

ARTICLE 24-5. USE REGULATIONS

Commentary on Draft:

This article consolidates all use regulations in one article. It establishes the standards for principal uses, accessory uses and structures, and temporary uses and structures, organized into four sections. The article begins with a section containing general provisions; this is followed by sections on principal uses, accessory uses and structures, and temporary uses and structures. A short description of each section is outlined below.

Section 24-5.1, General Provisions, describes the organization of the article and establishes a general requirement that all uses comply with applicable state and local regulations.

Section 24-5.2, Principal Uses, establishes regulations that apply to principal uses of land. It includes tables of principal uses that identify the principal uses that are allowed in each zoning district. It also includes descriptions of use categories into which the principal uses are grouped, and standards that apply to specific principal uses.

Section 24-5.3, Accessory Uses and Structures, establishes regulations that apply to accessory use and structures. It includes a table that identifies the accessory uses and structures that are allowed in each zoning district. It also includes general standards that apply to all accessory uses and structures, and standards that apply to specific accessory uses and structures.

Section 24-5.4, Temporary Uses and Structures, establishes regulations that apply to temporary uses and structures. It follows the same basic organization as Section 24-5.3, including a table that identifies the temporary uses and structures that are allowed in each zoning district, general standards that apply to temporary uses and structures, and standards that apply to specific temporary uses and structures.

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. 24-5.1. GENERAL PROVISIONS

Article 24-5 is organized into four sections:

- a. This Sec. 24-5.1, General Provisions, describes the general organization of the article.
- b. Sec. 24-5.2, Principal Uses, identifies the principal uses that are allowed in the various zoning districts and the type of review required to establish them, organized by the overall classification of the use (e.g., Residential). It also provides descriptions of the Use Categories into which the individual uses are grouped. Where appropriate, it also establishes specific standards applicable to particular principal uses.
- c. Sec. 24-5.3, Accessory Uses and Structures, identifies uses and structures commonly allowed as accessory to principal uses in the various zoning districts, and the type of permit or review required to establish them. It also establishes general standards applicable to all accessory uses and structures and where appropriate, specific standards applicable to particular accessory uses and structures.
- d. Sec. 24-5.4, Temporary Uses and Structures, identifies uses and structures allowed on a temporary basis, and the general standards applicable to all temporary uses and structures, and where appropriate, special standards that apply to particular temporary uses and structures.

SEC. 24-5.2. PRINCIPAL USES

SEC. 24-5.2.1. ORGANIZATION OF PRINCIPAL USE REGULATIONS

a. Structure of Principal Use Classification System

The following three-tiered hierarchy of use classifications, use categories, and use types is used to organize allowable uses listed in the Principal Use Tables in Sec. 24-5.2.2 through Sec. 24-5.2.5 and the use-specific standards set out in those sections.

1. Use Classifications

Use Classifications are very broad and general (e.g., Agriculture, Residential, Institutional, Commercial, and Industrial). The five use classifications are organized into four separate use tables: Sec. 24-5.2.2, Agricultural and Residential Principal Use Table; Sec. 24-5.2.3, Institutional Principal Use Table, Sec. 24-5.2.4, Commercial Principal Use Table; and Sec. 24-5.2.5, Industrial Principal Use Table.

2. Use Categories

Use Categories represent major subgroups of the use classifications that have common functional, product, and physical characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics. For example, the Commercial classification is divided into multiple use categories, like Recreation and Entertainment and Retail Sales and Personal Services. Each use category is described in terms of the common characteristics of included uses (including common or typical accessory uses), examples of common use types included in the category, and, for a number of use categories, exceptions — i.e., those uses that might appear to fall within the use category, but are included in another use category.

3. Use Type

Use Types identify specific principal land uses whose characteristics are considered to fall within the various use categories. For example, light vehicle fuel station and automobile wash are use types within the Vehicle Sales and Service category. Use types are defined in Sec. 24-2.3, Definitions.

b. Organization of the Principal Use Tables

Each of the four principal use tables include descriptions of the use categories and use-specific standards, as described below:

1. Agricultural and Residential Use Table

Table 5-1: Principal Use Table for Agricultural and Residential Uses, within Sec. 24-5.2.2, Agricultural and Residential Principal Use Table, includes principal uses for uses within the Agricultural Use Classification and Residential Use Classification. Descriptions of the Agricultural and Residential Use categories are included in Sec. 24-5.2.2.b (Agricultural) and Sec. 24-5.2.2.c (Residential), and use-specific standards for uses within these classifications are included in Sec. 24-5.2.2.d (Agricultural) and Sec. 24-5.2.2.e (Residential).

2. Institutional Use Table

Table 5-2: Principal Use Table for Institutional Uses, within Sec. 24-5.2.3, Institutional Principal Use Table, includes principal uses for uses within the Institutional Use Classification. Descriptions of the Institutional Use categories are included in Sec. 24-5.2.3.b, and use-specific standards for uses within this classification are included in Sec. 24-5.2.3.c.

3. Commercial Use Table

Table 5-3: Principal Use Table for Commercial Uses, within Sec. 24-5.2.4, Commercial Principal Use Table, includes principal uses for uses within the Commercial Use Classification. Descriptions of the Commercial Use categories are included in Sec. 24-5.2.4.b, and use-specific standards for uses within this classification are included in Sec. 24-5.2.4.c.

4. Industrial Use Table

Table 5-4: Principal Use Table for Industrial Uses, within Sec. 24-5.2.5, Industrial Principal Use Table, includes principal uses for uses within the Industrial Use Classification. Descriptions of the Industrial Use categories are included in Sec. 24-5.2.5.b, and use-specific standards for uses within this classification are included in Sec. 24-5.2.5.c.

c. Reference to Use-Specific Standards

A particular use allowed as a principal use in a zoning district may be subject to standards that are specific to the particular use. The applicability of such use-specific standards is noted in the right-most column of each Principal Use Table through a reference to standards within the section.

d. Abbreviations in Principal Use Table Cells

The principal use tables use the following abbreviations to identify whether a principal use is allowed in a particular zoning district and the procedure required to establish the use:

P Permitted use. A “P” in a cell of the table in a column other than a PD district column indicates that the use in the left-most column in that row is allowed by right in the zoning district identified at the head of that column, subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.

A “P” in a cell of the table in a PD district column means that the use is allowed in the corresponding type of PD district only if so specified in the PD Plan approved for the particular district, subject to all other applicable requirements of this Ordinance unless expressly modified in the PD Plan or PD Agreement for the district (see Sec. 24-4.7.1.c.1, Planned Development (PD) Plan and Narrative, and Sec. 24-4.7.1.c.2, Planned Development (PD) Agreement).

C Conditional Use. A “C” in a cell of the table indicates that the use in the left-most column in that row is allowed in the zoning district

identified at the head of that column upon approval of a conditional use permit in accordance with Sec. 24-3.4.4, Conditional Use Permit. Uses requiring a conditional use permit are also subject to all other applicable requirements of this Ordinance.

S	Special Exception Use. An “S” in a cell of the table indicates that the use in the left-most column in that row is allowed in the zoning district identified at the head of that column upon approval of a special exception use permit in accordance with Sec. 24-3.4.5, Special Exception Use Permit. Uses requiring a special exception use permit are also subject to all other applicable requirements of this Ordinance.
A	Allowed Use. An “A” in a cell of the table in a PD district column means that the use is allowed in the corresponding type of PD district only if so specified in the PD Plan approved for the particular district, subject to all other applicable requirements of this Ordinance unless expressly modified in the PD Plan or PD Agreement for the district (see Sec. 24-4.7.1.c.1, Planned Development (PD) Plan and Narrative, and Sec. 24-4.7.1.c.2, Planned Development (PD) Agreement).
[blank cell]	Prohibited Use. A blank cell in the table indicates that the use in the left-most column in that row is prohibited in the zoning district identified at the head of that column.

e. Unlisted Uses

Sec. 24-5.2.6, Interpretation of Unlisted Uses, provides standards for determining whether a use not expressly listed in a use table is allowable in a particular zoning district. The Planning Division shall determine whether or not an unlisted use is part of an existing use category or use type in accordance with Sec. 24-5.2.6, Interpretation of Unlisted Uses.

SEC. 24-5.2.2. AGRICULTURAL AND RESIDENTIAL PRINCIPAL USE TABLE⁴⁴²

a. Agricultural and Residential Principal Use Table

Table 5-1: Principal Use Table for Agricultural and Residential Uses, identifies the uses within the Agricultural Use Classification and the Residential Use Classification that are allowed by right,

⁴⁴² The principal use tables, Table 5-1 through Table 5-4, consolidate by use classification the multiple use tables and lists of permitted uses in the current Zoning Ordinance, including Sec. 24-32, Permitted uses, and Sec. 24-33, Special exceptions, for residential districts; Sec. 24-52, Permitted uses, and Sec. 24-53, Special exceptions, for business districts; Sec. 24-72, Permitted uses, for industrial districts; Sec. 24-223(b)(1), Permitted uses, and Sec. 24-223(b)(2), Special exceptions, for the R-4U district; Sec. 24-223(c)(1), Permitted uses, and Sec. 24-223(c)(2), Special exceptions, for the RMF-2U district; Sec. 24-224(a), Permitted and special exception uses in BNU districts; Sec. 24-229, Permitted, conditional and prohibited uses, in the D/R overlay district; Sec. 24-239, Conditional uses, for the Riverfront Development District; Sec. 24-304, Permitted use table, for the MX districts; and Sec. 24-358, Permitted use table, for the Mixed Residential Districts.

For each use, the footnote identifies whether the use is new or carried forward, consolidated, or renamed from uses in the current Zoning Ordinance, and identifies where each prior was use permitted by-right or as a special exception, whether they were limited in a particular zoning district to development in accordance with a Planned Unit Development, and whether any other specific standards listed in the use tables applied. Conditions carried forward that were included in the name of the use are included as use-specific standards in the subsections of the Ordinance that follow the table and cross-referenced in the right-most column of Table 5-1. For uses in districts that have been carried forward or consolidated, a **green background** means that the use is more permissive in this draft (e.g. from prohibited to allowed as a special exception, or allowed as a special exception to permitted by-right), while a **red background** means that the use is more restricted or is prohibited. While the I districts are carried forward as three institutional districts, the current Zoning Ordinance does not list specific use permissions; therefore, the color-coding is not used in those columns. The color coding is also not used for new uses or new districts.

2. Group Living Uses

The Group Living category includes use types providing for the residential occupancy of a group of living units by people who sometimes (but not always) do not constitute a single family or housekeeping unit and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities (even though some do have such facilities), but unlike a hotel, motel, or short-term rental, are generally occupied on a monthly or longer basis. Use types include fraternities and sororities, group homes, supportive group homes, residential care facilities, sober living facilities, and continuing care retirement developments. Although continuing care retirement developments include household living and health care components, they are categorized as a group living use because of their focus on the present or future provision of personal care to people and their integration of various uses into a single cohesive development. This category does not include use types where persons generally occupy living units for periods of less than 30 days, which are categorized in the Lodging category. It also does not include use types where residents or inpatients are routinely provided more than modest health care services (e.g., group home), which are categorized in the Health Care category. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

d. Standards Specific to Agricultural Uses⁴⁶⁵

The provisions in Chapter 4, Animals and Fowl, of the City Code, apply to all Agricultural uses.

e. Standards Specific to Residential Uses

1. Household Living

i. Residential Occupancy Restrictions⁴⁶⁶

The following standards apply to all Household Living uses:

- (a) Except as otherwise provided in subsection (b) or (c) below, no more than three unrelated persons may live together in a single dwelling unit.
- (b) Within a Historic Overlay district, the occupancy restrictions in Sec. 20-15.34 of the City Code apply.
- (c) Within a U-single, U-rowhouse, U-duplex, U-triplex, or multifamily dwelling student use, no more than five unrelated persons may live together in a single dwelling unit, provided the unit shall be certified for such occupancy.

ii. Dwelling, Single-Family Detached⁴⁶⁷

In the MRU district, a single-family detached dwelling shall contain no more than five bedrooms.

iii. Dwelling, U-Single; Dwelling, U-Rowhouse; Dwelling, U-Duplex; Dwelling, U-Triplex⁴⁶⁸

A single dwelling unit may include a maximum of five bedrooms.

⁴⁶⁵ This carries forward the regulations included in the name of the current use "Farm and agricultural operations, subject to restrictions listed in chapter 4 of the City Code."

⁴⁶⁶ This carries forward the residential occupancy restrictions in Sec. 24-43(a) of the current Zoning Ordinance. Sec. 24-43(b), Violations unlawful, will be consolidated with the general enforcement provisions in Article 24-7. Sec. 24-43(c), Designation of legal nonconforming uses in historic district, establishes a procedure for increasing the occupancy limitations that apply to dwellings in a historic district and will be relocated to Article 24-3, Administration.

⁴⁶⁷ The restrictions on bedrooms for dwelling uses in the RU district are carried forward from the lists of permitted uses in Sec. 24-223(b) and 24-223(c) for the R-4U and RMF-2U districts, respectively.

⁴⁶⁸ The restrictions on bedrooms for U-dwelling uses are carried forward from the lists of permitted uses in Sec. 24-223(b) and 24-223(c) for the R-4U and RMF-2U districts, respectively.

iv. Dwelling, Townhouse⁴⁶⁹

- (a) Townhouses shall comply with applicable standards in Sec. 24-6.8.1, Multifamily .
- (b) The minimum width of a lot on which a townhouse is located shall be the width of the townhouse, plus an additional seven feet if the townhouse on the lot is at the end of a row of townhouses.
- (c) Except as otherwise provided in this Ordinance, the minimum width of a townhouse shall be one-fourth of the townhouse's depth.
- (d) In the RU district, a single dwelling unit may include a maximum of five bedrooms.

v. Dwelling, Duplex; Dwelling, Triplex; Dwelling, Quadplex⁴⁷⁰

- (a) Duplex, triplex, and quadplex dwellings shall comply with applicable standards in Sec. 24-6.8.1, Multifamily Development.
- (b) In the RU district, a single dwelling unit may include a maximum of five bedrooms.
- (c) In the LR district, a duplex dwelling is permitted only in developments that comply with the cluster development standards of Sec. 24-4.3.4.c.2, Alternative Development Option.

vi. Dwelling, Multifamily

- (a) Multifamily dwellings shall comply with applicable standards in Sec. 24-6.8.1, Multifamily Development.
- (b) In the LR district, a multifamily dwelling is permitted only in developments that comply with the cluster development standards of Sec. 24-4.3.4.c.2, Alternative Development Option.
- (c) In the D, DP, DHE, and UC districts, multifamily dwellings shall not exceed three stories in height, have a building footprint that exceeds 50 percent of the area of the block on which the dwelling is located, or include more than two bedrooms in each dwelling unit. A multifamily dwelling may have a height of four stories or more if its ground floor contains only non-residential uses.⁴⁷¹
- (d) In the MFRU district, the following standards apply:⁴⁷²
 - (1) A multifamily dwelling located south of University Blvd, north of 15th St., west of Gene Stallings Ave., and east of Queen City Ave. shall contain a maximum of 110 bedrooms per net site acre.
 - (2) Each dwelling unit shall contain no more than three bedrooms
- (e) In the MFR district, a multifamily dwelling shall have direct access from a street classified as a collector street or greater in the Major Street Plan of Tuscaloosa.⁴⁷³

⁴⁶⁹ This carries forward the lot standards for townhouses in Sec. 24-34 of the current Zoning Ordinance except minimum width has been changed to one-fourth the depth.

