.

<sup>285</sup> This is a new definition.

<sup>286</sup> This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance, with refinements.

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.<sup>287</sup>

**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.<sup>288</sup>

**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.

**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.

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<sup>287</sup> This is a new definition.

<sup>288</sup> This is a new definition based on relevant federal law.

## ARTICLE 24-3. ADMINISTRATION

### **Commentary on Draft:**

This article consolidates all development review procedures and establishes a Procedures Manual that includes a set of standard procedures that apply to all development applications. It also makes changes to the development review procedures (both in this article and the Procedures Manual) to streamline and simplify the review process. This article is organized into the following sections, which correspond with the Procedures Manual:

**Section 24-3.1, Summary Table of Development Review**, consists of a summary table of the development approvals and permits required under the Ordinance, and the responsibilities of the various bodies and officials for reviewing, making recommendations on, and making decisions on each application.

**Section 24-3.2, Advisory and Decision-Making Bodies**, references the Procedures Manual which identifies the powers and duties of the reviewing bodies and officials under the Zoning Ordinance, including the responsibilities of each with regard to the various types of applications.

**Section 24-3.3, Standard Application Requirements and Procedures**, references the Procedures Manual which establishes a standard set of review procedures that are generally applicable to the review of development applications. The Procedures Manual provides the framework under which the City's development review procedures for applications are made uniform to the greatest degree possible.

**Section 24-3.4, Application Specific Review Procedures and Decision Standards**, supplements the standard review procedures in the Procedures Manual. For each type of development application, it provides a purpose statement, identifies in what situations application approval is necessary or available (an applicability provision), references the Procedures Manual for the procedures that apply and shows them in graphic form, and includes the standards for making a decision on the application.

*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. 24-3.1. SUMMARY TABLE OF DEVELOPMENT REVIEW<sup>289</sup>

Table 24-3.1: Summary Table of Development Review, identifies the types of development approvals and permits authorized by this Ordinance. It also summarizes the action required by advisory and decision-making bodies for a decision for each type of application. Application-specific review procedures are incorporated into the Procedures Manual by reference.

**Table 24-3.1. Summary Table of Development Review**

D: DECISION R: RECOMMENDATION RV: REVIEW A: APPEAL <\_>: PUBLIC HEARING

TYPE OF APPLICATION	CITY COUNCIL	PLANNING AND ZONING COMMISSION	ZONING BOARD OF ADJUSTMENT	HISTORIC PRESERVATION COMMISSION	DIRECTOR OF PLANNING	CHIEF BUILDING OFFICIAL	CITY ENGINEER
<b>DISCRETIONARY REVIEW</b>							
Text Amendment	<D>	<R>			Rv		
Zoning Map Amendment (Rezoning or Annexation Rezoning)	<D>	<R>			Rv		
Planned Development (PD)	<D>	<R>			Rv	Rv	Rv
Special Exception Use Permit			<D>		Rv	Rv	Rv
<b>SITE DEVELOPMENT</b>							
Land Development Permit [1]					Rv	Rv	D
Approval Letter for Development in Historic Districts Buffer Zone	<A>	<D>			Rv	Rv	Rv
<b>PERMITS</b>							
Sign Permit [1]					Rv	D	Rv
Building Permit [1]					Rv	D	Rv
Certificate of Occupancy [1]					Rv	D	Rv
<b>RELIEF</b>							
Variance			<D>		Rv	Rv	Rv
Administrative Adjustment			<A>		D	Rv	Rv
<b>OTHER</b>							
Interpretation			<A>		D		
Certificate of Appropriateness [1]				<D>			

<sup>289</sup> This new section includes a summary table that allows users to quickly identify the various types of development approvals and permits in the Zoning Ordinance, and the review and decision-making bodies involved in reviewing or deciding each application.

**Table 24-3.1. Summary Table of Development Review**

D: DECISION R: RECOMMENDATION RV: REVIEW A: APPEAL <\_>: PUBLIC HEARING

TYPE OF APPLICATION	CITY COUNCIL	PLANNING AND ZONING COMMISSION	ZONING BOARD OF ADJUSTMENT	HISTORIC PRESERVATION COMMISSION	DIRECTOR OF PLANNING	CHIEF BUILDING OFFICIAL	CITY ENGINEER
Certificate of Economic Hardship [1]				<D>			
NOTES: [1] The procedures for issuance of a certification of appropriateness and certificate of economic hardship are set forth in Chapter 20 of the City Code.							

## SEC. 24-3.2. ADVISORY AND DECISION-MAKING BODIES

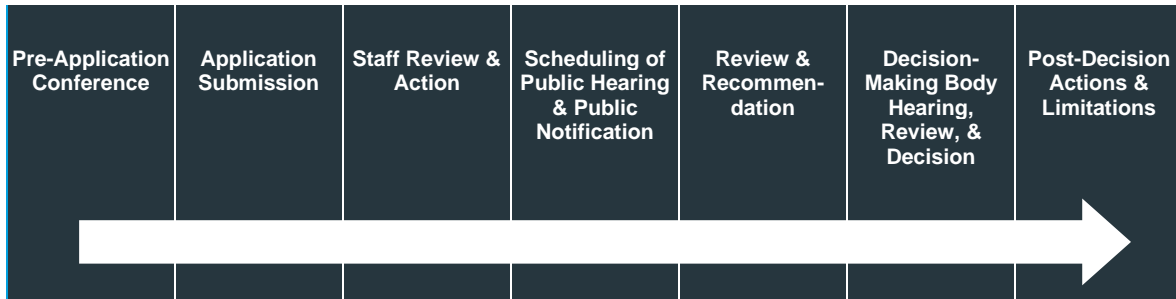
The Tuscaloosa Procedures Manual (hereinafter “Procedures Manual”), which is incorporated by reference, identifies the powers and duties of the reviewing bodies and officials under the Zoning Ordinance, including the responsibilities of each with regard to the various types of applications. As appropriate, it also identifies establishment, membership, terms of office, bylaws, and rules of procedure for reviewing bodies.

## SEC. 24-3.3. STANDARD APPLICATION REQUIREMENTS AND PROCEDURES<sup>290</sup>

The standard application requirements and procedures for the review of development applications and permits is included in the Procedures Manual. Not all procedures in the Procedures Manual are required for every development application. Application-Specific Review Procedures, which can be found in Sec. 24-3.4 and the Procedures Manual, identifies for a specific type of application which standard procedures are required, and whether there are additions or modifications to the standard procedure. Figure 24-3.3: Summary of Standard Review Procedures, provides a summary of the standard review procedures. A similar figure with applicable changes is provided in the Procedures Manual for each application specific procedure.

<sup>290</sup> A set of standard procedures that apply generally to the review of development applications is established and included in the Procedures Manual. This section ensures that procedures that are common to multiple review processes, such as submittal of applications and staff review, are not repeated in many different locations of the Ordinance, which reduces redundancy and helps to minimize unintended inconsistencies.

**Figure 24-3.3: Summary of Standard Review Procedures**



## SEC. 24-3.4. APPLICATION-SPECIFIC REVIEW PROCEDURES<sup>291</sup>

### SEC. 24-3.4.1. TEXT AMENDMENT<sup>292</sup>

**a. Purpose**

The purpose of this section is to provide a uniform mechanism for amending the text of this Ordinance whenever the public necessity, convenience, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.

**b. Applicability**

Approval of a text amendment in accordance with this section and the Procedures Manual is required to amend the text of this Ordinance.

**c. Procedure for Text Amendment**

An application for a text amendment shall be submitted, processed, reviewed, and decided on in accordance with Sec. <>, Application-Specific Review Procedures, in the Procedures Manual.

**d. Decision-Making Standards for Text Amendment**

The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the City Council may consider many factors, including but not limited to whether, and the extent to which, the proposed amendment:

1. Is in accordance with the goals of the Comprehensive Plan and other applicable plans and planning documents adopted by the City;
2. Is required by changed conditions;
3. Addresses a demonstrated community need;

<sup>291</sup> This section includes the review procedures (through the Procedures Manual) and decision standards for each individual type of development application.

<sup>292</sup> This section carries forward, builds on, and clarifies Sec. 24-201 of the current Zoning Ordinance, which includes the existing procedure for amending this Ordinance. The recommending and decision-making bodies remain the same. This section also includes new decision-making standards to help guide the discretionary decision-making process. **NOTE TO STAFF:** This draft procedure (now located in a new Procedures Manual) generally reflects current practice. Is this appropriate or should we delete it?



4. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the City;
5. Is consistent with other related state and local laws and regulations;
6. Would result in a logical and orderly development pattern; and
7. Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

**SEC. 24-3.4.2. ZONING MAP AMENDMENT<sup>293</sup>**

**a. Purpose**

The purpose of this section is to provide a uniform mechanism for reviewing and deciding proposed amendments to the Official Zoning Map whenever the public necessity, convenience, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.

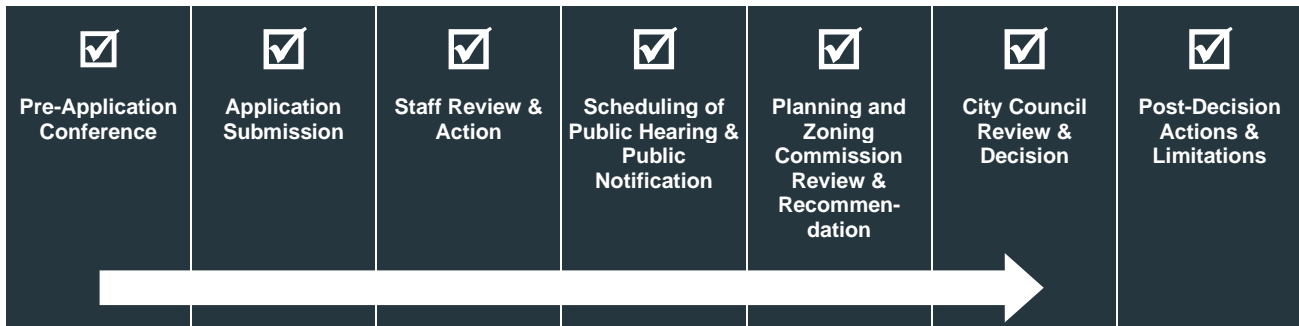
**b. Applicability**

Approval of a Zoning Map amendment in accordance with this section and Sec. <>, Application-Specific Review Procedures, in the Procedures Manual, is required to amend the Official Zoning Map, except where the amendment is sought as part of a planned development (see Sec. 24-3.4.3, Planned Development).

**c. Procedure for Zoning Map Amendment**

An application for a Zoning Map amendment shall be submitted, processed, reviewed, and decided on in accordance with the Application-Specific Review Procedures in the Procedures Manual. The procedures for the review of a Zoning Map Amendment are graphically displayed in Figure 24.-3.4.2.

*Figure 24.-3.4.2: Summary of Zoning Map Amendment Procedure*



☑= Applicable; ☒=Not Applicable

<sup>293</sup> This section carries forward, consolidates, and builds on the current Zoning Ordinance Sec. 24-177, Application for a rezoning, and Sec. 24-201, Amendments, and clarifies the procedure for amending district boundaries on the zoning map. The recommending (Planning and Zoning Commission) and decision-making (City Council) bodies remain the same. This section also includes new decision-making standards to help guide the discretionary decision-making process.

**d. Decision-Making Standards for Zoning Map Amendment<sup>294</sup>**

The advisability of a Zoning Map amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or deny a proposed Zoning Map amendment, the City Council may consider many factors, including but not limited to whether, and the extent to which, the proposed amendment:

1. Is in accordance with the goals and policies of the Comprehensive Plan and other applicable plans and planning documents adopted by the City;
2. Would allow a range of uses that are compatible with the uses allowed on other property in the surrounding area;
3. Would avoid creating an inappropriately isolated district unrelated to adjacent and surrounding districts;
4. Would result in a logical and orderly development pattern;
5. Would result in development that can be served by available, adequate, and suitable public facilities (e.g., streets, potable water, sewerage, stormwater management);
6. Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
7. Is appropriate due to any changed or changing conditions in the affected area.

**SEC. 24-3.4.3. PLANNED DEVELOPMENT<sup>295</sup>**

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**a. Purpose**

Planned developments are developments that are master planned and developed under unified control. They 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. The purpose of this section is to provide a uniform mechanism for amending the Zoning Map to establish any of the planned development districts in this Ordinance.

**b. Applicability**

Approval of a planned development district in accordance with Sec. <>, Application-Specific Review Procedures, in the Procedures Manual, is required to amend the Zoning Map to establish a planned development district.

**c. Procedure for Planned Development District**

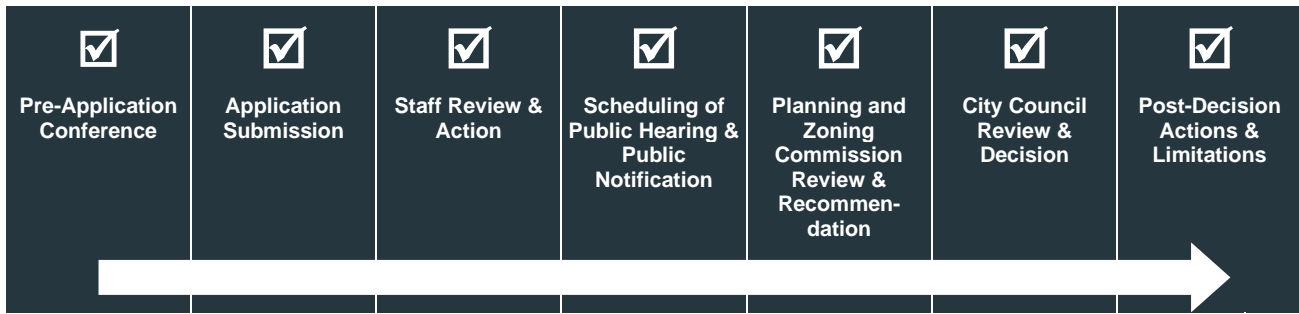
An application for a Planned Development District shall be submitted, processed, reviewed, and decided on in accordance with the Application-Specific Review Procedures in the Procedures Manual. The procedures for the review of an amendment to a planned development district are graphically displayed in Figure 24.-3.4.3.

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<sup>294</sup> This new section on decision-making standards identifies some considerations the City Council may consider in making its decision.

<sup>295</sup> This section establishes a new planned development procedure to replace existing planned unit development provisions. The recommending (Planning and Zoning Commission) and decision-making (City Council) bodies are the same as in the current Zoning Ordinance. The standards for specific planned development districts will be located in Article 24-4 Zoning Districts.

**Figure 24.-3.4.3: Summary of Planned Development Procedure**



= Applicable; =Not Applicable

**d. Decision-Making Standards for Planned Development**

The advisability of adopting a planned development district is a matter committed to the legislative discretion of the City Council. In determining whether to adopt or deny a planned development district, the City Council may consider the decision-making standards in Sec. 24-3.4.2.d, Decision-Making Standards for Zoning Map Amendment. The City Council shall find a proposed planned development district complies with the standards for the proposed type of planned development district in Sec. 24-4.7, Planned Development Districts.

**SEC. 24-3.4.4. CONDITIONAL USE PERMIT**

- a. Purpose
- b. Applicability
- c. Procedure for Conditional Use
- d. Decision-Making Standards for Conditional Use Permit

**SEC. 24-3.4.5. SPECIAL EXCEPTION USE PERMIT<sup>296</sup>**

**a. Purpose**

The purpose of this section is to establish a uniform mechanism to ensure that special exception uses are appropriate for the location and district where they are proposed. 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 section is required before the use can be deemed appropriate in the district and compatible with its surrounding development.

**b. Applicability**

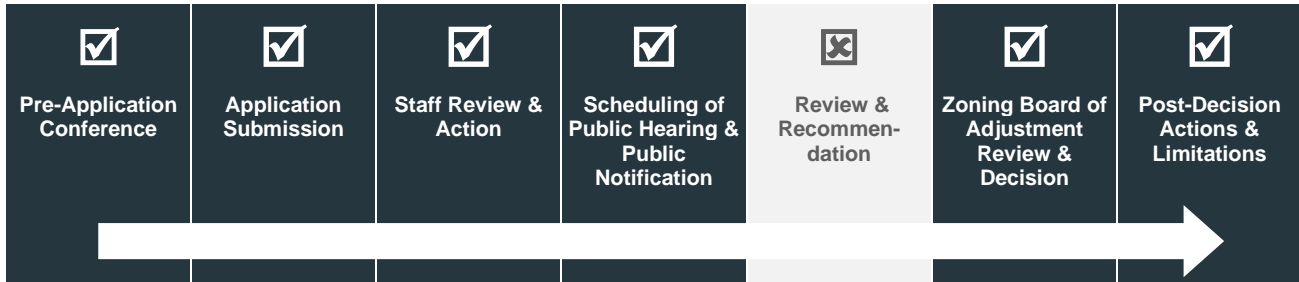
Approval of a special exception use permit in accordance the procedure and standards in this section and the Procedures Manual is required prior to the establishment of any use designated as a special exception use in Article 24-5, Use Regulations, and where specified by other provisions of this Ordinance.