⁴⁷⁰ The restrictions on bedrooms for dwelling uses in the RU district are carried forward from the lists of permitted uses in Sec. 24-223(b) and 24-223(c) for the R-4U and RMF-2U districts, respectively. The limitation on certain uses within cluster developments is new.

⁴⁷¹ New standards based on guidance in the Comprehensive Plan.

⁴⁷² This is carried forward from the standards that apply to the RMF-2U district in Sec. 24-223(c) of the current Zoning Ordinance

⁴⁷³ This carries forward a standard from footnote 2 to the residential district permitted use table at Sec. 24-32 of the current Zoning Ordinance that applies to the RMF-1 district, which has been consolidated within the new MFR district. Footnote 3 applies the same standard to multifamily structures with 22 or more dwelling units per net site acre in the RMF-2 district; for simplicity, that has not been carried forward.

vii. Dwelling, Multifamily Student

The multifamily dwelling standards in subsection vi above apply to a Multifamily Student Dwelling use.

viii. Dwelling, Mobile Home⁴⁷⁴

A mobile home shall not be used as a dwelling except in a permitted mobile home park or mobile home subdivision, in accordance with Chapter 15, Mobile Home Parks, of the City Code.

ix. Dwelling, Live/Work⁴⁷⁵

- (a) A live/work dwelling shall have at least two separate points of egress, at least one of which opens directly to the outside of the building.⁴⁷⁶
- (b) The nonresidential portion of the building shall be located on the ground floor.
- (c) Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.
- (d) Drive-through service is prohibited as an accessory use.

2. Group Living

i. Group Home⁴⁷⁷

- (a) Each group home shall be located at least one-half (½) mile from all other established group home and sober living facility uses, measured in a straight line to the closest lot lines.
- (b) The external appearance of all structures and the building site on which the group home is located shall be consistent with the general character of the district in which the group home is located. Exterior building materials, building bulk, landscaping, fences and walls, parking areas, and the general design of the facility shall be visually and functionally compatible with the surrounding uses.

ii. Sober Living Facility⁴⁷⁸

Each sober living facility shall be located at least one-half (½) mile from all other established group home and sober living facility uses, measured in a straight line to the closest lot lines.

SEC. 24-5.2.3. INSTITUTIONAL PRINCIPAL USE TABLE

a. Institutional Principal Use Table

Table 5-2: Principal Use Table for Institutional Uses, identifies the uses within the Institutional Use Classification that are allowed by right, allowed as a conditional use, allowed as a special exception use, or prohibited within each zoning district. Use categories are described in

⁴⁷⁴ This carries forward the first clause of the first sentence of Sec. 24-105 of the current Zoning Ordinance. The authorization to allow temporary occupation to alleviate a serious family hardship will be carried forward separately as a temporary use, and the authorization to use one as an office or watchmen’s quarters on a construction site will be carried forward as a separate temporary use.

⁴⁷⁵ These standards are new, except where otherwise noted in the footnote below.

⁴⁷⁶ This carries forward the standards that apply to *Single-family dwelling in combination with a business use* in Sec. 24-91(37) of the current Zoning Ordinance.

⁴⁷⁷ This carries forward the standard in footnote 4 of Sec. 24-32 of the current Zoning Ordinance, modifying the minimum separation requirement from 1,000 feet to one-half mile, applying the separation requirement to the new sober living facility use, and adding a new standard to ensure the use is consistent with the character of the district where the group home is located.

⁴⁷⁸ New standard for a new use.

3. Health Care Uses

The Health Care category includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment and preventative care, nursing care, and diagnostic and laboratory services. Care may be provided on an inpatient, overnight, or outpatient basis. Use types include hospitals, medical or dental clinics, hospices, nursing homes, and personal care homes. This category generally does not include use types that focus on providing personal care rather than medical care to residents, which are categorized in the Group Living category. Accessory uses may include food preparation and dining facilities, offices, meeting rooms, teaching facilities, maintenance facilities, staff residences, and limited accommodations for patients' families.

4. Parks and Open Space Uses

The Parks and Open Space category includes use types focusing on open space areas largely devoted to natural landscaping and tending to have few structures, and which may include passive or limited active outdoor recreation. Use types include cemeteries, community gardens, parks and greenways, and zoos. This category does not include athletic fields (unless part of a public park), golf courses, or other outdoor recreation uses (categorized in the Recreation/Entertainment category). Accessory uses may include fountains, maintenance facilities, concessions, and parking.

5. Utilities, Transportation, and Communication Uses

The Utility, Transportation, and Communication category includes use types providing major utilities (infrastructure services that provide regional or community-wide service), minor utilities, vehicle parking and passenger transportation services, facilities providing regional or community-wide communications services, such as wireless communications, radio and television broadcasting, and similar uses. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, or storage areas.

c. Standards Specific to Institutional Uses

1. Community Services

i. Club or Lodge⁵⁰⁸

The principal use of the facility shall be as a meeting hall for fellowship, ceremonies, and club business meetings. Any amusement or recreation facilities shall be a secondary use.

ii. Day Care Center⁵⁰⁹

- (a) All loading and unloading of children or adults receiving services at the facility shall take place on the site and not on public property.
- (b) Parking and circulation systems shall be designed to enhance the safety of individuals receiving day care at the facility as they arrive at and leave the facility.
- (c) Establishments that provide day care services to 30 or more individuals shall have direct access from a street classified as a collector or arterial street in the Major Street Plan of Tuscaloosa.

⁵⁰⁸ This carries forward the standards that apply to *Club or lodge organized for fraternal or social purposes* in Sec. 24-41(6) of the current Zoning Ordinance. The primary standard which requires the club or lodge be a nonprofit incorporated within the state has been added to the definition of the use; the discretionary standard that the "board should determine to its satisfaction that the activities to be conducted on the premises will not be detrimental to the neighborhood" is addressed through the general decision-making standards that apply to a special exception use permit approval in Sec. 24-3.4.5.d.

⁵⁰⁹ This builds on the standards that apply to *Day care center; night care facility; group day care home; kindergarten* in Sec. 21-91(7) of the current Zoning Ordinance. The requirement for safe, convenient driveways and adequate site landscaping have been revised to provide more measurable standards.

- (d) A facility for the care of children shall include an outdoor play area to the side or rear of the principal structure that meets the district setback requirements that apply to the principal structure. In any areas where the outdoor play area abuts a residential use, parking lot, or public right-of-way, the play area shall be screened by a solid fence or wall at least six feet in height supplemented with landscaping.

iii. Government Facility

Outdoor storage is not permitted as an accessory use to this use in the D, DP, and DHE districts.

2. Education

i. School, K-12⁵¹⁰

The following standards apply to all schools:

- (a) An elementary school (grades Kindergarten through 5) shall have access from the site directly to a street classified as a collector street or arterial street in the Major Street Plan of Tuscaloosa. A junior or senior high school (grades 6 through 12) shall have access from the site directly to a street classified as an arterial street in the Major Street Plan of Tuscaloosa.
- (b) Playgrounds, play fields, and other active recreation facilities shall not extend into areas within a required minimum setback.
- (c) All outdoor seating areas for spectators at athletic events shall set back at least 200 feet from all property in a Residential zoning district or with a residential use.
- (d) If school bus service is to be provided, adequate space outside of the public right-of-way shall be provided on site to accommodate student loading and unloading.

ii. Vocational School⁵¹¹

- (a) All facilities within a vocational school which typically generate significant noise or fumes, such as auto body or engine repair, industrial painting, auto body painting, industrial manufacturing processes, or campus-wide energy and utility systems, and that are adjacent to a Residential district shall comply with the following standards:
 - (1) The facilities shall be set back at least 100 feet from all Residential districts;
 - (2) Where such facilities are proposed, the applicant shall identify any additional mitigation steps appropriate to the impacts of the facilities, such as additional sound-containment features.
- (b) Goods manufactured on site for sale shall be limited to goods that are produced incidentally to the school's primary educational purpose.

⁵¹⁰ This carries forward the standards that apply to *Private or parochial school* in Sec. 24-91(29) of the current Zoning Ordinance. The discretionary standards regarding minimum yard dimensions, encroachment of recreational facilities into required yards, and outdoor spectator stadiums have been carried forward as regulations and applied to all schools, including those operated by Tuscaloosa City Schools. Parking standards will be relocated to Sec. 24-6.2, Off-Street Parking, Bicycle Parking, and Loading Standards. Buffer standards will be consolidated with the standard buffer requirements to be included in Sec. 24-6.3, Landscape and Buffer Standards.

⁵¹¹ This builds on the standards that apply to *Business, industrial, or trade school* in Sec. 24-91(5) of the current Zoning Ordinance and includes measurable standards to minimize impacts on adjoining properties. Perimeter buffer requirements are addressed in Sec. 24-6.3.6, Buffers.

3. Health Care

i. Nursing Home⁵¹²

- (a) The facility shall include means to dispose of medical waste, including biohazardous waste, in accordance with applicable federal, state, and City requirements.
- (b) The sum of all building footprints on the lot shall not exceed 80 percent of the total lot area.
- (c) If the use requires a special exception use permit, the Zoning Board of Adjustment shall approve a special exception use permit application only upon finding that, in addition to the decision-making criteria in Sec. 24-3.4.5.d, the patients in the nursing home will be provided adequate protection from the noise, lights, and traffic of surrounding development.

ii. Personal Care Home⁵¹³

- (a) The facility shall include means to dispose of medical waste, including biohazardous waste, in accordance with applicable federal, state, and local requirements.
- (b) The sum of all building footprints on the lot shall not exceed 60 percent of the total lot area.
- (c) If the use requires a special exception, the Zoning Board of Adjustment shall approve a special exception use permit application only upon finding that, in addition to the decision-making criteria in Sec. 24-3.4.5.d, the patients in the personal care home will be provided sufficient protection from the noise, lights, and traffic of surrounding development.

4. Parks and Open Space Uses

i. Community Garden⁵¹⁴

The area of the community garden used for cultivation shall be surrounded by a fence that complies with the standards in Sec. 24-6.5, Fence and Wall Standards. The fence shall be opaque and may be constructed of powder-coated chain link.

5. Utilities, Transportation, and Communication

i. Aerodrome⁵¹⁵

- (a) The site shall not be located within 1,200 feet of any property in a Residential district or a parcel with a Residential use.
- (b) The site shall provide adequate land area for take-off and landing for helicopters and airplanes to ensure public safety, in accordance with Federal Aviation Administration standards.

⁵¹² This carries forward the standards for *Nursing home; personal care home for adults* in Sec. 24-91(22) of the current Zoning Ordinance. The minimum off-street parking requirements and loading standards will be relocated to Sec. 24-6.2, Off-Street Parking, Bicycle Parking, and Loading Standards

⁵¹³ This carries forward the standards for *Nursing home; personal care home for adults* in Sec. 24-91(22) of the current Zoning Ordinance. The minimum off-street parking requirements and loading standards will be relocated to Sec. 24-6.2, Off-Street Parking, Bicycle Parking, and Loading Standards

⁵¹⁴ These are new standards for a new use; the standards relating to fences may be amended after the development standards are drafted.

⁵¹⁵ This carries forward the standard that applies to the use that starts *Heliport or short take-off and landing airfield meeting all FAA standards* in the use table in Sec. 24-72 of the current Zoning Ordinance and adds new standards.

ii. Railroad Terminal⁵¹⁶

A railroad terminal shall have access directly from a street classified as an arterial street or higher in the Major Street Plan of Tuscaloosa.

iii. Solar Energy Conversion System, Large-Scale⁵¹⁷

- (a) The lot coverage of the solar energy conversion system and any associated equipment shall not exceed 80 percent.
- (b) No components of the use shall exceed a height of 20 feet.
- (c) Except for transmission lines and collector utility structures, all utilities associated with the solar energy conversion system shall be located underground.
- (d) The application for a special exception use permit shall include a decommissioning plan that describes the timeline and manner in which the solar energy conversion system will be decommissioned and the site restored to a condition similar to its condition prior to the establishment of the facility.
- (e) If the solar energy conversion system ceases operating for a period of 18 consecutive months, the City shall deem it abandoned and will provide a written notice of abandonment to the owner. Within 180 days after notice of abandonment is provided, the owner is required to either complete all decommissioning activities and site restoration in accordance with the decommissioning plan or resume regular operation of the solar energy conversion system.

iv. Truck Terminal⁵¹⁸

A truck terminal shall have access directly from a street classified as an arterial street or higher in the Major Street Plan of Tuscaloosa.

v. Utility Major

All structures and storage areas shall be set back at least 100 feet from all property lines.

vi. Utility, Minor⁵¹⁹

The site shall not include facilities for storage of materials, trucks, or repair equipment.

vii. Wireless Telecommunication Tower⁵²⁰

(a) Applicability

(1) General

Subject to subsection (b) below, the standards in this section apply to all wireless telecommunications towers, except towers installed on land owned by a government entity or public agency if the tower and all antennas are for the exclusive use of a public entity. The performance of minor maintenance on an existing wireless telecommunications tower, including collocation of an antenna, shall be reviewed as a permitted accessory use (see “Wireless Telecommunications Tower Minor Maintenance” in Table 5-5: Accessory Uses

⁵¹⁶ This carries forward a standard from the footnote to the industrial district use table at Sec. 24-72 of the current Zoning Ordinance.

⁵¹⁷ These are basic standards for a new use, large-scale solar energy systems.

⁵¹⁸ This carries forward a standard from the footnote to the industrial district use table at Sec. 24-72 of the current Zoning Ordinance.

⁵¹⁹ This carries forward the standard that applies to *Electric substation and similar public utility structures* in Sec. 24-91(9) of the current Zoning Ordinance. The discretionary standard will be addressed through the standards that apply to screening generally.

⁵²⁰ This builds on and modernizes Sec. 24-110(a) and Sec. 24-111 of the current Zoning Ordinance. This draft carries forward the prohibition on wireless telecommunications towers in historic districts.

and Structures Table). The establishment and use of antennas on structures other than wireless telecommunications towers is considered an accessory use (see “Antenna” in Table 5-5: Accessory Uses and Structures Table). The location of wireless telecommunications facilities in the right-of-way is subject to Chapter 21 of the City Code and all applicable provisions of the Code of Alabama.

(2) Historic Districts

Wireless telecommunications towers are prohibited in historic districts.

(3) Special Exception Use Permit

Where wireless telecommunications towers are indicated by a “P/S” in Table 5-2: Principal Use Table for Institutional Uses, wireless telecommunications towers shall be allowed as either a permitted use or a special exception use as follows:

- i. If the proposed use complies with all standards in this section, it may be approved as a permitted use;
- ii. If the proposed use complies with all standards in this section except one or more of the site access, maximum height, or minimum setback standards, it shall be approved as a special exception, in accordance with Sec. 24-3.4.5, Special Exception Use Permit.
- iii. In the CN and SFR-E districts, no exceptions to the maximum height standards are allowed through a special exception. In all other districts in which a wireless telecommunication tower is permitted as a special exception, the maximum height allowed with a special exception is 300 feet.

(4) Third-Party Technical Review⁵²²

The Director of Planning may order a third-party technical study to determine compliance with the standards in this section. The applicant will be required to reimburse the City for the amount established in the City’s Fee Schedule.