<sup>296</sup> This procedure carries forward and clarifies the special exception procedure of the current Zoning Ordinance. The decision-making body (the Zoning Board of Adjustment) remains the same as in the current Zoning Ordinance. New decision-making standards are added to provide clear guidance to the decision-making body.

**c. Procedure for Special Exception Use**

An application for a special exception use permit shall be submitted, processed, reviewed, and decided on in accordance with Sec. <>, Application-Specific Review Procedures, in the Procedures Manual. The procedures for the review of a special exception use permit are graphically displayed in Figure 24.-3.4.5:

**Figure 24.-3.4.5: Summary of Special Exception Use Permit Procedure**



= Applicable; =Not Applicable

**d. Decision-Making Standards for Special Exception Use Permit<sup>297</sup>**

The Zoning Board of Adjustment shall approve a special exception use permit application only upon finding the proposed special exception use:

1. Complies with all applicable district-specific standards in Article 24-4:Zoning Districts;
2. Complies with all applicable standards in Article 24-5: Use Regulations;
3. Complies with all relevant subdivision standards in the Subdivision Regulations;
4. Will not have a substantial adverse impact on vehicular and pedestrian safety;
5. Will not have a substantial adverse impact on vehicular traffic;
6. Is compatible with the character of surrounding development and the neighborhood;
7. Will not have a substantial adverse impact on adjoining properties in terms of noise, lights, glare, vibrations, fumes, odors, litter, or obstruction of air or light;
8. Will not have a substantial adverse impact on the aesthetic character of the area where it is proposed to be located; and
9. Will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public.

**SEC. 24-3.4.6. APPROVAL LETTER FOR DEVELOPMENT IN HISTORIC DISTRICTS BUFFER ZONE<sup>298</sup>**

**a. Purpose**

The purpose of this section is to establish 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.

<sup>297</sup> These decision-making standards for special exception permits are new.

<sup>298</sup> This procedure carries forward and clarifies the procedure for an approval letter for development in an historic districts buffer zone of the current Zoning Ordinance. The decision-making body (the Planning and Zoning

**b. Applicability**

An approval letter in any historic districts buffer zones shall be approved in accordance with the procedure and standards in this section and the Procedures Manual prior to construction of any building or structure in the historic districts buffer zone.

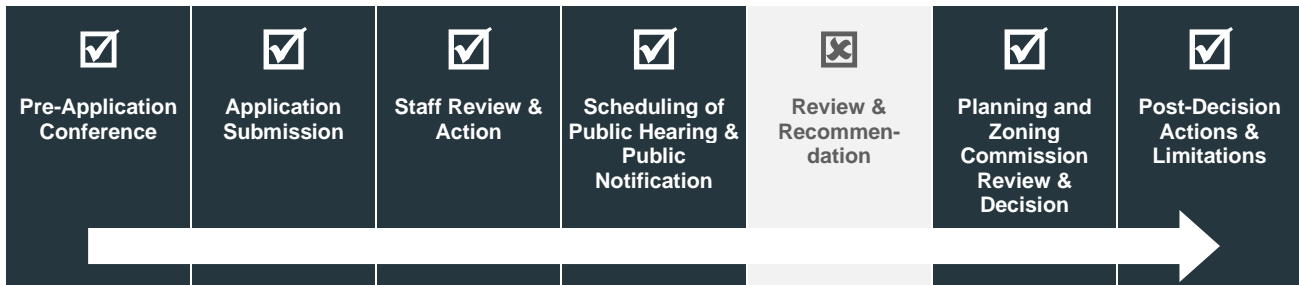
**c. Historic Districts Buffer Zone**

The historic districts buffer zone is identified on the Official Zoning Map.

**d. Procedure for Approval Letter in Historic Districts Buffer Zone**

An application for an approval letter in historic districts buffer zone shall be submitted, processed, reviewed, and decided on in accordance with Sec. <>, Application-Specific Review Procedures, in the Procedures Manual. The procedures for the review of an approval letter in historic districts buffer zone are graphically displayed in Figure 24.-3.4.6.

**Figure 24.-3.4.6: Summary of Approval Letter for Development in Historic Districts Buffer Zone Procedure**



☑= Applicable; ☒=Not Applicable

**e. Decision-Making Standards for Approval Letter in Historic Districts Buffer Zone**

A request for an approval letter for development in historic districts buffer zone shall be approved only upon finding the proposed development:

1. Is compatible in façade design with the character of the adjacent historic district;
2. Will not have a substantial adverse impact on the aesthetic character of the area where it is proposed to be located or the buildings and structures in the adjacent historic district; and
3. Will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public.

**SEC. 24-3.4.7. SIGN PERMIT<sup>299</sup>**

**a. Purpose**

The purpose of this section is to establish a uniform mechanism for ensuring that the erection and maintenance of signs complies with Sec. 24-6.10, Signs and Billboards.

Commission) remains the same as in the current Zoning Ordinance. The decision-making standards build on and clarify existing standards to provide clear guidance to the decision-making body.

<sup>299</sup> This procedure carries forward and clarifies the procedure for a sign permit in Sec. 24-133 of the current Zoning Ordinance. The decision is made by the Chief Building Official as is the case in the current Zoning Ordinance. The

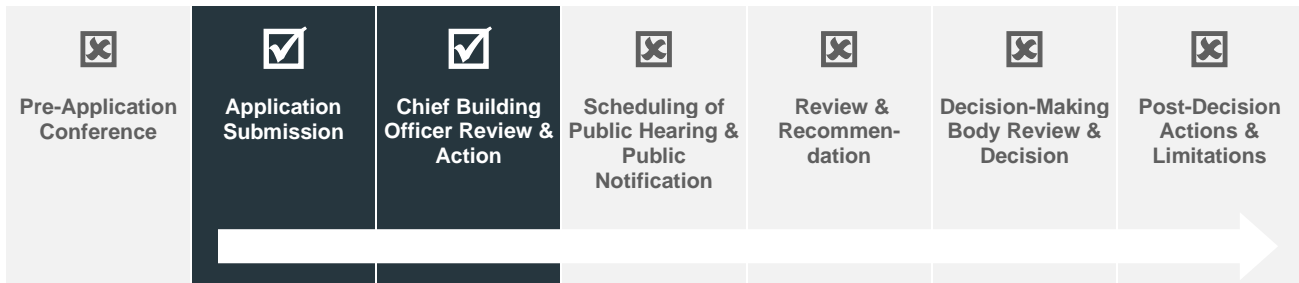
**b. Applicability**

A sign permit is required prior to the location, construction, erection, posting, attachment, alteration, or repair of a sign, unless such activity is exempted in accordance with Sec. 24-6.10.4, Sign Permit Required.

**c. Procedure for Sign Permits**

An application for a sign permit shall be submitted, processed, reviewed, and decided on in accordance with Sec. <>, Application-Specific Review Procedures, in the Procedures Manual. The procedures for the review of a sign permit are graphically displayed in Figure 24.-3.4.7.

**Figure 24.-3.4.7: Summary of Sign Permit Procedure**



= Applicable; =Not Applicable

**d. Decision-Making Standards for Sign Permits**

The Chief Building Official shall approve a sign permit only upon finding the proposed sign complies with all applicable standards in Sec. 24-6.10, Signs and Billboards.

**SEC. 24-3.4.8. VARIANCE<sup>300</sup>**

**a. Purpose**

The purpose of this section is to establish a uniform mechanism to allow variances from specific dimensional standards in this Ordinance when the strict application of the standards would result in unnecessary hardship.

**b. Applicability**

The procedures and standards of this section and the Procedures Manual apply to the review of and decision on applications for a variance from the following standards:

1. The dimensional standards in Article 24-4: Zoning Districts;
2. The numerical use-specific standards in Article 24-5: Use Regulations, to the extent the variance does not result in allowing a use that is prohibited in the zoning district; and
3. The numerical standards in Article 24-6: Development Standards, except for variance standards to parking standards in historic districts.