(b) Collocation or Alternative Technology

No wireless telecommunication tower shall be permitted unless it is demonstrated by sufficient documentary evidence that at least one of the following conditions is applicable:

- (1)** No existing towers or suitable structures are located within the geographic areas required to meet applicant’s engineering requirements, and no such towers or suitable structures are under consideration for building permits.
- (2)** Existing towers or other structures are not of sufficient height and cannot be reasonably altered to meet applicant’s engineering requirements.
- (3)** Existing towers or other structures do not have sufficient structural strength and cannot be reasonably altered to support applicant’s proposed antenna and related equipment.
- (4)** The proposed antenna would cause electromagnetic interference with existing antenna(s) on existing towers or other structures, or existing antenna(s) on other towers or structures would cause interference with the proposed antenna and the interference cannot be prevented at a reasonable cost.
- (5)** The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs required by the owner of existing tower or structure that exceed new tower development are presumed to be unreasonable.

⁵²² This section is new.

- (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (7) The applicant demonstrates that alternative technologies that do not require the use of towers or structures, are unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(c) Site Access

- (1) On a lot that does not meet minimum lot area requirements for the zoning district in which it is located or does not have frontage on the public road from which it is accessed, no building permit shall be issued for any structures other than the tower and accessory facilities required for equipment storage and tower operation. This restriction shall be incorporated into any plat or deed for the lot and shall apply until the lot complies with the zoning district's lot area requirements or obtains frontage on the public road from which it is accessed.
- (2) On a site for a tower that does not have frontage on the public street from which access to the site is provided, a permanent twenty-foot-wide access easement shall be required to the public street.

(d) Maximum Height

The maximum height of a tower is 150 feet in Open Space and Residential districts and 250 feet in all other districts, measured from the natural grade of the site and including antennas, base pad, and other appurtenances.⁵²³

(e) Minimum Setbacks

- (1) In Institutional, Business, and Industrial districts, a tower shall be set back at least 220 feet or 150 percent of the proposed tower height, whichever is less, from all lands classified in a Residential district an all structures housing a Residential use, and at least 25 percent of the height of the tower from all property lines.⁵²⁴
- (2) In Residential districts, a tower shall be set back at least 50 feet, 100 percent of the proposed tower height, or the minimum setback required for a primary structure in the district in which the tower is located, whichever is greatest, from all property lines.⁵²⁵
- (3) Towers located on the leased portion of a larger lot shall not be constructed in areas within a required minimum setback.
- (4) Guyed towers shall have their guy anchors located on the tower site at least ten feet from all property lines. Guy wires shall not cross any adjoining property, rights-of-way, or public easements without prior approval of the property owner.
- (5) Setbacks shall in all cases be sufficient to contain on site all icefall unless adequate provisions have been incorporated to prevent the buildup of ice.
- (6) All structures accessory to a tower are subject to the dimensional standards of the district in which they are located. Tower setbacks shall be measured from the perimeter of the tower base.

⁵²³ The maximum height is increased in Residential districts from 100 feet to 150 feet and in other districts (other than the Open Space district, which is new) from 180 feet to 220 feet.

⁵²⁴ This modifies the current setback requirement, which requires a minimum setback of 200 feet from Residential districts and a minimum setback from residential structures equal to the height of the tower.

⁵²⁵ Revised to include the height of the tower as a minimum setback.

(f) Building Code

Wireless telecommunications towers and all accessory structures shall be designed, erected, and maintained in compliance with the Building Code.

(g) FAA Regulations

The tower shall comply will all applicable FAA regulations.

(h) Lighting

Only the minimum lighting required by FAA or FCC regulations are permitted on the tower. All lighting on the site shall comply with Sec. 24-6.6, Exterior Lighting Standards.

(i) Security

The facility shall be fully secured. A chain link fence with PVC slats⁵²⁶ or other opaque fence or wall at least eight feet in height from finished grade shall be provided around each tower and all accessory structures. Access to the tower shall be through a locked gate. Where guy anchors are not contained within the security fence, a separate fence at least eight feet in height shall be provided around each anchor. Towers without accessory structures may utilize anti-climb devices in place of a fence.

(j) Signage

No off-site signs or signs displaying commercial advertising shall be allowed on any tower or its accessory structures.⁵²⁷

(k) Landscaping

The tower shall be screened from public rights-of-way and adjacent properties in accordance with the following standards:

(1) Buffer

Landscape buffers shall be installed on the outside of the security fence or wall required in subsection (i) above. Each landscape buffer shall consist of a landscaped strip at least ten feet wide planted with a combination of trees, shrubs, and ground cover that is xeriscape tolerant and includes the following:

- i. A row of evergreen trees a minimum of eight feet in height when planted placed a maximum of ten feet apart; and
- ii. A contiguous hedge of evergreen shrubs at least 30 inches in height at planting placed in front of the tree line.

(2) Installation and Maintenance

The owner of the tower shall be responsible for providing and maintaining all landscaping required by this section in accordance with the planting and maintenance standards in Sec. 24-6.3, Landscape and Buffer Standards.

(3) Preservation of Existing Vegetation

On wooded sites, the following standards apply:

- i. Tree cutting shall be limited to the area to be fenced and a five-foot buffer along the outside of the fence. If the accessway must be cleared of trees, then tree cutting shall be limited to the minimum width necessary to provide vehicular access to the tower facility but shall not exceed 15 feet in width.

⁵²⁶ The current standard requires a wall or a “missing link fence.”

⁵²⁷ Carried forward from Sec. 24-110(a)(6) of the current Zoning Ordinance with minor modifications. This provision may be revised when the sign regulations in Article 24-6, Development Standards, are drafted.

b. Description of Commercial Use Categories

1. Animal Care Uses

The Animal Care category includes use types related to the provision of veterinary services, and general care and boarding services for household pets and domestic animals. Use types include kennels, pet grooming, and veterinary services. This use category does not include animal shelters operated by a nonprofit organization, which are included in the Community Service category.

2. Business Service Uses

The Business Service category consists of establishments primarily providing routine business service functions for the day-to-day operations of other businesses and households, and general business offices. Use types include broadcasting studios, catering establishments, conference or training centers, contractor offices, data centers, general business offices, and research and development establishments. This use category includes offices used for conducting professional, executive, management, and administrative functions of commercial entities, usually with limited contact with the general public, and generally focusing on the provision of business services, professional services (e.g., lawyers, accountants, planners, engineers, architects, government employees), or financial services (e.g., lenders, brokerage houses, tax preparers). It does not include offices that are a component of or accessory to a principal use in another use category, such as medical/dental offices (categorized in the Health Care category), or banks or other financial institutions (categorized in the Retail Sales and Service category). Accessory uses may include cafeterias, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the same business.

3. Food and Beverage Services Uses

The Food and Beverage Services category consists of establishments primarily engaged in the preparation and serving of food or beverages for on- or off-premises consumption. Use types include bars or taverns, brewpubs, cafes, gastropubs, quick-service restaurants, sit-down restaurants, and wine bars. Accessory uses may include areas for outdoor seating, facilities for live entertainment, and valet parking services. Drive-through facilities may or may not be allowed and are subject to additional standards in accordance with Sec. 24-5.3, Accessory Uses and Structures.

4. Lodging Uses

The Lodging category includes use types providing lodging units or rooms for short-term stays of typically less than 30 days for rent or lease. Use types include bed and breakfasts, hotels, RV Parks, and short-term rentals (as a principal use). Accessory uses may include pools and other recreational facilities, restaurants, bars, limited storage, laundry facilities, gift shops, supporting commercial activities, meeting facilities, and offices.

5. Recreation and Entertainment Uses

The Recreation and Entertainment category includes use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include event space, marinas, recreation (indoor and outdoor), theaters or auditoriums, theaters (drive-in), and tobacco or vape shops. It does not include recreational facilities that are accessory to parks (categorized in the Open Space category), or that are reserved for use by a particular residential development's residents and their guests. Accessory uses may include offices, concessions, snack bars, and maintenance facilities.

6. Retail Sales and Services Uses

The Retail Sales and Service category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer, or in the provision of personal or household services to the general public. Use types include financial institutions, check cashing, convenience stores, laundry and dry cleaning retail facilities, laundry (self-service facilities), liquor stores, personal service

establishments (personal or household goods repair, personal grooming or well-being services), pharmacies, retail sales and services establishments, self-service storage facilities, and sexually-oriented businesses. This use category does not include sales or service establishments related to vehicles (categorized in the Vehicle Services and Sales category), establishments primarily selling supplies to contractors or retailers (categorized in the Wholesale category), the provision of financial, professional, or business services in an office setting (categorized in the Business Services category). Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display of merchandise.

7. Vehicle Sales and Services Uses

The Vehicle Sales and Services category includes use types involving the direct sales and servicing of motor vehicles (including automobiles, trucks, motorcycles, farm equipment, and recreational vehicles, as well as trailers) whether for personal transport, commerce, or recreation. Use types include automobile wash, heavy vehicle and farm equipment sales and rental, heavy vehicle fuel stations, light vehicle fuel stations, light vehicle repair, light vehicle sales and rental, and mobile home sales. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display of merchandise, and vehicle storage.

c. Standards Specific to Commercial Uses

1. Animal Care⁵⁷⁹

i. Kennel

- (a) Animal pens and cages are only permitted inside a building which is fully enclosed.
- (b) Outdoor areas used for occasional exercise and recreation by animals may be provided on the site if the areas are used only during the day and are set back at least 250 feet from all property in a Residential district or used for a residential purpose.

ii. Veterinary Clinic⁵⁸⁰

- (a) The facility shall include means to dispose of medical waste, including biohazardous waste, in accordance with applicable federal, state, and City requirements.
- (b) Outdoor animal pens established on or after [redacted] [insert the effective date of this Ordinance] on property subject to the standards in Sec. 24-6.7, Neighborhood Compatibility Standards, shall be set back at least 150 feet from the property protected by Sec. 24-6.7.
- (c) In the UC and DP districts, animal pens and cages are only permitted inside a building which is fully enclosed and sufficiently insulated so that noises and odors cannot be detected by the human senses off the premises.

2. Business Services

i. Contractor Office⁵⁸¹

- (a) The facility may have a single rollup door with an opening that measures no greater than ten feet in width and ten feet in height.

⁵⁷⁹ These are new standards for a new use.

⁵⁸⁰ This carries forward Sec. 24-91(42) and in the use table in Sec. 24-72 of the current Zoning Ordinance. Adds restrictions to new UC and DP district and adds a distance requirement for new outdoor facilities that are adjacent to property protected by the neighborhood compatibility standards.

⁵⁸¹ These standards are based off the name of the use in the current Zoning Ordinance – “Tradesmen and operatives such as plumbers, electricians and the like with no outside storage of supplies/equipment and with no more than one rollup door, with opening not exceeding ten (10) feet by ten (10) feet.”

- (b) Outside storage is prohibited except as allowed in accordance with the Outside Storage accessory use.

3. Food and Beverage Services

i. Bar or Tavern

- (a) In addition to the decision-making criteria that apply for a conditional use permit in accordance with Sec. 24-3.4.4.d, Decision-Making Standards for Conditional Use Permit, the decision-making body shall consider the impacts the proposed use may have on nearby properties regarding the following characteristics:⁵⁸²
 - (1) Proposed occupancy and hours of operation of the use;
 - (2) Proximity of the proposed use to other similar uses; and
 - (3) The impact of the proposed use on public safety, including the proposed use's security plan and proposed lighting.
- (b) In the D, DP, and DHE districts, a bar or tavern shall comply with the following standards:⁵⁸³
 - (1) No bar or tavern shall be located on property with Queen City Avenue frontage.
 - (2) Except as otherwise provided below, no bar or tavern shall be located within 50 feet of another bar or tavern.
 - (3) Except as otherwise provided below, only one bar or tavern is permitted per block face.
 - (4) Along University Boulevard between 21st Avenue and 28th Avenue, and along Greensboro Avenue between the Black Warrior River and 7th Street, maximum occupancy shall be 100 persons. Bars and taverns are prohibited along other segments of University Boulevard and Greensboro Avenue.
 - (5) Subsections (2) and (3) above do not apply in the Temerson Square block defined as properties fronting Fourth Street between 22nd Avenue and Greensboro Avenue and properties fronting 23rd Avenue between University Boulevard and Fourth Street.

ii. Gastropub

In addition to the decision-making criteria that apply for a conditional use permit in accordance with Sec. 24-3.4.4.d, Decision-Making Standards for Conditional Use Permit, the decision-making body shall consider the impacts the proposed use may have on nearby properties regarding the following characteristics:⁵⁸⁴

- (a) Proposed occupancy of the use;
- (b) Proposed hours of operation of the kitchen and bar portions of the establishment;
- (c) Proximity of the proposed use to other similar uses; and
- (d) The impact of the proposed use on public safety, including the proposed use's security plan and proposed lighting.

⁵⁸² These criteria are based on the conditional use criteria included in the 2021 Bar and Gastropub Amendments adopted in Ord. No. 9098 on August 3, 2021. The last criteria, "Plan to reduce possible nuisances (parking, noise, crowding, and the like)" was not included here because a similar criterion will apply to all conditional uses.

⁵⁸³ This carries forward current standards that apply in the D/R overlay district, modified to reference the revised zoning districts.

⁵⁸⁴ These criteria are based on the conditional use criteria included in the 2021 Bar and Gastropub Amendments adopted in Ord. No. 9098 on August 3, 2021. The last criteria, "Plan to reduce possible nuisances (parking, noise, crowding, and the like)" was not included here because a similar criterion will apply to all conditional uses.

iii. Restaurant, Sit-down⁵⁸⁵

In the DP and DHE districts, the maximum size of a sit-down restaurant use is 2,500 square feet of gross floor area. A sit-down restaurant larger than 2,500 square feet is only permitted in the DP and DHE districts in conjunction with an office building and shall be oriented to serve the employees working in the building and visitors to the building.

4. Lodging**i. Bed and Breakfast⁵⁸⁶**

- (a) The bed and breakfast shall be owner-occupied, and the owner shall stay on the property each evening that rooms are rented.
- (b) The maximum number of guest rooms is eight.
- (c) Meals shall be served only to overnight guests.
- (d) Guest rooms shall not contain cooking facilities.
- (e) There shall be no sign or other evidence of the bed and breakfast except one sign having a maximum area of six square feet and not exceeding three feet in any dimension. The sign may be double-faced and illuminated, but not internally illuminated or back-lit.
- (f) The maximum guest stay shall be two weeks.

ii. Hotel

- (a) Hotels located in buildings that are constructed after [] [insert the effective date of this Ordinance] shall provide access to each individual sleeping or living unit only through an interior hallway, lobby, or court. Hotels located in buildings that were constructed before [] [insert the effective date of this Ordinance] that provide access to individual sleeping or living units directly from the exterior of the building and not through an interior hallway, lobby, or court may continue in operation and shall not be considered nonconforming.
- (b) In the D, DP, DHE, R, and UC districts, the following shall apply:
 - (1) Each building facade shall have multiple surface planes that incorporate changes in building materials in order to provide relief from flat, uninterrupted surfaces.
 - (2) Windows shall make up at least 35 percent of the façade area per floor on all street-facing building façades and at least 20 percent of the façade area per floor on all other building façades. All windows provided to meet this requirement shall have exterior ornamentation (sills, frames, awnings, shutters, louvers, balconies, false balconies, etc.) that provide relief from a flat building surface.
 - (3) 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. Glass curtain wall; and

⁵⁸⁵ The formerly separate use of *Restaurant, bistro* has been consolidated with the *Restaurant, Sit-down* use and incorporated as a use-specific standard.