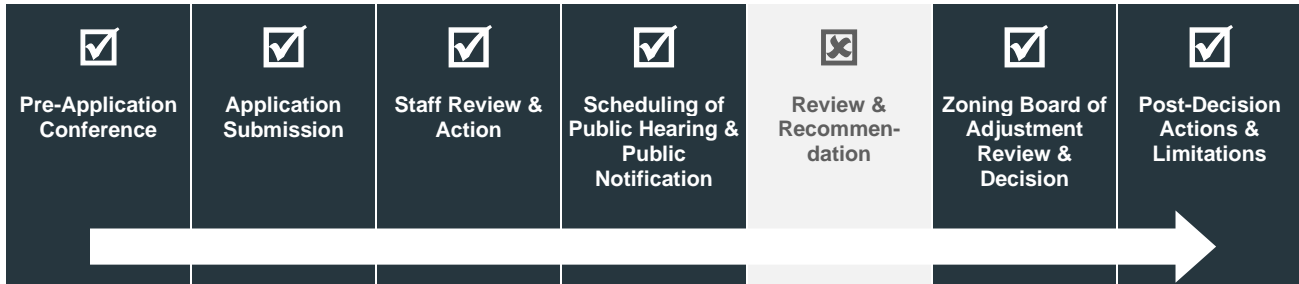
decision-making standards clarify that the standards for making a decision on a sign permit application are the Sign and Billboard Standards.

<sup>300</sup> This procedure carries forward, consolidates, and clarifies the procedure for a variance permit in the current Zoning Ordinance. The decision is made by the Zoning Board of Adjustment as is the case in the current Zoning Ordinance. New decision-making standards provide clear guidance to the decision-making body.

**c. Procedure for Variance**

An application for a variance shall be submitted, processed, reviewed, and decided on in accordance with Sec. <>, Application-Specific Review Procedures, in the Procedures Manual. The procedures for the review of a variance permit are graphically displayed in Figure 24.-3.4.7.

**Figure 24.-3.4.7: Summary of Variance Permit Procedure**



☑= Applicable; ☒=Not Applicable

**d. Decision-Making Standards for Variance**

1. A variance shall be approved only on finding the applicant demonstrates all of the following:
  - i. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - ii. Those conditions are peculiar to the property and do not generally apply to other property in the vicinity;
  - iii. Those conditions are not the result of the landowner’s or applicant’s own actions;
  - iv. Because of those conditions, the application of the standards in this Ordinance to the particular piece of property would result in unnecessary hardship to the applicant; and
  - v. The variance is the minimum necessary to alleviate that hardship and is consistent with the public interest and with the spirit, purpose, and intent of this Ordinance, such that public safety is secured, and substantial justice is achieved.
2. The following factors do not constitute sufficient grounds for approval of a variance:
  - i. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
  - ii. Hardships resulting from factors other than application of standards of this Ordinance;
  - iii. The fact that land or a structure may be utilized more profitably or be more marketable with a variance permit;
  - iv. The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts; or
  - v. Financial hardship.
3. A variance shall not be approved if the approval would have the effect of:
  - i. Allowing the establishment of a use not otherwise permitted in a zoning district;
  - ii. Changing the zoning district boundaries shown on the Zoning Map; or
  - iii. Permitting an increase in density allowing more units on a lot than permitted under this Ordinance.

**SEC. 24-3.4.9. ADMINISTRATIVE ADJUSTMENT<sup>301</sup>**

**a. Purpose**

This section establishes a uniform mechanism for the Director of Planning to approve minor adjustments from the dimensional or development standards of this Ordinance to better accomplish the purposes of this Ordinance.

**b. Applicability**

An administrative adjustment may be requested in accordance with this section and the Procedures Manual for the standards identified in Table 24.-3.4.9: Allowed Administrative Adjustments, up to the limits set forth in Table 24.-3.4.9.

**Table 24.-3.4.9: Allowed Administrative Adjustments<sup>302</sup>**

STANDARD	ALLOWED ADJUSTMENT
Minimum Building Setbacks	10 percent
Minimum Lot Area	5 percent
Minimum Lot Width	5 percent
Maximum Building Height	10 percent
Required Off-Street Parking (Reductions not permitted for multifamily)	10 percent
[other standards to be considered during Module 2 drafting]	

**c. Procedure for Administrative Adjustment**

An application for an administrative adjustment shall be submitted, processed, reviewed, and decided on in accordance with Sec. <>, Application-Specific Review Procedures, in the Procedures Manual. The procedures for the review of an administrative adjustment are graphically displayed in Figure 24.-3.4.9.

<sup>301</sup> This is a new procedure that allows minor modifications to dimensional and development standards to be approved administratively. Minor adjustments are limited to specific standards and are based on specific decision standards. They help provide flexibility in situations where a minor adjustment of a standard would compensate for an unusual aspect of the site or support an objective or goal from the purpose and intent statement of the zoning district (e.g., reducing one or two required parking spaces to save a tree or provide a sidewalk), but would not detrimentally affect the character of the area or have adverse impacts on surrounding lands. While administrative adjustments are limited in their extent (e.g., 10 percent of minimum building setback) and are subject to specific criteria set forth in this section, the applicant is not required to go through the variance process or demonstrate “hardship.”

<sup>302</sup> This table will be completed during Module 2.



**Figure 24.-3.4.9: Summary of Administrative Adjustment Procedure**



= Applicable; =Not Applicable

**d. Decision-Making Standards for Administrative Adjustment Decision**

An application for an administrative adjustment shall be approved only upon finding the administrative adjustment:

1. Complies with the requirements of Table 24.-3.4.9: Allowed Administrative Adjustments;
2. Is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;
3. Either:
  - i. Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
  - ii. Supports an objective or goal from the purpose and intent statements of the zoning district where it is located; or
  - iii. Is proposed to save healthy existing trees;
4. Will not pose a danger to the public health or safety;
5. Includes measures to mitigate any adverse impacts, to the maximum extent practicable; and
6. Is not part of a series of multiple, incremental administrative adjustments on the same site that result in a reduction in development standards.

**SEC. 24-3.4.10. APPEAL OF ADMINISTRATIVE DECISION<sup>303</sup>**

**a. Purpose**

The purpose of this section is to establish a uniform mechanism for appeals of administrative decisions to the Zoning Board of Adjustment.

**b. Applicability**

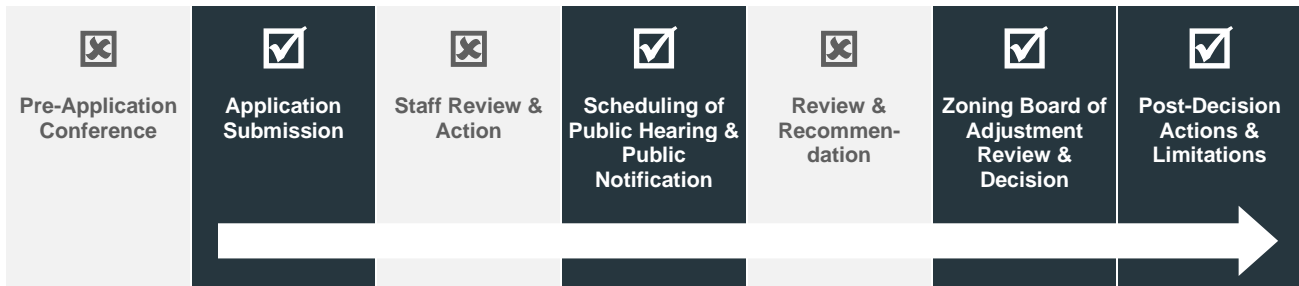
Appeals of administrative decisions are made to the Zoning Board of Adjustment in accordance with the procedures and standards in this section and the Procedures Manual.

**c. Procedure for Appeal of Administrative Decision**

An application for an appeal of an administrative decision shall be submitted, processed, reviewed, and decided on in accordance with Sec. <>, Application-Specific Review Procedures, in the Procedures Manual. The procedures for the review of an appeal of an administrative decision are graphically displayed in Figure 24.-3.4.10.

<sup>303</sup> This section clarifies the procedure for appealing an administrative decision. As Sec. 24-193 of the current Zoning Ordinance, the Zoning Board of Adjustment reviews and decides appeals of administrative decisions.

**Figure 24.-3.4.10: Summary of Appeal of Administrative Decision Procedure**



= Applicable; =Not Applicable

**d. Decision-Making Standards for Appeal of Administrative Decision**

The Zoning Board of Adjustment shall modify or reverse the decision on appeal only if it finds, based upon competent and substantial evidence in the record, that there has been a clear and demonstrable error in the application of the facts or the review standards of this Ordinance.