⁵⁸⁶ This incorporates standards from Sec. 24-91(3) of the current Zoning Ordinance. Parking requirements will be relocated to Sec. 24-6.2, Off-Street Parking, Bicycle Parking, and Loading Standards. The discretionary criteria that the inn “should be affiliated with a recognized bed and breakfast registry” has not been carried forward. The sign standards is new.

- iv. Stucco (panels with cementitious finish, not tiles or External insulation finishing system – EIFS).
 - (4)** 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 as a trim element;
 - iv. Metal (for beams, lintels, trim elements, and ornamentation);
 - v. Split-faced block (for piers, foundation walls and chimneys only);
 - vi. Glass block; and
 - vii. Cementitious siding.
 - (5)** All buildings shall have multiple or pitched rooflines that provide relief from a flat roof. Mansards, parapet walls, fascia, or other ornamentation may be used to satisfy this requirement, but elevator shafts and mechanical rooms may not.
 - (6)** If freestanding signs are located on the site, they shall be limited to monument signs.
- iii. Recreational Vehicle (RV) Park⁵⁸⁷**
- (a)** An RV park shall comply with applicable regulations of the Alabama Board of Health and all applicable provisions of the City Code.
 - (b)** An RV park shall only be used for the temporary placement and occupancy of RVs. The permanent installation of RVs or mobile homes is prohibited.
 - (c)** No RV shall be occupied by a person or family for more than two consecutive weeks.
- iv. Short-Term Rental⁵⁸⁸**
- (a)** The operation of a short-term rental shall comply with the licensing requirements in Chapter 7, Article XII of the City Code, Sec. 7-198 *et. seq.*
 - (b)** Short-term rentals shall meet all building and fire codes and comply with all provisions of this Ordinance, including Sec. 24-6.2, Off-Street Parking, Bicycle Parking, and Loading Standards, and Sec. 24-6.10, Signs and Billboards.
 - (c)** Off-street parking spaces may be provided on driveways or within a parking area on the property.
 - (d)** The maximum occupancy of a short-term rental shall be calculated in accordance with the following, provided that any fire code limitations apply:

⁵⁸⁷ This carries forward the standards in Sec. 24-91(30) of the current Zoning Ordinance.

⁵⁸⁸ This consolidates the standards that apply to short-term rental dwellings including in Sec. 24-91, subsections 35.5 (*Short-term rental of dwelling*), 35.6 (*Short-term rental of dwelling, historic district*), 35.7 (*Short-term rental of dwelling, more than forty-five (45) nights per calendar year*), 35.8 (*Short-term rental of dwelling, condominium or multifamily exceeding license cap*), and Article XXII, Short Term Rentals, in the current Zoning Ordinance. The provisions have been significantly reorganized. The special exception standards have been combined into one set of use-specific standards; the distinction between districts where the use is permitted by-right or with a special exception use permit is addressed in the principal use table. Many of the discretionary standards included in the current code are addressed in the special exception use permit decision standards in Sec. 24-3.4.5, Special Exception Use Permit or are carried forward as standards here; the minimum off-street parking requirements will be relocated to Sec. 24-6.2, Off-Street Parking, Bicycle Parking, and Loading Standards. The license cap provisions in Sec. 24-372A.1.i and the exceptions in Sec. 24-372B.3 have been included as well. Restrictions on signage based on the content of the sign are deleted.

- (1) For a short-term rental located outside the Tourist Overlay Boundary, two occupants are permitted for each off-street parking space provided for the use of a short-term rental unit tenant's vehicle.
- (2) For a short-term rental located within the Tourist Overlay Boundary, two occupants are permitted per bedroom.
- (e) The property shall contain a dwelling able to be occupied.
- (f) Commercial events or other large events such as concerts or weddings are prohibited on the property.
- (g) The rental of units for a period of less than 24 hours is prohibited.
- (h) The maximum number of days a short-term rental may be rented out each calendar year shall be as follows:
 - (1) If permitted by-right in the zoning district where it is proposed, a property may be rented out as a short-term rental for no more than 45 days per calendar year. An applicant may apply to the Zoning Board of Adjustment for a special exception use permit to allow additional rental days above this limit.
 - (2) If allowed as a special exception use in the zoning district where it is proposed, a property may be rented out as a short-term rental for no more than 45 days per calendar year unless the Zoning Board of Adjustment determines, based on the decision-making standards for a special exception use permit in Sec. 24-3.4.5.d, that a higher or lower number of days is appropriate.
- (i) If a short-term rental is proposed for a site that has been previously used for a short-term rental, the Zoning Board of Adjustment shall consider the following in making its decision on the application, in accordance with the decision-making standards in Sec. 24-3.4.5.d:
 - (1) The number of complaints, violations, and other departures from the standards of this Ordinance and the City Code that have occurred on the property; and
 - (2) Whether or not the property is permanently occupied and leased in its entirety to one party for periods of not less than 30 consecutive nights.
- (j) A special exception use permit authorizing use of a short-term rental shall be valid for three years or a shorter period as determined by the Zoning Board of Adjustment, in accordance with the decision-making standards in Sec. 24-3.4.5.d.
- (k) The following standards apply to short-term rentals within the Tourist Overlay Boundary:⁵⁸⁹
 - (1) Except as provided in subsection (2) below, a short-term rental is permitted by-right in all dwellings, except for dwellings within the Historic Buffer Overlay district (see Ch. 20 of the City Code) which shall require a special exception.
 - (2) The following standards apply to dwellings within multifamily buildings in the Tourist Overlay Boundary:
 - i. A license cap of 150 short-term rentals applies. No short-term rental licenses may be issued and no short-term rental may be operated within a multifamily building in the Tourist Overlay Boundary in excess of the cap.
 - ii. Notwithstanding subsection i above, the Zoning Board of Adjustment may approve an application for a special exception use permit to allow a short-

⁵⁸⁹ In this draft, the area to which these provisions apply (which are included in the current Zoning Ordinance) has been defined as the Tourist Overlay Boundary and relocated to definitions, as the boundaries also apply to the "Temporary Off-Street Parking Facility for Passenger Motor Vehicles" use.

term rental unit in excess of the cap in accordance with the standards of this Sec. 24-5.2.4.c.4.iv and Sec. 24-3.4.5, Special Exception Use Permit, for a period of up to three years.

5. Recreation and Entertainment

i. Marina⁵⁹⁰

- (a) Operations associated with the marina shall not occur in a manner that impedes the normal free flow of vehicular or pedestrian traffic on adjacent rights-of-way.
- (b) All repair of boats and equipment shall occur within an enclosed building.
- (c) Outdoor dry boat storage, if provided, shall be kept from view of adjacent residential uses by Sec. 24-6.3.7, Screening.
- (d) Each dock shall be set back at least 20 feet inward of the extension of the side lot lines in a straight line out over the water.
- (e) The display of boats or other similar items on the top of a building is prohibited.
- (f) The marina and any accessory uses shall comply with all requirements of Chapter 18, Article IV of the City Code.

6. Retail Sales and Personal Services

i. Check Cashing⁵⁹¹

No check cashing use shall be located within 1,000 feet of another check cashing use, a Residential district, a residential use, or a liquor store.

ii. Funeral Home⁵⁹²

- (a) Outside display of merchandise is prohibited.
- (b) All loading and unloading activities, except during funeral proceedings, shall occur in an off-street loading space that is screened from view from the public right-of-way and any adjoining properties.

iii. Laundry and Dry-Cleaning Retail Facility⁵⁹³

A laundry and dry-cleaning retail facility shall not be operated in the same building as a Residential use.

iv. Liquor Store⁵⁹⁴

No liquor store use shall be located within 1,000 feet of another liquor store use or a residential use in a Residential district.

⁵⁹⁰ These are new basic standards that apply to the marina use.

⁵⁹¹ New standards.

⁵⁹² This carries forward the PRIMARY standards for the funeral home use in Sec. 24-91(11) of the current Zoning Ordinance. The discretionary standard regarding the “suitability of the street network at the proposed location for the assembly and movement of funeral processions” can be addressed through the standard special exception criteria.

⁵⁹³ This carries forward one of the standards that apply to *Laundry or dry cleaning plant or coin operated laundry and dry cleaning facility* in Sec. 24-91(16) of the current Zoning Ordinance. The additional standards are addressed through the development of four different laundry service uses and different district use permissions assigned to each. The issues with coin-operated dry cleaning have been addressed by eliminating coin-operated dry cleaners as a permitted use in the City. Minimum off-street parking requirements will be relocated to Sec. 24-6.2, Off-Street Parking, Bicycle Parking, and Loading Standards

⁵⁹⁴ New standards, revised in this draft.

v. Plant Nursery⁵⁹⁵

In the DP and DHE districts, all sales activities shall be conducted within an enclosed building.

vi. Retail Sales Establishment

Except in the HC district and the Industrial districts, retail sales of building supply materials shall not include the use of saws of the type used in sawmills or large or noisy woodworking equipment. However, small power saws suitable for trimming lumber may be used inside an acoustically insulated building if the saw is properly grounded to prevent electrical interference.⁵⁹⁶

vii. Self-Service Storage⁵⁹⁷

- (a) Each individual rentable storage space shall be no larger than 300 square feet in floor area.
- (b) The use a rented storage space for purposes other than dead storage is prohibited.
- (c) The use of a rented storage space as a dwelling or as premises for the purpose of assigning a legal address is prohibited.
- (d) A maximum of one dwelling unit may be included as an accessory use for use by a security officer or resident manager and shall be integrated into the building's design.
- (e) Open storage of recreational vehicles or travel trailers and dry storage of pleasure boats of the type customarily maintained by persons for their personal use are allowed if they comply with the following standards:
 - (1) Open storage shall occur only within a designated area, which shall be clearly delineated.
 - (2) The size of the open storage area shall not exceed 25 percent of the buildable area of the site.
 - (3) Outdoor storage areas shall be located to the rear of the principal structure and screened from all adjacent property classified in a Residential district by a solid fence, wall, or hedge at least six feet in height.
 - (4) Storage shall not occur within the areas set aside for minimum building setbacks.
 - (5) No dry stacking of boats shall be permitted on-site.

viii. Vehicle-Mounted or Tent-Sheltered Retail⁵⁹⁸

- (a) This use shall have a business license issued by the City.
- (b) Food sales are permitted on the site only in accordance with the requirements that apply to the Mobile Food Vending Unit temporary use.
- (c) All exterior lighting shall comply with Sec. 24-6.6, Exterior Lighting Standards.
- (d) The use shall provide garbage receptacles and other facilities to prevent nuisances.

⁵⁹⁵ New standards.

⁵⁹⁶ This builds on the standard in Sec. 24-91(4) of the current Zoning Ordinance. Outside storage standards are relocated to the outside storage accessory use.

⁵⁹⁷ This carries forward and revises for clarity the standards included in the definition of *Self-service storage facility* in Sec. 24-5 of the current Zoning Ordinance and adds additional standards, including new standards for exterior storage of goods. The term "dead storage" has been defined.

⁵⁹⁸ This carries forward the standards in Sec. 24-91(41) of the current Zoning Ordinance with revisions to improve specificity. The maximum size provision is new following discussions with staff.

- (e) The vehicle or tent and all signage used in connection with the use shall meet the setback, size, and location standards which apply to principal commercial structures in the zoning district.
- (f) The maximum size for a single tent is 400 square feet.
- (g) No vehicle or tent larger than 50 square feet in area shall be operated on any one premises for more than 45 days in a calendar year.
- (h) This use may be accessory to a principal use on the site.

7. Vehicle Sales and Service

i. Heavy Vehicle and Farm Equipment Sales and Rental⁵⁹⁹

Each area used for outdoor storage or display of equipment shall comply with the following standards:

- (a) The area shall be no larger than one acre;
- (b) The area shall be well-drained and surfaced with crushed rock or another all-weather material capable of supporting the weight of the stored equipment; and
- (c) Storage of derelict equipment and parts outside an enclosed building is prohibited.

ii. Light Vehicle Fuel Station⁶⁰⁰

- (a) Gasoline pumps and other service appliances shall be set back at least 25 feet from the street right-of-way.
- (b) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited.
- (c) The rental of storage or parking spaces is prohibited.
- (d) Each Light Vehicle Fuel Station shall be located at least 1,000 feet from all other such uses, measured in a straight line to the closest lot lines.

iii. Light Vehicle Repair⁶⁰¹

- (a) All hydraulic hoists, pits, and lubrication, greasing, and repair equipment shall be entirely enclosed within a building.
- (b) No wrecked or dismantled vehicle shall be stored outside a building or a fenced enclosure for longer than two weeks. Fenced enclosures used for wrecked or dismantled vehicle storage shall not exceed 10,000 square feet in area and shall be screened from view from all public rights-of-way and adjacent residential uses in accordance with Sec. 24-6.3.7, Screening.
- (c) All outdoor areas used for maneuvering vehicles shall be permanently surfaced with asphalt or concrete.

iv. Light Vehicle Sales and Rental⁶⁰²

- (a) Areas used for the storage of vehicles for sale shall be screened from all adjacent property classified in a Residential district by a solid fence, wall, or hedge at least six

⁵⁹⁹ This carries forward the standards in Sec. 24-91(10) of the current Zoning Ordinance.

⁶⁰⁰ These are new standards. The spacing requirement is added in this draft at staff's request.

⁶⁰¹ This carries forward the standards that apply to *Automobile repair shop* in Sec. 24-91(2) of the current Zoning Ordinance and adds screening requirements for wrecked or dismantled vehicles.

⁶⁰² This builds on the standards in Sec. 24-91(20) of the current Zoning Ordinance where similar requirements are listed as discretionary. These standards are mandatory. The screening requirements for the used car lots contained in Sec. 24-52 for the use beginning *Automobile and truck sales agency* will be incorporated into the general development standards.

feet in height, and shall shield all lighting fixtures or deflect the fixtures so as to avoid light spillover onto or away from all adjacent property classified in a Residential district.

- (b) The facility shall have no more than one vehicle display pad for every 100 feet of street frontage. A vehicle display pad shall not exceed 5,000 square feet in area and may be elevated up to two feet above adjacent displays or ground level. No vehicles or other similar items shall be displayed on the top of a building.

v. Ride-hailing or Taxi Service

In the D, DP, and DHE districts, only Low Speed Vehicle (LSV) taxicabs authorized by Chapter 23, Article 1, Division 5 of the City Code may be stored on site. No vehicle shall be stored outside.

SEC. 24-5.2.5. INDUSTRIAL PRINCIPAL USE TABLE

a. Industrial Principal Use Table

Table 5-4: Principal Use Table for Industrial Uses, identifies the uses within the Industrial Use Classification that are allowed by right, allowed as a conditional use, allowed as a special exception use, or prohibited within each zoning district. Use categories are described in subsection b below. Uses are defined in Sec. 24-2.3, Definitions. Any use-specific standards are referenced in the right-most column of Table 5-4 and are located in subsection c below.