**SEC. 24-3.4.11. INTERPRETATION<sup>304</sup>**

**a. Purpose**

The purpose of this section is to establish a uniform mechanism for rendering a formal written interpretation of this Ordinance.

**b. Applicability**

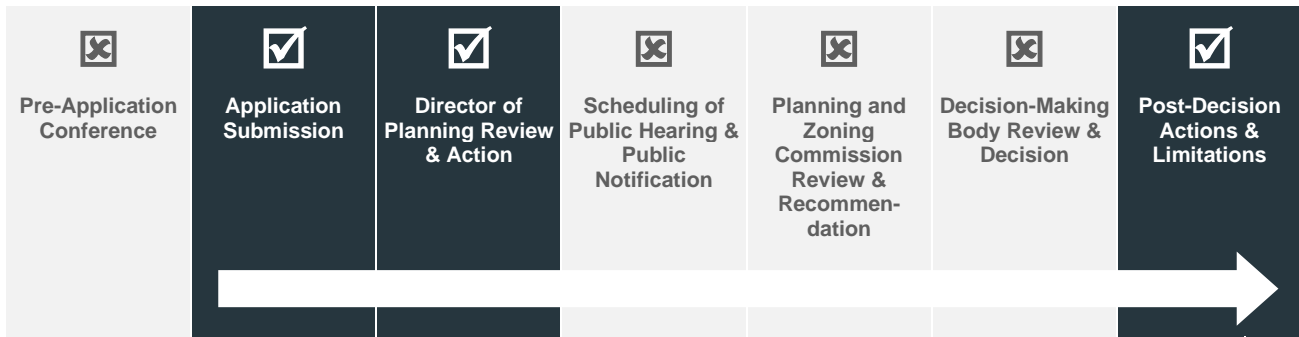
The Director of Planning is responsible for making formal written interpretations of this Ordinance, including interpretations of the text of this Ordinance and the Procedures Manual, interpretations of the zoning district boundaries, and interpretations of whether an unlisted use falls within a use category or use type allowed in a zoning district. In making interpretations, the Director of Planning may seek guidance from the City Attorney, and assistance from other City staff, as appropriate.

**c. Procedure for Interpretation**

An application for an interpretation shall be submitted, processed, reviewed, and decided on in accordance with Sec. <>, Application-Specific Review Procedures, in the Procedures Manual. The procedures for the review of a request for an interpretation are graphically displayed in Figure 24.-3.4.11.

<sup>304</sup> This new section establishes a procedure for rendering a formal interpretation of a text provision of the zoning ordinance or of the district boundaries on the Official Zoning Map. In the current Zoning Ordinance, the authority to render an interpretation is implied, but no procedure is included.

**Figure 24.-3.4.11: Summary of Interpretation Procedure**



✓= Applicable; ✗=Not Applicable

**d. Decision-Making Standards for Interpretation**

**1. Text Provisions<sup>305</sup>**

Interpretation of a provision’s text and its application shall be based on Sec. 24-2.1, General Rules for Interpretation; Sec. 24-1.6, Relationship with Other Laws, Covenants, or Deeds; and other considerations including, but not limited to, the following:

- i. The plain meaning of the provision’s wording, considering any terms specifically defined in Article 24-2, Definitions and Rules for Measurement; and the common and accepted usage of terms; and
- ii. The purpose of the provision, as indicated by:
  - (a) Any purpose statement in the section(s) where the text is located;
  - (b) The provision’s context and consistency with surrounding and related provisions;
  - (c) Any legislative history related to the provision’s adoption;
  - (d) The general purposes served by this Ordinance, as set forth in Sec. 24-1.3, General Purpose and Intent; and
  - (e) The Comprehensive Plan.

**2. Unspecified Uses**

Interpretation of whether an unspecified use is similar to a use identified in the use tables in Article 24-5: Use Regulations, or is prohibited in a zoning district, shall be based on Sec. 24-5.2.1.e, Unlisted Uses.

**3. Official Zoning District Boundaries<sup>306</sup>**

When determining the location of zoning district boundaries as shown on the Zoning Map, the following general rules of interpretation shall be used:

- i. District boundaries indicated as approximately following the centerlines of streets, highways, alleys, or other public access ways shall be construed to follow those centerlines.
- ii. District boundaries indicated as approximately following property lines shall be construed as following those property lines. If a subsequent minor adjustment (such as from a court ordered settlement of a boundary dispute or overlap) results in a property line moving ten feet or less, the zoning district boundary shall be interpreted as moving with the property line.

<sup>305</sup> This is a new subsection.

<sup>306</sup> This is a new subsection.

- iii. District boundaries indicated as approximately following City limits shall be construed as following City limits.
- iv. District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- v. District boundaries indicated as following centerlines of rivers, streams, or other watercourses shall be construed to follow those centerlines.
- vi. District boundaries indicated as approximately parallel to or extensions of features identified in subsections i. through v. above shall be construed to be parallel to or extensions of such features.
- vii. If the specific location of a depicted boundary cannot be determined from notations on the Zoning Map or in accordance with subsections i. through vi. Above, it shall be determined by using the map's scale to determine the boundary's distance from other features shown on the map.
- viii. Where the actual locations of existing physical or natural features vary from those shown on the Zoning Map, or in other circumstances not covered by this section, the Director of Planning shall have the authority to interpret the district boundaries in accordance with this section.

# ARTICLE 24-4. ZONING DISTRICTS

## Commentary on Draft:

This article establishes the City’s zoning districts and the standards specific to each district. The structure includes a total of 30 base districts, two planned development districts, and one overlay district and reflects the policies for different types of development established in the Framework Tuscaloosa Comprehensive Plan. This article is organized into the following sections:

**Section 24-4.1, Zoning Districts Established**, establishes the zoning districts and organizes them into groups.

**Section 24-4.2, Open Space Districts**, establishes standards for one zoning district intended to preserve open space lands.

**Section 24-4.3, Residential Districts**, establishes standards for 15 residential base districts, including districts primarily consisting of single-family dwellings and districts that include a mix of single-family and multifamily housing types.

**Section 24-4.4, Institutional Districts**, establishes standards for three zoning districts designed to accommodate institutional uses.

**Section 24-4.5, Business Districts**, establishes standards for nine zoning districts designed to accommodate commercial uses.

**Section 24-4.6, Industrial Districts**, establishes standards for three zoning districts designed to accommodate industrial uses.

**Section 24-4.7, Planned Development District**, establishes standards for two planned development districts and lays out requirements for plans and agreements that must be approved as part of a planned development approval.

**Section 24-4.8, Overlay Districts**, establishes standards for one overlay district, which modifies underlying base and planned development district standards.

*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. 24-4.1. ZONING DISTRICTS ESTABLISHED

This Ordinance establishes the base, planned development, and overlay zoning districts identified in this section. The boundaries of the zoning districts are identified on the Official Zoning Map, in accordance with Sec. 24-1.7, Official Zoning District Map.

### SEC. 24-4.1.1. OPEN SPACE DISTRICTS

The Open Space (OS) district is the only open space district.

### SEC. 24-4.1.2. RESIDENTIAL DISTRICTS

Residential districts include the following districts:

1. Compact Neighborhood (CN) district (see Sec. 24-4.3.2);

2. Single Family Residential Estate (SFR-E) district (see Sec. 24-4.3.3);
3. Lake Residential (LR) district (see Sec. 24-4.3.4);
4. Lake Multifamily (LMF) district (see Sec. 24-4.3.5);
5. Single Family Residential 1 (SFR-1) district (see Sec. 24-4.3.6);
6. Single Family Residential 2 (SFR-2) district (see Sec. 24-4.3.7);
7. Single Family Residential 3 (SFR-3) district (see Sec. 24-4.3.8);
8. Single Family Residential 4 (SFR-4) district (see Sec. 24-4.3.9);
9. Single Family Residential 5 (SFR-5) district (see Sec. 24-4.3.10);
10. Mixed Residential 1 (MR-1) district (see Sec. 24-4.3.11);
11. Mixed Residential 2 (MR-2) district (see Sec. 24-4.3.12);
12. Mixed Residential University (MRU) district (see Sec. 24-4.3.13);
13. Multifamily Residential University (MFRU) district (see Sec. 24-4.3.14);
14. Multifamily Residential (MFR) district (see Sec. 24-4.3.15); and
15. Mobile Home Residential (MHR) district (see Sec. 24-4.3.16).