Table 5-4: Principal Use Table for Industrial Uses

P = Permitted by right
 S = Special exception use permit required
 C = Conditional use permit required
 A = Allowed in PD district
 = use more permissive than in current Ordinance
 = use more restrictive than in current Ordinance
 blank cell = Prohibited use

Use Classification/ Use Category/ Use	RESIDENTIAL													INST.			BUSINESS					INDUS.		PD		Use Specific Standards (Sec. 24-5.2.6.)											
	OS	CN	SFR-E	LFR	LMF	SFR-1	SFR-2	SFR-3	SFR-4	SFR-5	MR-1	MR-2	MIRU	MFRU	MFR	MHR	I-U	I-P	I-SP	D	DP	DHE	R	LC	GC		UC	NC	HC	IL	IG	IH	GPD	RPD			
Extraction or Production																																					
Artisanal Production ⁶⁰³																				P	P	P	P			P	P	P						A	A		
Brewery ⁶⁰⁴																											P	P	P	P							
Distillery ⁶⁰⁵																													P	P	P						
Extractive Operations ⁶⁰⁶																															P	P					
Manufacturing, Heavy ⁶⁰⁷																																		P			

⁶⁰³ Incorporates and expands on *Artisanal (welding, glass-blowing)*, Sec. 24-304, permitted in MX-8, MX-5, MX-3.

⁶⁰⁴ Carries forward *Brewery*, Sec. 24-72, permitted in ML, MG, MH.

⁶⁰⁵ New use.

⁶⁰⁶ Carries forward and renames *Quarrying; mining; sand and gravel extraction*, Sec. 24-72, permitted in MG, MH.

⁶⁰⁷ New use that incorporates *Petroleum refining; asphalt mixing plant*, Sec. 24-72, permitted in MH, *Rock crushing*, Sec. 24-72, permitted in MH, *Tire recapping plant*, Sec. 24-52, permitted in BH.

treatment facilities. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.

c. Standards Specific to Industrial Uses

1. Warehousing, Freight Movement, and Wholesale

i. Wholesale Sales

- (a) The maximum size of a Wholesale Sales use in the D district is 6,000 square feet of gross floor area.⁶¹⁹
- (b) The wholesale sale of alcoholic beverages or perishable food is not permitted.⁶²⁰

SEC. 24-5.2.6. INTERPRETATION OF UNLISTED USES

a. Procedure for Interpreting Unlisted Uses

The Director of Planning shall make a determination of whether a particular principal use or accessory use or structure not expressly listed in the use tables is allowable in a particular zoning district, as a permitted or special exception use, based on the standards in this section and in accordance with the procedures in Sec. 24-3.4.11, Interpretation.

b. Standards for Allowing Unlisted Principal Uses

The Director of Planning shall interpret an unlisted principal use as a permitted use or special exception use in a particular zoning district only after finding that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a use type or use category that is allowed in the zoning district that the unlisted use should be deemed allowed in the same manner (i.e., as a permitted use or special exception use) as the similar use type or use category and subject to the same use-specific standards. In making such interpretation, the Director of Planning shall consider the relevant characteristics of the unlisted use relevant to those of listed and defined use types and/or of the use categories described in this section, the purpose and intent statements in this Ordinance concerning the zoning district, and the character of use types allowable in the zoning district. The relevant characteristics of the unlisted use that should be considered in making this interpretation include, but are not limited to, the following:

1. Actual or projected characteristics of each activity likely to occur as part of the unlisted use;
2. The type, size, orientation, and nature of buildings, and structures devoted to each activity;
3. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
4. Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;
5. Transportation demands, including the volume and frequency of trips generated to and from the site, the split of traffic volume among various means of transportation, and other characteristics of trips and traffic;
6. Relative amounts of sales from each activity;
7. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored;

⁶¹⁹ This carries forward the description of the *Wholesale store* use in Sec. 24-52 of the current Zoning Ordinance.

⁶²⁰ This carries forward the standards that apply to *Wholesale store serving a limited or specialized clientele* in Sec. 24-91(43) of the current Zoning Ordinance. Minimum off-street parking requirements will be relocated to Sec. 24-6.2, Off-Street Parking, Bicycle Parking, and Loading Standards. The discretionary restrictions on the size of the use have not been carried forward.

8. Customer type for each activity;
9. How the use is advertised, including signage;
10. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
11. Any special public utility requirements for serving the use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
12. The impact on adjacent lands created by the use, which should not be greater than that of other use types allowed in the district.

c. Effect of Allowing Uses Not Expressly Listed as Permitted, Conditional, or Special Exception Use

On interpreting a use or structure not expressly listed as allowed in a district in accordance with subsection b above, and on finding that the use or structure is likely to be common or would lead to confusion if it remains not expressly listed, the Director of Planning may initiate an application for a text amendment to this Ordinance in accordance with Sec. 24-3.4.1, Text Amendment, to expressly list the use as a permitted, conditional, or special exception use, and to define the use, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Director of Planning shall be binding.

SEC. 24-5.3. ACCESSORY USES AND STRUCTURES

SEC. 24-5.3.1. GENERAL

a. Purpose

The purpose of this section is to authorize the establishment and continuation of accessory uses and structures, which are land uses and structures that are incidental and customarily subordinate to principal uses. This section is intended to allow a broad range of accessory uses as long as they are located on the same site as the principal use and comply with the standards in this section to reduce potentially adverse impacts.

b. Accessory Uses and Structures Generally Allowed

Unless prohibited by another provision of this Ordinance, accessory uses and structures that are allowed in accordance with Table 5-5: Accessory Uses and Structures Table, comply with the definition of “accessory use or structure” in Sec. 24-2.3, Definitions, comply with the standards in Sec. 24-5.3.3, General Standards for All Accessory Uses and Structures, and if applicable, comply with the standards in Sec. 24-5.3.4, Standards Specific to Accessory Uses and Structures, and all other applicable standards in this Ordinance, are permitted as accessory to a lawfully established principal use.

c. Organization of this Section

Sec. 24-5.3.3, General Standards for All Accessory Uses and Structures, identifies the general standards that apply to all accessory uses and structures. Table 5-5: Accessory Uses and Structures Table identifies the zoning districts in which particular accessory uses and structures are permitted, allowed by special exception permit, or not permitted, and identifies for each accessory use or structure, any specific standards that apply in accordance with Sec. 24-5.3.4, Standards Specific to Accessory Uses and Structures.

SEC. 24-5.3.2. ACCESSORY USES AND STRUCTURES TABLE

a. Abbreviations in Accessory Uses and Structures Table Cells

Table 5-5: Accessory Uses and Structures Table, uses the following abbreviations to identify whether an accessory use or structure is allowed in a particular zoning district and the procedure required to establish the use or structure:

P	<p>Permitted use. A “P” in a cell of the table in a column other than a PD district column indicates that the accessory use or structure in the left-most column in that row is allowed by right in the zoning district identified at the head of that column, subject to any use-specific standards referenced in the right-most column in that row. Permitted accessory uses and structures are subject to all other applicable requirements of this Ordinance.</p> <p>A “P” in a cell of the table in a PD district column means that the accessory use or structure is allowed in the corresponding type of PD district only if so specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance unless expressly modified in the PD Plan or PD Agreement for the district (see Sec. 24-4.7.1.c.1, Planned Development (PD) Plan and Narrative, and Sec. 24-4.7.1.c.2, Planned Development (PD) Agreement).</p>
S	<p>Special Exception. An “S” in a cell of the table indicates that the accessory use or structure in the left-most column in that row is allowed in the zoning district identified at the head of that column upon approval of a special exception use permit in accordance with Sec. 24-3.4.5, Special Exception Use Permit. Uses requiring a special exception use permit are subject to all other applicable requirements of this Ordinance.</p>
[blank cell]	<p>Prohibited Use. A blank cell in the table indicates that the accessory use or structure in the left-most column in that row is prohibited in the zoning district identified at the head of that column.</p>

b. Reference to Use-Specific Standards

A particular accessory use or structure allowed in a zoning district may be subject to additional standards that are specific to the particular use or structure. The applicability of such use-specific standards is noted in the right-most column of Table 5-5: Accessory Uses and Structures Table, through a reference to standards in Sec. 24-5.3.4, Standards Specific to Accessory Uses and Structures.

c. Accessory Uses and Structures Table

Table 5-5: Accessory Uses and Structures Table

P = Permitted by right

S = Special exception use permit required

blank cell = Prohibited use

■ = use more permissive than in current Ordinance

■ = use more restrictive than in current Ordinance

Use	RESIDENTIAL										INST.			BUSINESS						INDUS.			PD	Use Specific Standards (Sec. 24-5.3.4_)												
	OS	CN	SFR-E	LFR	LMF	SFR-1	SFR-2	SFR-3	SFR-4	SFR-5	MR-1	MR-2	MRU	MFRU	MFR	MHR	I-U	I-P	I-SP	D	DP	DHE	R		LC	GC	UC	NC	HC	IL	IG	IH	GPD	RPD		
Accessory Dwelling Unit ⁶²¹												P																							a	
Antenna ⁶²²	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	b	
Automated Teller Machine ⁶²³												P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Auxiliary Security or Utility Structure ⁶²⁴																													S	S	S				c	
Bicycle Parking Facility ⁶²⁵	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Boat Ramp ⁶²⁶			P	P													P							P				P					P	P		
Carport or Garage ⁶²⁸		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P													P	P	
Composting, Small-Scale ⁶²⁹	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	d	
Day Care Facility ⁶³⁰				S	S	S	S	S	S											S	S	S											P	P	e	
Dock ⁶³¹			P	P													P							P				P					P	P		
Donation Center																										P	P	P								f
Drive-Through Facility ⁶³²																	P							P	P	P	P	P					P	P	g	
Electric Vehicle Charging Station ⁶³³	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	h	

⁶²¹ Accessory dwelling units have become a popular housing option in many communities as a way to increase housing options and gently increase density in residential neighborhoods. This use has been added as a placeholder for discussion purposes, except the ADU regulations that apply in the RA-1 and RA-2 districts are carried forward.

⁶²² Carries forward the use regulated in Sec. 24-110(b) of the current Zoning Ordinance.

⁶²³ This is a new use.

⁶²⁴ Carries forward the “auxiliary structure not exceeded four hundred (400) square feet in floor area” that is permitted in a required yard in an industrial district in Sec. 24-74 of the current Zoning Ordinance.

⁶²⁵ This is a new use.

⁶²⁶ This is a new use.

⁶²⁸ Carried forward from multiple locations in the current Zoning Ordinance.

⁶²⁹ This is a new use.

⁶³⁰ This use carries forward and broadens the use *Day care home* in Sec. 24-5 of the current Zoning Ordinance

⁶³¹ This is a new use.

⁶³² Carries forward the drive-through use included in multiple uses in the current Zoning Ordinance, e.g. *Restaurant; drive-through/drive-up/walk-up* in Sec. 24-52.

⁶³³ This is a new use.

Table 5-5: Accessory Uses and Structures Table

P = Permitted by right

S = Special exception use permit required

blank cell = Prohibited use

■ = use more permissive than in current Ordinance

■ = use more restrictive than in current Ordinance

Use	RESIDENTIAL														INST.			BUSINESS							INDUS.			PD		Use Specific Standards (Sec. 24-5.3.4.)					
	OS	CN	SFR-E	LFR	LMF	SFR-1	SFR-2	SFR-3	SFR-4	SFR-5	MR-1	MR-2	MFRU	MFRU	MFRU	MHR	I-U	I-P	I-SP	D	DP	DHE	R	LC	GC	UC	NC	HC	IL		IG	IH	GPD	RPD	
Group Day Care Home ⁶³⁴					S		S	S	S																								P	P	i
Home Garden ⁶³⁵			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P																P	P	j
Home Occupation ⁶³⁶	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P		P	P						P	P	k	
Laundry or Sanitation Facilities (accessory to Mobile Home Park) ⁶³⁷															P																				
Mobile Home or Modular Structure as Accessory Use ⁶³⁸																	S	P/S		S	S	S	S	S	S	S	S	S	S	S	S			l	
Outdoor Seating (accessory to Food and Beverage Services uses) ⁶³⁹																	P	P	P	P	P	P	P	P	P	P	P	P				P	P	m	
Outdoor Storage ⁶⁴⁰																	P	S							P			P	P	P	P	P		n	
Outdoor Video Display ⁶⁴¹																	P				P	P	P		P									o	
Personal Service Shop as Accessory to Housing for Older Adults ⁶⁴²			P	P	P	P	P	P	P	P	P	P	P	P	P	P																	P	P	p
Recycling Collection Area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	q	

⁶³⁴ Carries forward *Group day care home* in Sec. 24-5 of the current Zoning Ordinance.

⁶³⁵ This is a new use.

⁶³⁶ Carries forward as an accessory use *Home occupation*, Sec. 24-33, permitted as a special exception in R-1, R-2, R-3, R-4, RMF-1, RMF-2, RMH, Sec. 24-223(c), permitted as a special exception in RMF-2U, Sec. 24-304, permitted in MX-8, MX-5, MX-3.

⁶³⁷ Carries forward *Central laundry or sanitation facilities accessory to a mobile home park*, Sec. 24-32, permitted in RMH.

⁶³⁸ Carries forward the use permitted in Sec. 24-105, Mobile homes. Permission changed to “P/S” for ISP for public school uses (see use-specific standard)

⁶³⁹ This is a new use.

⁶⁴⁰ This carries forward various references to outdoor or outside storage from the current Zoning Ordinance.

⁶⁴¹ This is a new use.

⁶⁴² This carries forward as an accessory use *Personal service shops and/or other facilities in elderly/retirement housing*, Sec. 24-91(25) of the current Zoning Ordinance.

Table 5-5: Accessory Uses and Structures Table

P = Permitted by right

S = Special exception use permit required

blank cell = Prohibited use

■ = use more permissive than in current Ordinance

■ = use more restrictive than in current Ordinance

Use	RESIDENTIAL														INST.			BUSINESS							INDUS.			PD		Use Specific Standards (Sec. 24-5.3.4.)					
	OS	CN	SFR-E	LFR	LMF	SFR-1	SFR-2	SFR-3	SFR-4	SFR-5	MR-1	MR-2	MRU	MFRU	MFR	MHR	I-U	I-P	I-SP	D	DP	DHE	R	LC	GC	UC	NC	HC	IL		IG	IH	GPD	RPD	
Sale of Motor Vehicle on Private Property (accessory) ⁶⁴³		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	r
Seawall ⁶⁴⁴				P	P											P							P				P						P	P	
Solar Energy Conversion System, Small-Scale ⁶⁴⁵		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	s
Swimming Pool ⁶⁴⁶		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P		P	P							P	P	t
Wireless Telecommunications Tower Minor Modification ⁶⁴⁷	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

SEC. 24-5.3.3. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES⁶⁴⁸

- a. Except as provided in this Sec. 24-5.3.3, in Sec. 24-5.3.4, Standards Specific to Accessory Uses and Structures, or where specifically authorized elsewhere in this Ordinance, all accessory structures shall comply with the dimensional standards that apply to the principal use on the site.
- b. All accessory uses and structures shall:
 1. Comply with all applicable City, state, and federal regulations;
 2. Be customarily accessory and clearly incidental and subordinate to the principal use and structure;
 3. Be located on the same lot as the principal use or structure, or on a contiguous lot in the same ownership;
 4. Comply with the standards for the zoning district in which it is located;
 5. Comply with the development standards in Article 24-6: Development Standards;
 6. Not be physically connected to a principal building;

⁶⁴³ This carries forward the use permitted in Sec. 24-115 of the current Zoning Ordinance.

⁶⁴⁴ This is a new use.

⁶⁴⁵ This is a new use.

⁶⁴⁶ Carries forward accessory use *Swimming pool*, Sec. 24-32, permitted in R-1, R-2, R-3, R-4, RMF-1, RMF-2, RMH, Sec. 24-223(b), permitted in R-4U, Sec. 24-223(c), permitted in RMF-2U.

⁶⁴⁷ This use included to codify the current practice of administrative review of collocations of antennas on existing towers, and to clarify what modifications of existing towers are permitted.

⁶⁴⁸ In this draft, the general standards have been rewritten at staff's direction to allow additional flexibility for the placement of accessory structures.

7. Be located at least five feet from any lot line in a required side or rear yard;
 8. Not cover more than 30 percent of the required rear yard; and
 9. Not be occupied as a dwelling except where specifically permitted by this Ordinance.
- c. All proposed uses that extend beyond the Acquisition Line, such as docks or boat ramps, shall comply with Sec. 18-86 *et. seq.* and other applicable provisions of the City Code.⁶⁴⁹
 - d. In a Residential zoning district, no accessory structure shall:
 1. Be located closer to a street than the principal structure; or
 2. Exceed the larger of 600 square feet of gross floor area, or 40 percent of the principal structure's building floor area.
 - e. In a Business or Industrial zoning district, no trailer, manufactured home, recreational vehicle, or other vehicle or object eight feet or greater in height shall be placed, displayed, maintained, or allowed to remain within 20 feet of a public street right-of-way unless the landowner has received a special exception use permit, in accordance with Sec. 24-3.4.5, Special Exception Use Permit. This restriction does not apply to items specifically authorized by this Ordinance to be located in that area, such as a permitted or prior nonconforming permanent structure or sign.⁶⁵⁰
 - f. No accessory structure exceeding 120 square feet shall be clad in aluminum or other sheet metal siding.

SEC. 24-5.3.4. STANDARDS SPECIFIC TO ACCESSORY USES AND STRUCTURES

a. Accessory Dwelling Unit⁶⁵¹

In the MR-2 district, an accessory dwelling unit is subject to the following standards:

1. The maximum building footprint is 650 square feet.
2. The accessory dwelling unit shall be separated by at least five feet from any other building on the site.
3. The accessory dwelling unit shall comply with the minimum setback requirements that apply in the zoning district.

b. Antenna⁶⁵²

1. The standards in this section apply to all accessory antennas, except as otherwise provided by state or federal law.
2. In all zoning districts except for Residential zoning districts, or within a historic district, antennas not attached to a tower used for wireless telecommunication services may be installed on structures or mounted to the ground in accordance with the following standards:
 - i. The antenna and its supporting structure, when attached to a nonresidential structure, shall not exceed 20 feet in height measured from the base of the antenna;

⁶⁴⁹ This references the City's existing procedures relating to permits for installing docks and other structures within the City-owned lake.

⁶⁵⁰ This carries forward Sec. 24-55(4) of the current Zoning Ordinance. A provision that allows a landowner to delay compliance with the provision until six months after its effective date is obsolete and has not been carried forward. The special exception standards that apply to *Trailer or other large object in a front yard in a commercial district* in Sec. 24-91(39) have been addressed by the general special exception use permit decision-making standards in Sec. 24-3.4.5.d and have not been carried forward.

⁶⁵¹ This carries forward the existing regulations that apply in the RA-1 and RA-2 districts.

⁶⁵² This carries forward the standards for antennas in Sec. 24-110(b) of the current Zoning Ordinance, with modifications as noted below.

- ii. The antenna shall comply with all applicable FCC and FAA regulations;
 - iii. The antenna shall not extend into the air space above the public right-of-way or closer than ten feet from the boundary of the lot on which the structure is located;
 - iv. The support structure for the antenna and any facilities or equipment necessary for its operation shall comply with applicable building codes and receive all applicable permits;
 - v. The antenna shall be and shall remain in compliance with current FCC standards concerning radio frequency emissions;
 - vi. Satellite earth station antennas having a diameter greater than two meters and Direct Broadcast Satellite (DBS) and Multipoint Multichannel Distribution Services (MMDS) antennas having a diameter greater than one meter shall:
 - (a) If attached to a building, be placed to minimize their visibility from adjacent streets;
 - (b) If ground mounted to meet minimum setback requirements, be setback at least ten feet from lot lines; and
 - (c) Not be located in front yards unless visually screened from public rights-of-way.
 - vii. A pole greater than 12 feet in height used to support satellite dishes, television receiving antennas, or other antennas in nonresidential districts shall require a building permit to ensure safety of installation and shall not exceed 20 feet in height.
3. In Residential districts, the following additional standards apply:
- i. A satellite dish, DBS and MMDS receiving antenna having a diameter greater than one meter shall be regulated as an accessory structure and issued a building permit prior to installation.
 - ii. Microwave dishes shall be of mesh or open grid construction, whenever technically feasible, and be colored to minimize their visibility.
 - iii. Signs shall not be allowed on any antenna.
4. In Residential districts, a satellite dish, DBS and MMDS receiving antenna having a diameter greater than one meter shall be permitted within the front yard and visible from a street on a property within a Historic Overlay district if the Historic Preservation Commission finds, upon competent and substantial evidence in the record, that the dish or antenna cannot function if placed in a location not visible from a street, in accordance with Ch. 20, Article II of the City Code.⁶⁵³
5. A satellite dish antenna located on property within the exclusive use or control of the antenna user and designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, is subject to the standards in this subsection only to the extent that the standards do not unreasonably delay, prevent, or increase the cost of its installation, maintenance, or use or preclude reception of an acceptable quality signal.⁶⁵⁴
6. Antennas shall not be placed in City rights-of-way without the written approval of the City.⁶⁵⁵

⁶⁵³ This updates the current provision regarding antennas in the front yard of a property in a Historic Overlay district to improve clarity, in accordance with staff's direction.

⁶⁵⁴ New standard that implements the FCC's Over-the-Air Reception Devices (OTARD) rule that prohibits regulations that impair the use of satellites to receive video programming.

⁶⁵⁵ This carries forward Sec. 24-113(c) of the current Zoning Ordinance as it applies to antennas.

c. Auxiliary Security or Utility Structure⁶⁵⁶

An auxiliary structure may be located in areas within a required minimum setback in an Industrial district as a special exception in accordance with the following standards:

1. The structure is used as a gatehouse for security personnel or a utility shed containing valves, meters, and related equipment.
2. The structure does not exceed 400 square feet in gross floor area.
3. The structure is solidly constructed and maintained in good condition.

d. Composting, small-scale⁶⁵⁷

All composting areas shall be located behind the principal structure on the lot, shall be set back a minimum of 20 feet from all occupied buildings and outdoor gathering areas, such as decks and patios, on abutting lots, and shall occupy no more than 15 percent of the rear yard.

e. Day Care Facility (Accessory)

1. In the D, DP, and DHE districts, day care facilities shall comply with the following standards:
 - i. Day care facilities are allowed only as an accessory use to a Commercial or Institutional use.
 - ii. Day care facilities shall comply with the standards governing loading and unloading activities, parking, and circulation for day care centers in Sec. 24-5.2.3.c.1.ii, Day Care Center.
2. A day care home or group day care home may operate as an accessory use to a dwelling, provided the day care home or group day care home:
 - i. Complies with the minimum standards established by the state for a day care home or group day care home, as applicable;
 - ii. Screens any outdoor play areas adjacent to a residential lot line by a six-foot solid fence or wall; and
 - iii. Locates outdoor play equipment no closer than 20 feet from any residential lot line.

f. Donation Center

1. A donation center shall include a maximum of two donation containers.
2. Donation containers shall be emptied before reaching capacity.
3. The area around the donation containers shall be maintained in a clean and orderly fashion. Any garbage, trash, debris, excess collected items, and other refuse material shall be promptly removed.

g. Drive-Through Facility⁶⁵⁸

A drive-through facility shall comply with the following standards:

1. The site shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking spaces and building entrances. Vehicle stacking shall comply with Sec. 24-6.2.8.a, Drive-throughs and Similar Facilities
2. Canopies and other features installed over a drive through window shall maintain common roof lines and materials with the principal structure.

⁶⁵⁶ This carries forward the required yard exception in Sec. 24-74(a) of the current Zoning Ordinance.

⁶⁵⁷ This is a new standard. This draft requires the use to be in a rear yard and sets up a maximum amount of rear yard that can be occupied by the composting.

⁶⁵⁸ These are new standards.

3. A drive through-facility that sells ice shall only be permitted as an accessory use to a principal use on a site.

h. Electric Vehicle Charging Station⁶⁵⁹

1. Parking spaces served by an electric vehicle (EV) charging station shall be reserved for the charging of electric vehicles only. Such reserved spaces shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, the amperage and voltage levels, any enforceable time limits or tow-away provisions, and contact information for reporting non-operating equipment or other problems.
2. The EV charging station and any associated equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

i. Group Day Care Home

A group day care home may operate as an accessory use to a single-family dwelling provided the group day care home:

1. Complies with the minimum standards established by the state for a group day care home;
2. Screens any outdoor play areas adjacent to a residential lot line by a six-foot solid fence or wall; and
3. Locates outdoor play equipment not closer than 20 feet from any residential lot line.

j. Home Garden

A home garden is not permitted between the principal building on the site and the front lot line.

k. Home Occupation⁶⁶⁰

A home occupation shall comply with the following standards:

1. No person other than members of the family residing on the premises shall be engaged in the home occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding three square feet in area, nonilluminated, and mounted flat against the wall of the principal building.
4. No more than 25 percent of the floor area of the principal residence shall be used in the conduct of the home occupation, and no more than 400 square feet of floor area in an accessory structure shall be used for the home occupation.
5. No unusual or expensive features shall be installed in an accessory structure which would have the effect of rendering it permanently ill-adapted for activities customarily accessory to a residence.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the residential area where the home occupation is located, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a front setback.
7. No home occupation shall use equipment or a process which creates noise, vibration, glare, fumes, or odors detectable to the normal senses off the lot, if the occupation is conducted in

⁶⁵⁹ These are new standards.

⁶⁶⁰ This carries forward the standards included in the definition of *Home occupation* in Sec. 24-5 of the current Zoning Ordinance.

a single-family detached dwelling, or outside the dwelling unit if conducted in other than a single-family detached dwelling.

8. No home occupation shall use equipment or a process which creates electrical interference affecting radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

I. Mobile Home or Modular Structure as Accessory Use⁶⁶¹

1. Except for public K-12 school uses, a mobile home or modular structure is allowed to be used an office, storeroom, or a residence for an on-site security guard or employee, if the mobile home or modular unit is approved as a special exception use permit in accordance with Sec. 24-3.4.5, Special Exception Use Permit, provided the mobile home or modular structure is removed within 35 days after the business on the site closes, and all conditional of approval for the special exception use permit are met.
2. A public K-12 school use may use modular structures provided all requirements of the Building Code are met.

m. Outdoor Seating⁶⁶²

Outdoor seating as an accessory use shall comply with the following standards:

1. The outdoor seating area shall not open earlier or end later than the hours of operation of the use that the outdoor seating is serving.
2. Food preparation shall occur only within the enclosed principal building.
3. No sound production or reproduction machine or device (including but not limited to musical instruments, loud-speakers, and sound amplifiers) shall be played in the outdoor seating area at volumes that disturb the peace, quiet, or comfort of adjoining properties.
4. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use. A clear path at least five feet wide shall be maintained to allow through public pedestrian traffic along the sidewalk and from the sidewalk into the entrance to the establishment. A greater width may be required where necessary to ensure the safe and convenient flow of pedestrian traffic.
5. No objects shall be placed along the perimeter of the outdoor sidewalk seating area that would have the effect of forming a physical or visual barrier discouraging the use of the sidewalk by the general public.
6. Tables, chairs, umbrellas, and other furnishings associated with the outdoor seating area shall be of sufficient quality, design, materials, and workmanship to ensure the safety and convenience of the users and compatibility with adjacent uses.
7. The appropriate City permit shall be acquired before any outdoor seating area may be established or any outdoor seating use may take place within a public right-of-way.

n. Outdoor Storage

1. In the IG district, loose bulk material such as sand, gravel, sawdust, or coal may be stored outside an enclosed building except within covered containers, cribs, or tanks.⁶⁶³
2. Outdoor storage of tires is not permitted if the County Health Department identifies concerns about mosquito breeding or vermin harborage associated with the outdoor storage. If

⁶⁶¹ This carries forward the standards in Sec. 24-105 of the current Zoning Ordinance and allows modular buildings to be used by public K-12 schools.

⁶⁶² These are new standards for a new accessory use commonly found in communities. In this draft, the use has been expanded to apply to non-food and beverage uses, and a new standard has been added requiring the applicant acquire the appropriate City permit for use of public right-of-way.

⁶⁶³ This carries forward Sec. 24-73(b)(6) of the current Zoning Ordinance

permitted, no more than ten automobile, truck, or tractor tires may be stored overnight outside a fully enclosed building on any premises located within 500 feet of a lot in a Residential district or a residential use.⁶⁶⁴

3. In the HC district, outdoor storage for a use in the Retail Sales and Services category that sells building supplies is permitted provided all stored items are screened in accordance with subsection 6 below. Outdoor storage for a use in the Retail Sales and Services category that sells building supplies is prohibited elsewhere.⁶⁶⁵
4. Flammable liquids or gases in excess of 100 gallons shall be stored underground.
5. No materials shall be stored in areas intended for vehicular or pedestrian circulation.
6. An outdoor storage area shall be enclosed and screened with either a wall made of masonry material consistent with that of the primary building(s) on the lot, wood, or vinyl (or a combination of such a masonry wall and metal fencing). The height of the wall or fence shall be sufficient to screen stored materials from view from public street rights-of-way, private streets, public sidewalks, and any adjoining residential development.

o. Outdoor Video Display⁶⁶⁶

An outdoor video display is allowed as an accessory use to a multifamily dwelling use or a development with a mix of multifamily and nonresidential uses in accordance with the following standards:

1. The outdoor video display shall be integrated into the initial design of the multifamily dwelling use or mixed-use development.
2. No image shown on the outdoor video display shall be visible off the site on which it is located.
3. Speakers shall be arranged to minimize the amount of sound that is audible off site, and shall be directed towards the buildings on the site on which it is located.

p. Personal Service Shops as Accessory to Housing for Older Adults⁶⁶⁷

Establishments providing personal services (e.g., beauty and barber shops, nail salons, etc.), and other facilities that are accessory to housing for adults over age 55, are permitted, provided they are designed and oriented to serve residents of the development and not the general public. No signage advertising personal services shall be established on the site in a location that may be seen from adjacent property or the public rights-of-way.

q. Recycling Collection Area⁶⁶⁸

A recycling collection area that is accessory to a multifamily dwelling or a Commercial, Institutional, or Industrial use shall comply with the following standards:

1. All recyclable material shall be stored inside appropriate receptacles which shall be emptied before reaching capacity.
2. The recycling collection area shall be screened from all rights-of-way and adjacent properties by a solid fence, wall, or hedge at least six feet in height.

⁶⁶⁴ This carries forward Sec. 24-109 regarding outdoor storage of tires in a residential district and the standards that apply to *Outside storage of tires* in Sec. 24-91(24.1) of the current Zoning Ordinance. The provision allowing for more than ten tires to be stored following approval of a special exception use permit has been removed and the use of a special exception procedure in general (not noted elsewhere in the draft) is no longer included. If additional outdoor tire storage is requested, the applicant can apply for a variance.

⁶⁶⁵ This carries forward a standard from Sec. 24-91(4) of the current Zoning Ordinance.

⁶⁶⁶ These are new standards for a new use.

⁶⁶⁷ This carries forward the standards that apply to *Personal service shops and/or other facilities in elderly/retirement housing* in Sec. 24-91(25) of the current Zoning Ordinance.