### **SEC. 24-4.1.3. INSTITUTIONAL DISTRICTS**

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Institutional districts include the following districts:

1. Institutional University (IU) district (see Sec. 24-4.4.2);
2. Institutional Public (IP) district (see Sec. 24-4.4.3); and
3. Institutional Semi-Public (ISP) district (see Sec. 24-4.4.4).

### **SEC. 24-4.1.4. BUSINESS DISTRICTS**

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Business districts include the following districts:

1. Downtown (D) district (see Sec. 24-4.5.2);
2. Downtown Perimeter (DP) district (see Sec. 24-4.5.3);
3. Downtown Historic Edge (DHE) district (see Sec. 24-4.5.4);
4. Riverfront (R) district (see Sec. 24-4.5.5);
5. Lake Commercial (LC) district (see Sec. 24-4.5.6);
6. General Commercial (GC) district (see Sec. 24-4.5.7);
7. University Commercial (UC) district (see Sec. 24-4.5.8);
8. Neighborhood Commercial (NC) district (see Sec. 24-4.5.9); and
9. Highway Commercial (HC) district (see Sec. 24-4.5.10).

### **SEC. 24-4.1.5. INDUSTRIAL DISTRICTS**

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Industrial districts include the following districts:

1. Industrial Light (IL) district (see Sec. 24-4.6.2);
2. Industrial General (IG) district (see Sec. 24-4.6.3); and
3. Industrial Heavy (IH) district (see Sec. 24-4.6.4).

### **SEC. 24-4.1.6. PLANNED DEVELOPMENT DISTRICTS**

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Planned development districts include the following districts:

1. General Planned Development (GPD) district (see Sec. 24-4.7.2); and
2. Riverfront Planned Development (RPD) district (see Sec. 24-4.7.3).

### **SEC. 24-4.1.7. OVERLAY DISTRICT**

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The Historic Buffer Overlay (HBO) district is the only overlay district.

## SEC. 24-4.3. RESIDENTIAL DISTRICTS

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### SEC. 24-4.3.1. GENERAL PURPOSE<sup>308</sup>

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The general purpose of residential districts is to:

- a. Support the development pattern and character of Tuscaloosa's established neighborhoods;
- b. Provide a variety of neighborhoods and housing options;
- c. Create and expand complete neighborhoods that integrate transit, employment, retail, and services within convenient walking distances to homes;
- d. Encourage well-planned and appropriately-scaled infill and redevelopment that is generally compatible with development in the surrounding area;
- e. Allow for human-scale, neighborhood-serving commercial and employment uses; and
- f. Ensure the requirements of this Ordinance are in accordance with the comprehensive plan.

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<sup>308</sup> This is a new general purpose statement.





**SEC. 24-4.3.11. MIXED RESIDENTIAL 1<sup>320</sup>**

**a. Purpose**

The purpose of the Mixed Residential 1 (MR-1) District is to provide lands for neighborhoods that accommodate a mix of single-family detached, two-family, and three-family dwellings; townhouses; and small-scale multifamily developments at a maximum density of eight units per acre. The district is intended to support a medium-density residential environment and incorporate some context-sensitive neighborhood-oriented community and educational development.

**b. Use Standards**

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

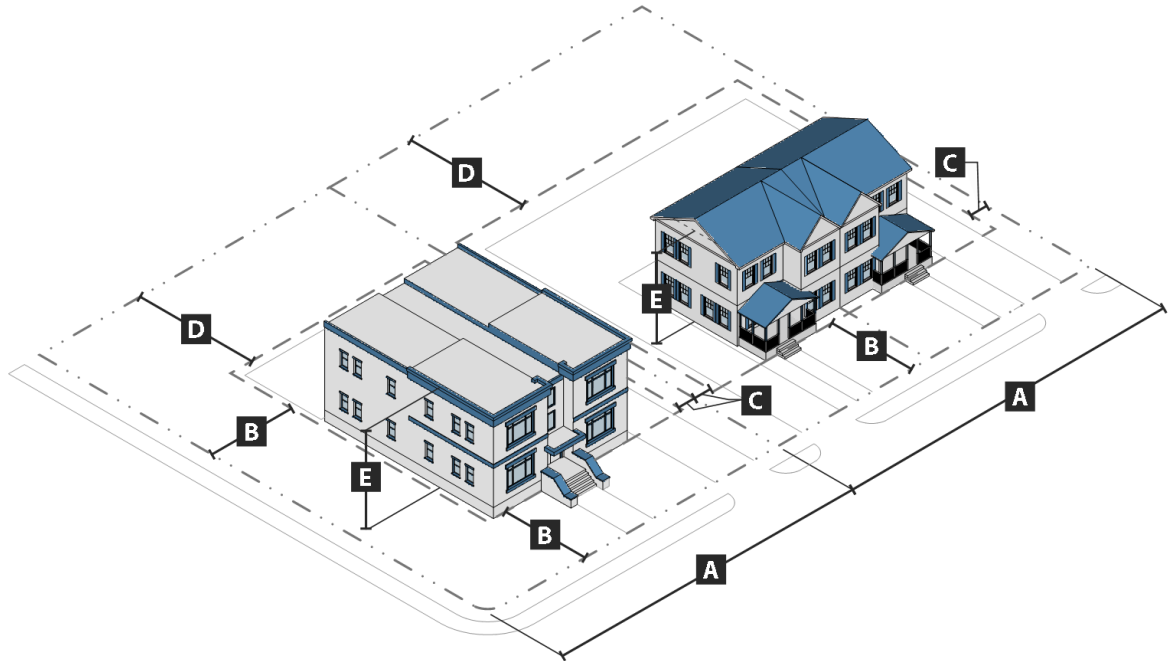
**c. Intensity and Dimensional Standards**

All development in the MR-1 district shall comply with the standards in Table 4-22: MR-1 Intensity and Dimensional Standards.

**Table 4-22: MR-1 Intensity and Dimensional Standards**

	STANDARD	TOWNHOUSE, MULTIFAMILY DWELLING, OR GROUP HOME	SINGLE-FAMILY DETACHED DWELLING	ALL OTHER USES
	Density (max)	15 du/acre	8 du/acre	8 du/acre (residential)
	Lot area (min)	2,900 sf for each du on lot	6,000 sf	7,500 sf
A	Lot width (min)	No minimum [2]	65 ft	65 ft
B	Front setback (min)	15 ft [3]	15 ft [3]	15 ft [3]
C	Side setback (min)	5 ft [4]	5 ft	5 ft
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 20 feet.				
[4] There is no minimum side setback for townhouses, except a minimum side setback of seven feet is required at each end of a row of townhouse units.				

<sup>320</sup> The MR-1 district carries forward and renames the current R-4 district in the current Zoning Ordinance with the following changes from the current district standards: 1) The minimum lot area for single-family detached dwellings has been reduced from 6,500 to 6,000 square feet; predominantly single-family property that does not currently conform with the standards of R-4 could be rezoned to SFR-5, which has a minimum lot size requirement of 4,500 square feet. 2) The minimum lot area for townhouses and multifamily dwellings has been reduced from 2,904 to 2,900 square feet; 3) The minimum front and rear setbacks have been reduced, from 30 and 20 feet respectively; 4) The minimum side setback requirement has been reduced to five feet for all uses, down from five feet (14 feet combined) for single-family dwellings, six feet (16 feet combined) for multifamily buildings, and eight feet for other permitted principal buildings. Standards relating to heights of accessory uses in Sec. 24-37 of the current Zoning Ordinance have been relocated to the accessory uses standards in Sec. 24-5.3.1.



**d. References to Other Standards**

Development in the MR-1 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 4-23: Cross-References to Other Standards.

**Table 4-23: 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		

**SEC. 24-4.3.12. MIXED RESIDENTIAL 2<sup>321</sup>**

**a. Purpose**

The purpose of the Mixed Residential 2 (MR-2) District is to provide lands for neighborhoods that accommodate a mix of single-family detached, two-family, and three-family dwellings; townhouses; and small-scale multifamily developments at a maximum density of twelve units per acre. The district is intended to support a medium-density residential environment that may include neighborhood-oriented community and educational development.

**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 MR-2 district shall comply with the standards in Table 4-24: MR-2 Intensity and Dimensional Standards.