⁶⁶⁸ These are new standards for a new accessory use.

r. Sale of Motor Vehicle on Private Property⁶⁶⁹

1. A person who owns or resides at a property may offer for sale one private motor vehicle at that property. However, no person shall offer or allow to be offered for sale a motor vehicle, whether attended or not, upon any other private property within the City not properly zoned and licensed for the sale of motor vehicles.
2. This section shall not prohibit a person from operating a vehicle that bears a “for-sale” sign on a public right-of-way or legally parking a vehicle in a public parking space for a period of time reasonably necessary for the person to accomplish a purpose unrelated to the display or offering for sale of the vehicle.

s. Solar Energy Conversion Systems, Small-Scale⁶⁷⁰

A small-scale solar energy conversion system shall comply with the following standards:

1. Solar energy equipment may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with Sec. 24-5.3.3, General Standards for All Accessory Uses and Structures.
2. A roof-mounted system may exceed the height standards of the district in which it is located by up to five feet, or, in the case of an existing structure that exceeds the maximum height standards of the district in which it is located, the system may extend up to five feet above the roof surface.
3. Solar energy equipment shall be oriented so as to avoid casting glare onto adjacent lots.
4. The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the system, and for recording any such solar easement with Tuscaloosa County.

t. Swimming Pool⁶⁷¹

1. A swimming pool on private property in a Residential district shall be for the noncommercial use of the resident’s family and guests only.⁶⁷²
2. When accessory to a single-family detached, duplex, triplex, or quadplex, a swimming pool, including pumps and filters, may encroach into the required rear yard no more than six feet from the rear lot line, and shall be located at least six feet or the required side yard depth from a side lot line, whichever is greater.
3. Any permanently constructed swimming pool, or any temporary or inflatable pool which can be filled to a depth greater than 18 inches, shall be enclosed by a fence or wall that complies with the following standards:
 - i. The fence or wall shall extend from the surface to a height of at least six feet.
 - ii. Basketweave, split rail, and other decorative fences which can be easily scaled by a child are prohibited. Any braces or frames which could afford a child footholds or handholds shall be on the pool side.
 - iii. A self-closing and self-latching gate or door, with the mechanism out of reach of children, shall be used.
 - iv. No door or window of a multifamily dwelling may be incorporated into the pool enclosure unless the door or window contains features to prevent access to the pool such as a window barrier or other features in accordance with this subsection 3.

⁶⁶⁹ This carries forward Sec. 24-115 of the current Zoning Ordinance.

⁶⁷⁰ These are new standards for a new accessory use.

⁶⁷¹ This carries forward and revises for clarity Sec. 24-107 of the current Zoning Ordinance.

⁶⁷² Updated from “owner and his family” in the current Zoning Ordinance to “resident’s family.”

SEC. 24-5.4. TEMPORARY USES AND STRUCTURES

SEC. 24-5.4.1. GENERAL

a. Purpose

The purpose of this section is to authorize the establishment and continuation of certain temporary uses and structures that are of limited duration.

b. Organization of this Section

Table 5-6: Temporary Uses and Structure Table, sets forth the allowable temporary uses. Sec. 24-5.4.3. General Standards for All Temporary Uses and Structures, sets out general standards that apply to all temporary uses and structures. Sec. 24-5.4.4. Standards Specific to Temporary Uses and Structures, sets out the standards that apply to specific temporary uses and structures.

SEC. 24-5.4.2. TEMPORARY USES AND STRUCTURES TABLE

a. Abbreviations in Temporary Use and Structure Table Cells

Table 5-6: Temporary Uses and Structure Table, uses the following abbreviations to identify whether a temporary use or structure is allowed in a particular zoning district and the procedure required to establish the use or structure:

P	<p>Permitted use. A “P” in a cell of the table in a column other than a PD district column indicates that the temporary use or structure in the left-most column in that row is allowed by right in the zoning district identified at the head of that column, subject to any use-specific standards referenced in the right-most column in that row. Permitted temporary uses and structures are subject to all other applicable requirements of this Ordinance.</p> <p>A “P” in a cell of the table in a PD district column means that the temporary use or structure is allowed in the corresponding type of PD district only if so specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance unless expressly modified in the PD Plan or PD Agreement for the district (see Sec. 24-4.7.1.c.1, Planned Development (PD) Plan and Narrative, and Sec. 24-4.7.1.c.2, Planned Development (PD) Agreement).</p>
S	<p>Special Exception. An “S” in a cell of the table indicates that the temporary use or structure in the left-most column in that row is allowed in the zoning district identified at the head of that column upon approval of a special exception use permit in accordance with Sec. 24-3.4.5, Special Exception Use Permit. Uses requiring a special exception use permit are subject to all other applicable requirements of this Ordinance.</p>
T	<p>Permit Required. A “T” in a cell of the table indicates that the use or structure in the left-most column in that row is allowed as a temporary use in the zoning district identified at the head of the column upon approval of a temporary use permit in accordance with Sec. <>, Temporary Use Permit⁶⁷³. Uses requiring a temporary use permit are subject to all other applicable requirements of this Ordinance.</p>

⁶⁷³ **NOTE TO STAFF:** We want to discuss with you what type of permit is currently required for certain temporary uses and whether you want to include a procedure for temporary use permits or reference another type of permit in this section. It is common to include a temporary use permit procedure. We have drafted this section with a temporary use permit requirement.

[blank cell] **Prohibited Use.** A blank cell in the table indicates that the use or structure in the left-most column in that row is prohibited in the zoning district identified at the head of that column.

b. Reference to Use-Specific Standards

A particular temporary use or structure allowed in a zoning district may be subject to additional standards that are specific to the particular use or structure. The applicability of such use-specific standards is noted in the right-most column of Table 5-6: Temporary Uses and Structure Table, through a reference to standards in Sec. 24-5.4.4, Standards Specific to Temporary Uses and Structures.

c. Temporary Uses and Structures Table⁶⁷⁴

Table 5-6: Temporary Uses and Structure Table

P = Permitted by right
 S = Special exception use permit required
 T = Temporary use permit required
 blank cell = Prohibited use
 = use more permissive than in current Ordinance
 = use more restrictive than in current Ordinance

Use	RESIDENTIAL													INST.			BUSINESS						INDUS.			PD	Use Specific Standards (Sec. 24-5.4.4.)									
	OS	CN	SFR-E	LFR	LMF	SFR-1	SFR-2	SFR-3	SFR-4	SFR-5	MR-1	MR-2	MRU	MFRU	MFR	MHR	I-U	I-P	I-SP	D	DP	DHE	R	LC	GC	UC		NC	HC	IL	IG	IH	GPD	RPD		
Automobile Sales Event																									P			P								a
Construction-Related Temporary Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	b
Mobile Food Vending Unit ⁶⁷⁵																	P	P	P	P	P	P												P	P	c
Portable Storage Container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	d
Special Event	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	e
Temporary Dwelling	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S																					f
Temporary Extractive Operations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S						S	S	S	S	S	S	S	S	S	S	S	S	S	S		g
Temporary Mobile or Modular Structure						S	S	S	S	S	S			S		P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	h
Temporary Off-Street Parking Facility for Passenger Motor Vehicles																																			P	i
Temporary Off-Street Parking Facility for Recreational Vehicles																	P	P	P		P	P	P											P	j	
Temporary Parking of Trailers, Construction	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P																			P	P	k

⁶⁷⁴ For uses in districts that have been carried forward or consolidated, a green background means that the use is more permissive in this draft (e.g. from prohibited to allowed as a special exception, or allowed as a special exception to permitted-by-right), while a red background means that the use is more restricted or is prohibited. While the I districts are carried forward as three institutional districts, the current Zoning Ordinance does not list specific use permissions; therefore, the color-coding is not used in those columns. The color coding is also not used for new uses or new districts.

⁶⁷⁵ Carries forward Mobile food vending unit, Sec. 24-229(c), permitted within parts of the D/R overlay district.

SEC. 24-5.4.4. STANDARDS SPECIFIC TO TEMPORARY USES AND STRUCTURES

a. Automobile Sales Event⁶⁷⁸

An automobile sales event shall comply with the following standards:

1. The event may take place for up to five days in the parking lot of a shopping center.
2. Adequate parking shall be available for the permanent use on the site, and for the patrons and employees of the automobile sales event.
3. The event shall not take place on a site within 500 feet of a lot in a Residential district or a residential use.
4. Recorded or broadcast music may be played, provided sound does not exceed 70-7dbA as measured from any adjoining property line, including the public right of way. No outdoor loudspeaker or public address system shall be used.

b. Construction-Related Temporary Structure⁶⁷⁹

A construction-related temporary structure shall comply with the following standards:

1. The temporary structure shall not be moved onto the project site prior to the issuance of a building permit for the building to be constructed, and shall be removed within 30 days after issuance of the certificate of occupancy for the building or completed development, or within 60 days after substantial work on the site has been terminated before completion of the project.
2. The temporary structure may be placed on a property adjacent to the construction site if site constraints make it infeasible to locate the structure on the construction site, provided the adjacent site is restored to its previous condition within 60 days after issuance of the certificate of occupancy for the building or completed development.
3. The structure may be used as a contractor's office or for storage of construction equipment and materials.
4. Adequate off-street parking for the temporary structure shall be provided.

c. Mobile Food Vending Unit⁶⁸⁰

A mobile food vending unit shall comply with the following standards:

1. A valid mobile food vending permit issued by the Planning Director is required and must be displayed conspicuously in the front windshield or side-serving window of a mobile food vending unit. The mobile food vending unit shall also comply with all applicable requirements for business licenses and vehicle licenses, applicable provisions of the City Code, and all regulations of the Tuscaloosa County Health Department.
2. Mobile food vending shall take place wholly on private property. No portion of a mobile food vending unit or other facilities such as seating, tables, or garbage receptacles shall be located on any public street, alley, sidewalk, or other public way.
3. Mobile food vending shall only be permitted in two geographic areas identified in Figure 5-1: Mobile Food Vending Zones, and during the hours of operation set forth below:

⁶⁷⁸ This standard is carried forward from the use *Automobile sales event lasting no longer than ten (10) days in the parking lot of a shopping center, subject to determination of zoning officer that ample space in excess of normal parking requirement is available* in the use table in Sec. 24-52 of the current Zoning Ordinance, permitted in BN, with additional standards added to address off-site impacts and the length reduced to five days to reflect comments by staff about the typical length of these events.

⁶⁷⁹ These are new standards that build upon the standards relating to use of a mobile home or modular office on a site under construction in Sec. 24-105 of the current Zoning Ordinance.

⁶⁸⁰ This carries forward the standards in Sec. 24-229(c)(1) of the current Zoning Ordinance.

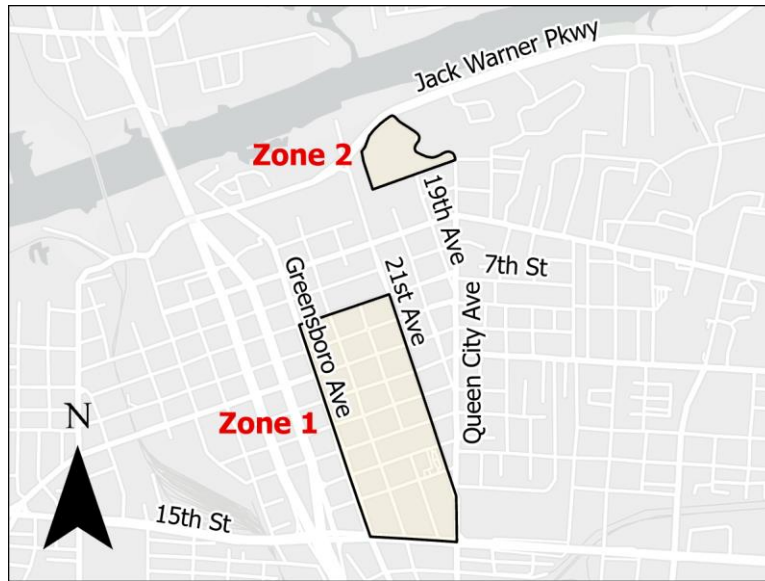
i. Mobile Food Vending Zone 1

The area located south of 7th Street, east of Greensboro Avenue, north of 15th Street, and west of 21st Avenue, Monday through Wednesday from 6 am until 2 am the following morning, and Thursday through Saturday from 6 am until 3 am the following morning. See Figure 5-1: Mobile Food Vending Zones.

ii. Mobile Food Vending Zone 2

The property boundary of the Mildred Warner Transportation Museum, located at 1901 Jack Warner Parkway, from 6 am until 10 pm. See Figure 5-1: Mobile Food Vending Zones.

Figure 5-1: Mobile Food Vending Zones



4. All signage shall be flush-mounted to the mobile food vending unit, except that one A-frame menu board no taller than five feet and with no more than 10 square feet in copy area is permitted, and may be placed on the property. Banners and flags are prohibited, in addition to signs prohibited by Sec. 24-6.10.6.i, Prohibited Signs.⁶⁸¹
5. The operation of a mobile food vending unit shall not block or reserve, for its exclusive use, any public parking space.
6. All on-site preparation of food shall be performed inside the mobile food vending unit. No equipment, supplies, grills, or other cooking facilities shall be used outside the mobile food vending unit.
7. No part of a mobile food vending unit or associated facilities such as seating, tables, or garbage receptacles shall be located within 200 feet from the primary entrance of any existing restaurant without the explicit authorization of the owner or manager of the existing restaurant.
8. Mobile food vending units shall be located on private property and no portion of the unit shall be located on any public street, alley, sidewalk, or other public way, at any time.
9. All garbage, trash, and other waste shall be contained in receptacles with adequate capacity, and such receptacles shall be positioned in locations that are accessible to patrons at all

⁶⁸¹ The following provision regarding signage has not been carried forward because it is based on the content of the sign: "All commercial messages must pertain to the identification and operation of the mobile food vending unit." This provision may be further refined when the general sign standards Sec. 24-6 are drafted.

times. All garbage, trash, and other waste shall be removed from the vending site at the close of operations.

10. Mobile food vending units shall provide adequate artificial lighting during non-daytime hours. Such lighting shall be directed downward, and at no time project onto any public street or adjacent property, and comply with the standards of Sec. 24-6.6, Exterior Lighting Standards.
11. Mobile food vending units shall not provide outdoor seating areas unless a written agreement is procured from all adjacent businesses allowing the use of the businesses' restrooms for the employees and patrons of the mobile food vending unit. Locational signage shall be to direct individuals to the restrooms. Outdoor seating shall not occupy any required parking spaces associated with the private property's principal uses.
12. Recorded or broadcast music may be played, provided sound does not exceed 70-7dbA as measured from any adjoining property line, including the public right of way. No outdoor loudspeaker or public address system shall be allowed in conjunction with the operation of any mobile vending unit.
13. The mobile food vending unit shall be removed from the property at the close of operations.

d. Portable Storage Container⁶⁸²

1. On a lot containing a principal permanent structure, a maximum of one temporary portable storage container may be placed following issuance of a valid portable building permit. The permit may be issued for no longer than 90 days, and may be renewed once for a maximum of 30 days. A temporary portable storage container may not be placed on a particular lot for more than 90 consecutive days within a six month period.
2. A maximum of one temporary portable storage container may be placed on a lot with a separate valid building permit, without a portable building permit. The container may remain on the lot until the building permit expires or up to ten days after issuance of the building for which the valid building permit is issued a certificate of occupancy, whichever occurs first.
3. A temporary portable storage container shall not block access to any utility meters, shut-off valves, or fire hydrants, or be located within any easement.
4. A temporary portable storage container shall not display any signage other than signage identifying the provider of the container.
5. A temporary portable storage container shall be located within a driveway, parking, or loading area. In cases where the driveway, parking, or loading area extends behind the front façade of a building, the container shall be placed behind the building's front façade. In cases where improved driveways, parking, or loading areas are not present, containers shall be located to minimize their visibility from streets or adjacent residential areas, to the extent practicable.

e. Special Event⁶⁸³

1. Applicability

- i. Except as provided in subsection ii below, all special events held on private property within the City shall comply with the requirements and standards in this section.
- ii. The following types of special events do not require a temporary use permit and are exempt from the standards of this section and:

⁶⁸² This carries forward and revises for clarity Sec. 24-118 of the current Zoning Ordinance and adds new standards about placement of the container on the site.