**Table 4-24: MR-2 Intensity and Dimensional Standards**

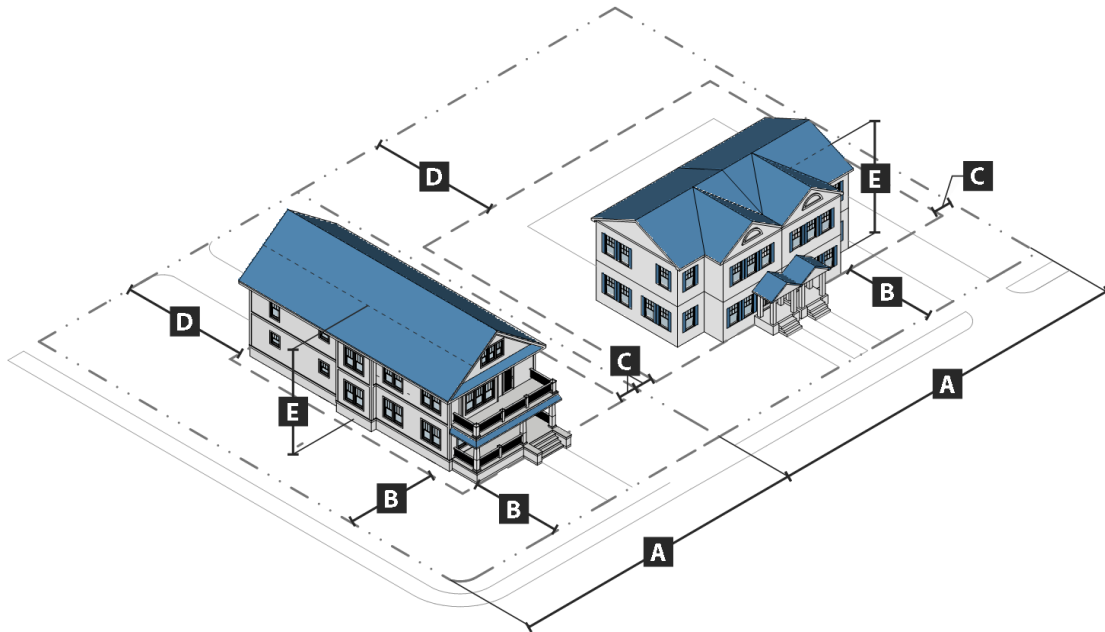
	STANDARD	TOWNHOUSE OR MULTIFAMILY	ALL OTHER USES
	Density (max)	12 du/acre	12 du/acre (residential)
	Lot area (min)	1,300 sf for each du on lot [2]	Single-family detached dwelling on lot with vehicular access from rear only: 5,000 sf
			Duplex dwelling and all other uses: 7,500 sf
A	Lot width (min)	45 ft [3]	45 ft [3]
B	Front setback (min)	15 ft [4]	15 ft [4]
C	Side setback (min)	5 ft [5]	5 ft [5]
D	Rear setback (min)	20 ft	20 ft
E	Building height (max)	45 ft	Residential uses (not townhouse or multifamily): 35 ft
			Nonresidential uses: 45 ft

**NOTES**

- [1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet
- [2] The minimum total site area for a townhouse project is 15,000 square feet.
- [3] The minimum lot width applies to single family homes only. There is no minimum lot width for duplexes and multifamily buildings. No townhouse lot shall be less than one-fourth as wide as it is deep.<sup>322</sup>
- [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 25 feet.
- [5] There is no minimum side setback for townhouses, except a minimum side setback of seven feet is required at each end of a row of townhouse units.

<sup>321</sup> The MR-2 district carries forward, consolidates, simplifies, and renames the current RA-1 and RA-2 districts in the current Zoning Ordinance. Dimensional standards are based on from Sec. 24-341 (townhouse) and 24-347 (detached house) 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 per-unit lot size requirements for multifamily (“Apartment” in Sec. 24-337) are new. Nonresidential standards are new. The district graphic has been updated to show rear-loaded single-family lots.

<sup>322</sup> This provision modifies the existing lot width-to-depth ratio for townhouse lots from one-third to one-fourth to allow for deeper townhouse lots.



**d. Additional Development Standards<sup>323</sup>**

The following building material requirements apply to all development in the MR-2 district.

**1. Primary Materials**

Primary material changes may occur only at building corners where a maximum of one of the façades faces a street. The following materials are required for not less than 75 percent of the building wall surface area on each façade:

- i. Brick masonry;
- ii. Native stone (or synthetic equivalent);
- iii. Cementitious siding, provided no single panel is larger than three feet by three feet;
- iv. Glass curtain wall;
- v. Stucco (panels with cementitious finish, not tiles or external insulation finishing system – EIFS); and
- vi. For detached building types only, vinyl shakes or singles, and vinyl clapboard (with a minimum thickness of 0.044 inches).

**2. Accent Materials**

The following materials may make up 25 percent of the building wall surface area on each façade:

- i. Pre-cast masonry (for trim and cornice elements only);
- ii. Gypsum reinforced fiber concrete – GFRC (for trim elements only);
- iii. EIFS, only for trim;
- iv. Metal (for beams, lintels, trim elements, and ornamentation);
- v. Split-faced block (only for piers, foundation walls and chimneys); and

<sup>323</sup> Standards carried forward from Sec. 24-352 of current Zoning Ordinance with changes to conform with the updated building design regulations that apply in the downtown district.

- vi. For detached building types only:
  - (a) Vinyl shakes or shingles; and
  - (b) Vinyl (only trim elements).

**3. Foundation and Crawlspace Materials**

The following materials shall cover exposed foundations and open crawlspaces on each façade, and shall meet minimum ventilation requirements of the Building Code.

- i. Brick and tile masonry;
- ii. Native stone;
- iii. Split-faced block; and
- iv. Formed concrete (painted or stained).

**4. Alternative Materials**

Alternative building materials not listed in subsections 1 through 3 above may be approved by the Director of Planning if the Director determines the alternative building materials are equivalent or better than the listed materials. The use of regionally-available materials is preferred.

**e. References to Other Standards**

Development in the MR-1 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 4-25: Cross-References to Other Standards.

**Table 4-25: 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		

**SEC. 24-4.3.15. MULTIFAMILY RESIDENTIAL**<sup>337</sup>

**a. Purpose**

The purpose of the Multifamily Residential (MFR) District is to provide lands for primarily residential neighborhoods that include multifamily development. The district supports 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 MFR district shall comply with the standards in Table 4-30: MFR Intensity and Dimensional Standards.

**Table 4-30: MFR Intensity and Dimensional Standards**

STANDARD		ALL USES
	Density (max)	22 du/acre
	Lot area (min)	7,500 sf <sup>338</sup>
	Lot width (min)	None
A	Front setback (min)	10 ft [2] <sup>339</sup>
B	Side setback (min)	5 ft; 14 ft combined both sides [3] <sup>340</sup>
C	Rear setback (min)	20 ft <sup>341</sup>
D	Building height (max)	
	<i>Minimum</i>	2 stories
	<i>Maximum</i>	60 ft
NOTES		
[1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet		
[2] 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 10 feet.		
[3] There is no minimum side setback for townhouses, except a minimum side setback of seven feet is required at each end of a row of townhouse units.		

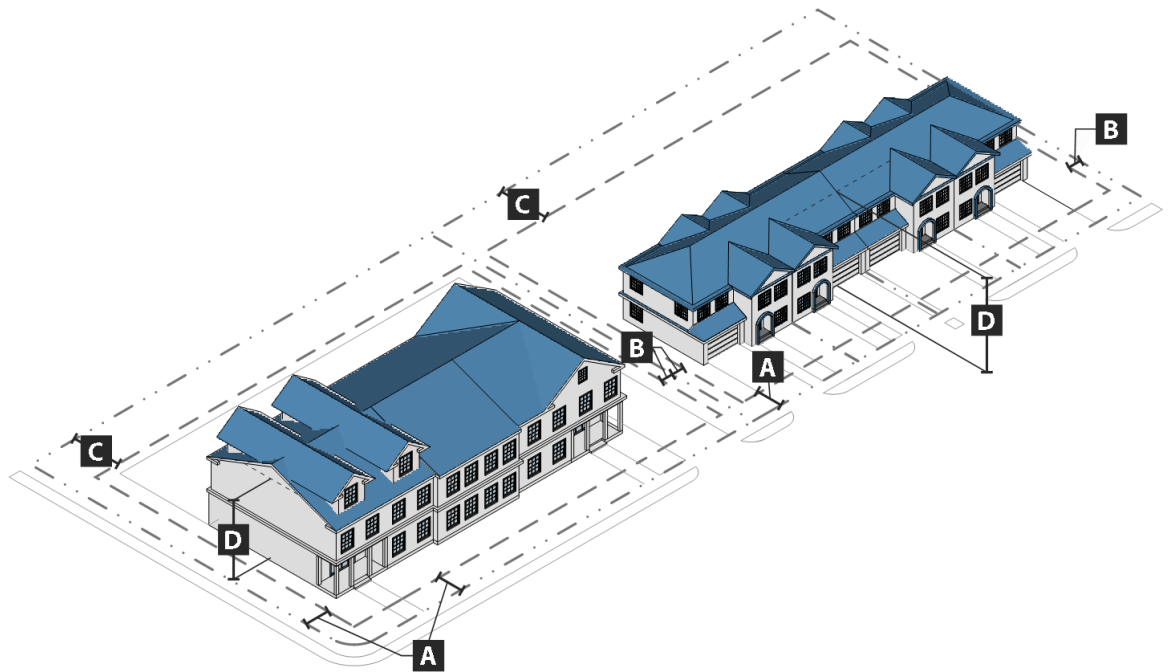
<sup>337</sup> This district consolidates the current RMF-1 and RMF-2 districts. The standards in the RM-3 and RM-4 districts are not carried forward, but existing lands zoned RM-3 and RM-4 can be mapped to the MFR district. Standards relating to heights of accessory uses in Sec. 24-37 of the current Zoning Ordinance are relocated to the accessory uses standards in Sec. 24-5.3.1.

<sup>338</sup> This lot area is the minimum lot area designated for a duplex in the current RMF-1.

<sup>339</sup> The 10-foot front setback aligns with the current RMF-2 district standards. The requirement for a minimum of 35-foot setback from the centerline of a bordering street (Sec. 24-35(a)) has not been carried forward.

<sup>340</sup> Minimum requirement for a single-family dwelling in current Zoning Ordinance (Sec. 24-35(b)). The current apartment minimum side setbacks of six feet/16 feet combined, and duplex setback of seven feet has not been carried forward. Standards relating to reduced side-yard requirements adjacent to a carport will be relocated to Sec. 24-5.3.4, Standards Specific to Accessory Uses and Structures. Increased setback requirement for excess height have not been carried forward for simplicity; restrictions on height to mitigate impacts on adjoining neighborhoods will be addressed in Sec. 24-6.7, Neighborhood Compatibility Standards.

<sup>341</sup> The rear setback is the minimum required for uses other than a single-family or duplex dwelling in RMF-1 (currently requires 30 feet for those uses in RMF-1 and ten feet for all uses in RMF-2).



**d. References to Other Standards**

Development in the MFR 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 4-31: Cross-References to Other Standards.

**Table 4-31: 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. 24-4.3.16. MOBILE HOME RESIDENTIAL<sup>342</sup>

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**a. Purpose**

The purpose of the Mobile Home Residential (MHR) District is to provide land for the provision of mobile home neighborhoods in order to provide market rate affordable housing opportunities for low- and moderate-income persons, consistent with state and federal law. The district is intended to provide for the use of a mobile home as a principal use of land developed in accordance with specific design and/or installation regulations.

**b. MHR Lot and Building Standards**

Mobile home parks shall conform to the design and development standards prescribed in Chapter 15 of the City Code, the Tuscaloosa Mobile Home Park Ordinance.<sup>343</sup>

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<sup>342</sup> The MHR district carries forward and renames the current RMH with no major changes.

<sup>343</sup> This provision carries forward Sec. 24-38 of the current Zoning Ordinance.

## SEC. 24-4.4. INSTITUTIONAL DISTRICTS<sup>344</sup>

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### SEC. 24-4.4.1. GENERAL PURPOSE<sup>345</sup>

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The general purpose of institutional districts is to:

- a. Accommodate lands for major public institutions that serve the public like universities, colleges, government buildings, civic uses, secondary public and private schools, and hospital uses;
- b. Provide lands for smaller institutional uses such as libraries and government offices; and
- c. Ensure development in the City is in accordance with the Comprehensive Plan.

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<sup>344</sup> In order to provide more tailored standards for the institutional districts, the current institutional district is separated into three distinct institutional districts. The new Institutional University (I-U) district provides lands to accommodate the University of Alabama. The new Institutional Public (I-P) district provides lands for governmental uses, including City, county, state, and federal buildings, and the Tuscaloosa National Airport. The new Institutional Semi-Public (I-SP) district provides lands for secondary schools, cultural facilities like museums and libraries, hospitals and hospital complexes, and colleges and universities other than University of Alabama.

<sup>345</sup> This is a new general purpose statement.



## SEC. 24-4.5. BUSINESS DISTRICTS

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### SEC. 24-4.5.1. GENERAL PURPOSE<sup>352</sup>

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The purpose of business districts is to provide lands that accommodate a wide range of retail, office, service, employment, and related development to meet the needs of the City's residents, and more specifically to:

- a. Strengthen the City's economic base, and provide employment opportunities close to home for City residents;
- b. Provide appropriately located lands for a full range of business, commercial, and industrial uses needed by the City's residents, businesses, and workers, in accordance with the Comprehensive Plan and other adopted City plans;
- c. Create suitable environments where business, office, retail, and residential development can be designed and integrated in compatible ways;
- d. Encourage, support, and ensure quality design in retail, office, service, employment, and related development;
- e. Accommodate new infill development and redevelopment that is in accordance with the Comprehensive Plan and other adopted City plans; and
- f. Ensure business development is located and designed to minimize impacts on single-family neighborhoods.

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<sup>352</sup> This is a new general purpose statement.

## SEC. 24-4.6. INDUSTRIAL DISTRICTS<sup>414</sup>

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### SEC. 24-4.6.1. GENERAL PURPOSE

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The purpose of the Industrial districts is to:

- a. Provide appropriately-located lands for the full range of industrial uses needed by the City's residents, businesses, and workers, in accordance with the Comprehensive Plan;
- b. Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities;
- c. Support a range of uses dedicated to processing, manufacturing, assembly, warehousing, outdoor storage, and distribution of goods;
- d. Create suitable environments for uses that have heavy freight traffic, and which may generate noise, odors, or other impacts;
- e. Ensure industrial development is located and designed to protect and preserve the character of existing residential districts and neighborhoods;
- f. Improve the design quality of industrial areas; and
- g. Provide a place to locate uses that are generally incompatible with other uses in other zone districts.

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<sup>414</sup> The industrial districts in the current Zoning Ordinance are carried forward, renamed to be more consistent with their character, modernized, where appropriate, to allow for modern industrial uses, and refined to conform with the structure of the updated Zoning Ordinance. The Industrial Light(IL) district carries forward, modernizes, and refines the ML: Light Industrial District. The Industrial General (IG) district carries forward and refines the MG: General Industry district. The Industrial Heavy (IH) district carries forward and refines the MH: Heavy Industry district. In this draft, the performance standards from Sec. 24-73 in the current Zoning Ordinance have been removed at staff's request.

## SEC. 24-4.8. OVERLAY DISTRICTS

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### SEC. 24-4.8.1. GENERAL PROVISIONS

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**a. Purpose**

The purpose of overlay districts is to provide supplemental standards with respect to special areas, land uses, or environmental features that supersede the standards of the underlying base and planned development districts.

**b. Relationship to Other Districts**

Overlay districts establish standards that apply in addition to, or instead of, the standards governing development in the underlying base zoning district or planned development district. If the regulations governing an overlay district expressly conflict with those governing an underlying base zoning district or planned development district, the regulations governing the overlay district shall control, unless expressly stated to the contrary. If land is classified into multiple overlay districts and the regulations governing one overlay district expressly conflict with those governing another overlay district, the more restrictive regulations shall control.

### SEC. 24-4.8.2. HISTORIC BUFFER OVERLAY

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**a. Purpose**

The purpose of the Historic Buffer (HBO) overlay district is to ensure that the façades of new structures on lands adjacent to a historic district are compatible with the façades of buildings located in the adjacent historic districts.

**b. District Boundaries**

The HBO district boundaries are identified on the Official Zoning District Map.

**c. District Requirements**

No new building shall be erected in the HBO overlay district unless the Planning Commission determines the proposed building's façade is compatible with the façades of buildings located in the adjacent designated historic district(s).