⁶⁸³ These are basic new standards for special events held on private property; special events on public property will continue to be regulated by Sec. 21-27 of the City Code. **NOTE TO STAFF:** These standards for approval in this section are less rigorous than the standards in Sec. 21-27 and there are no ambulance/EMS requirements even for larger events. Among other exemptions, we have included an exemption for events sponsored in whole or part by the City, state, or one of the colleges or universities. Let us know if those exemptions are appropriate.

- (a) Special events or activities that are limited to no more than 50 persons;
 - (b) Special events or activities occurring within, or on the grounds of, a private residence, or on the common areas of a single-family attached, townhouse, two-family, three-family, four family, or multifamily residential development;
 - (c) Any event sponsored in whole or in part by the City, state, Shelton State Community College, Stillman College, or the University of Alabama;
 - (d) Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to:
 - (1) Sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities;
 - (2) Fairs and carnivals at fairgrounds;
 - (3) Wedding services conducted at reception halls, or similar facilities;
 - (4) Funeral services conducted at funeral homes or cemeteries; and
 - (5) Religious services, wedding services, and funeral services conducted at religious institutions; and
 - (e) Any temporary special events specifically approved as part of a Planned Development (Sec. 24-3.4.3), Conditional Use Permit (Sec. 24-3.4.4), or Special Exception Use Permit (Sec. 24-3.4.5).
- iii. Special events held on public property are subject to the standards in Sec. 21-27, Special event permit, of the City Code.

2. Standards

An application for a temporary use permit for a special event shall be approved unless the application contains false or materially misleading information, or the Director of Planning determines that the special event would create an unreasonable risk of any of the following:

- i. Damage to public property, beyond normal wear and tear;
- ii. Damage to private property other than the property on which the special event is proposed to occur;
- iii. Injury to persons;
- iv. Public or private disturbances or nuisances;
- v. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
- vi. Additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; or
- vii. Other adverse effects upon the public health, safety, or welfare;

3. Conditions of Approval

In approving the temporary use permit for the special event, the Director of Planning is authorized to impose conditions that the Director deems necessary to mitigate any adverse impacts that the proposed special event may potentially create. The Director of Planning is authorized, where appropriate, to:

- i. Require temporary parking facilities, including vehicular ingress and egress;
- ii. Require control of nuisance factors, such as the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
- iii. Regulate temporary buildings, structures and facilities, including location, height, and size, location of equipment and open spaces, including buffer areas and other yards;

- iv. Require sanitary and medical facilities;
- v. Require solid waste collection and disposal;
- vi. Require security and safety measures;
- vii. Authorize an alternative location or date for the proposed special event;
- viii. Modify or eliminate proposed activities that would be detrimental to public health, safety, or welfare;
- ix. Limit operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this section; and
- x. Require a financial guarantee to ensure that any temporary facilities or structures used for such proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

4. Duration

A temporary use permit for a special event authorized in accordance with this section shall be limited to a maximum duration of 14 days per site per calendar year.

f. Temporary Dwelling⁶⁸⁴

A mobile home may be permitted upon approval of a special exception permit in accordance with Sec. 24-3.4.5, Special Exception Use Permit, on a lot with a Household Living use other than a multifamily dwelling, where the use of the mobile home will alleviate a serious family hardship. The mobile home shall be removed within 30 days after the end of the hardship that requires its use.

g. Temporary Extractive Operations⁶⁸⁵

A temporary extractive operation may take place upon the approval of a special exception permit in accordance with Sec. 24-3.4.5, Special Exception Use Permit, if the applicant demonstrates the temporary use will also comply with the following standards:

1. The proposed operation will be visually and acoustically inconspicuous from existing residential development. The borehole of a gas well shall be no less than 500 feet from any residential dwelling or vibration-sensitive industry existing at the time of permit approval.
2. Any gas well pad shall be enclosed by a fence that complies with Sec. 24-5.3.4.t, Swimming Pool, for swimming pool enclosures.
3. Trucks and other vehicles connected with the operation shall not use streets that service residential development in entering and leaving the site.
4. The geology of the site has been adequately studied with respect to possible hazards of land subsidence, groundwater pollution, and similar impacts.
5. The utility of the site for other uses in the future will not be destroyed by the proposed operation.
6. A copy of the Best Management Practice plan and the spill prevention control procedure as required by the Alabama Department of Environmental Management is submitted for review prior to issuance of the permit.
7. A list of any and all fines or sanctions against the applicant by the Alabama Department of Environmental Management in the last five (5) years is submitted for review.
8. A certification shall be submitted verifying there are no private drinking water wells within a one-half mile radius of the proposed operation. If there are any private drinking water wells

⁶⁸⁴ This builds on the exception for a temporary dwelling in Sec. 24-105 of the current Zoning Ordinance, except it changes the nature of the use from a variance to a special exception for consistency.

⁶⁸⁵ This carries forward standards in Sec. 24-108 of the current Zoning Ordinance.

within one-half mile radius of the proposed operation and the private drinking water well(s) are located within the City, the applicant shall, with the permission of the drinking water well owner, have conducted before the fracturing of the gas well and after the fracturing of the gas well, testing of the private drinking water well by a certified laboratory to determine any changes in the drinking water.

9. Fracturing fluid and produced water shall be stored in steel tanks and not in containment pits.
10. The applicant shall purchase all water for use in well drilling from the City or any other treated water facility.
11. The applicant shall post a bond following permit issuance for the life of the proposed operation in the amount of \$100,000.00. The bond shall be a corporate surety bond issued by a company authorized to do business in the State of Alabama, and shall be determined acceptable by the City Attorney for the repair of any damage to public property or public right-of-way. The bond shall provide but not be limited to, allowing the City to recover, jointly and severally from the principal and surety, any and all damages, loss, or costs suffered by the City as a result of the proposed operation.
12. It shall be demonstrated that the temporary extractive operation shall not create a public nuisance.
13. A permit shall be issued for a period not exceeding one year, and may be renewed, except that a gas well permit may be issued for the life of the well. The Zoning Board of Adjustment may revoke a permit, following a public hearing pursuant to notice, upon a finding that any of the conditions are being violated, or that the public safety requires such action.

h. Temporary Mobile or Modular Structure⁶⁸⁶

1. A temporary mobile or modular structure may be used as an office on a site with a commercial or industrial development if it complies with the following standards:
 - i. It is demonstrated there are serious and practical reasons to use a mobile home or modular unit rather than conventional construction.
 - ii. Whenever possible, placement of the unit is restricted to a specific length of time or to the occurrence of a specific event. The unit shall be moved promptly after expiration of the allotted time.
 - iii. The unit generally conforms in appearance with nearby structures on the premises, and structures in the surrounding area
 - iv. The unit has tie-downs and underpinnings, and if feasible, is not easily visible from surrounding property or a public street.
2. A temporary mobile or modular structure is permitted in a Residential district only as a temporary use that is accessory to a site with a K-12 School use in accordance with the following:
 - i. A temporary mobile or modular structure may be used as a classroom for a school operated by Tuscaloosa City Schools following approval by the Director of Planning.
 - ii. A temporary mobile or modular structure may be used as a classroom for a school operated by an entity other than Tuscaloosa City Schools as a special exception in accordance with Sec. 24-3.4.5, Special Exception Use Permit. The approved special exception shall be valid for up to one year, and six months into the term of the special exception the applicant may apply for a special exception for another year. An applicant may apply for an unlimited number of successive special exceptions in accordance with this paragraph.

⁶⁸⁶ This adds special provisions regarding temporary structures used for classrooms for schools.

i. Temporary Off-Street Parking Facility for Passenger Motor Vehicles⁶⁸⁷

A temporary off-street parking facility for passenger motor vehicles (including motorcycles and motor-driven cycles) designed to carry ten or fewer passengers and used to transport persons, shall be allowed in any existing development in the RD and RPD districts if it complies with the following standards:

1. The facility shall only operate in conjunction with special events open to the public within the Tourist Overlay Boundary.
2. The owner of the property on which the facility is proposed to be located shall obtain a temporary passenger motor vehicle parking facility business license from the City. A proposed parking layout shall be submitted with the license application and be approved by the Director of Planning, the Chief Building Official, and the City Engineer prior to issuance of the license.
3. The facility shall comply with Sec. 24-6.2, Off-Street Parking, Bicycle Parking, and Loading Standards, to the maximum extent practicable.⁶⁸⁸
4. The facility shall comply with all other applicable City regulations.
5. Tour buses, tractor-trailers, recreational vehicles, and delivery vehicles shall not be parked or stored on the site.

j. Temporary Off-Street Parking Facility for Recreational Vehicles⁶⁸⁹

Temporary off-street parking facility for recreational vehicles is allowed during calendar weeks in which the University of Alabama is hosting a home football game or commencement. The temporary off-street parking facility for recreational vehicles shall comply with the following standards:

1. The owner of the property on which the temporary RV parking facility is proposed shall obtain a temporary RV facility business license from the City. A proposed parking layout shall be submitted with the license application and be approved by the Chief of Police and Chief of the Fire and Rescue Service prior to the issuance of a license.
2. Temporary power hook-ups are permitted.
3. Sanitary sewer and potable water hook-ups are prohibited.
4. Recreational vehicles may begin parking at a temporary off-street parking facility for recreational vehicles no earlier than 10:00 am on Wednesday of each week of permitted operation, and shall vacate the facility no later than Sunday at 2:00 pm. If the University of Alabama is hosting a home football game the following week, recreational vehicles may remain after Sunday at 2:00 pm and through the following week between the games.

k. Temporary Parking of Trailers, Construction Equipment, and Major Recreational Equipment in a Residential District⁶⁹⁰

Recreational vehicles, construction equipment (except when necessary for work at a residential dwelling with a current building permit posted), boats, boat trailers, utility trailers, other types of

⁶⁸⁷ This carries forward and revises for clarity Sec. 24-117 of the current Zoning Ordinance. **NOTE TO STAFF:** Do you want to carry this forward?

⁶⁸⁸ When development standards are drafted, this section or Sec. 24-6.2 may include additional standards that a temporary off-street parking facility for passenger motor vehicles is required to meet.

⁶⁸⁹ This carries forward and revises for clarity Sec. 24-116 of the current Zoning Ordinance, except expanded timeframe to include UA commencements and temporary power hook-ups are expressly allowed; the following provision is deleted: "Temporary power hook-ups may be permitted in specially designated areas and limited to no more than fifteen (15) per cent of recreational vehicle spaces on licensed temporary recreational vehicle parking lots. First priority for power hook-ups in specially designated areas shall be given to persons that request power due to disabilities or special medical needs."

⁶⁹⁰ This carries forward Sec. 24-44 of the current Zoning Ordinance.

trailers, buggies, wagons, tractors, street sweepers and cases or boxes used for transportation of recreational or construction equipment, whether occupied by such equipment or not:

1. Shall only be parked or stored in a Residential district in a side yard, rear yard, carport, or enclosed building;
2. Shall be parked anywhere on the site of a residential dwelling for no more than 24 hours during loading or unloading only; and
3. Shall not be used for living, sleeping, or housekeeping purposes in a Residential district or in any location not approved for such use.

I. Temporary Vehicle Mounted or Tent-Sheltered Sales⁶⁹¹

Temporary mobile food vending in a vehicle or tent is permitted without a special exception permit for no more than ten days in connection with a special event authorized in accordance with Sec. 24-5.4.4.e, Special Event, if the temporary mobile food vending use complies with the standards for a Vehicle-Mounted or Tent-Sheltered Retail use in Sec. 24-5.2.4.c.6.viii.

m. Tent Event⁶⁹²

A tent event may be held following issuance of a temporary use permit in accordance with the following standards:

1. The permit shall be issued for no more than 14 days.
2. A particular site shall not be used for a tent service for more than 14 days in a calendar year.
3. The Director of Planning may require conditions of approval to prevent nuisances or obvious threats to public safety.
4. The permit shall be revocable at the discretion of the Director of Planning or public safety officials.

⁶⁹¹ This carries forward Sec. 24-54 of the current Zoning Ordinance as applied to the use *Vehicle-mounted or tent-sheltered food sales or other retailing, under permit issued by zoning officer, subject to same conditions as apply to a special exception for such uses, for no more than ten (10) days in connection with a special event.*

⁶⁹² This carries forward the standards that apply to the *Tent evangelistic services* use in Sec. 24-32 of the current Zoning Ordinance.

ARTICLE 24-7. ENFORCEMENT

Commentary on Draft:

This article consolidates all rules pertaining to enforcement. It builds on, consolidates, and refines provisions in the current Zoning Ordinance (Section 24-171, Duties of enforcement officers), and adds some new sections in an effort to clarify and better organize the enforcement provisions, and help make the code enforcement process more efficient and effective. This article is organized into the following sections:

Section 24-7.1, Purpose, states the purpose of the article.

Section 24-7.2, Compliance Required, establishes that compliance with all provisions of the zoning ordinance is required.

Section 24-7.3, Violations, identifies what actions result in a violation of the zoning ordinance.

Section 24-7.4, Responsible Persons, identifies what persons may be held responsible for violations.

Section 24-7.5, Enforcement Generally, sets out who is responsible for enforcement actions.

Section 24-7.6, Remedies and Penalties, identifies remedies and penalties that can be used against violators.

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. 24-7.1. PURPOSE⁸³⁴

This article establishes procedures and standards to ensure compliance with the provisions of this Ordinance and obtain corrections for violations of this Ordinance. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this article are intended to encourage the voluntary correction of violations, where possible.

SEC. 24-7.2. COMPLIANCE REQUIRED⁸³⁵

SEC. 24-7.2.1. GENERAL

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the City.

SEC. 24-7.2.2. DEVELOPMENT APPROVALS AND PERMITS

All persons shall obtain all development approvals and permits required by this Ordinance prior to development. A development approval or permit issued by a decision-making body or person authorizes only the use, arrangement, location, design, density or intensity, and development set forth in such development approval or permit.

⁸³⁴ This section sets forth the purpose of the enforcement article, which is to establish a set of rules for enforcement of the rewritten Zoning Ordinance.

⁸³⁵ This new section clearly states that compliance with all provisions of the Zoning Ordinance is required.

SEC. 24-7.3. VIOLATIONS⁸³⁶

SEC. 24-7.3.1. GENERAL VIOLATIONS

a. Failure to Comply

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Ordinance, or the terms or conditions of any development order or authorization granted in accordance with this Ordinance constitutes a violation of this Ordinance punishable as provided in this article.

b. Development Orders Authorize Development Approved

A development approval or permit issued by a decision-making body or person authorizes only the use, arrangement, location, design, density or intensity, and development set forth in the development approval or permit.

SEC. 24-7.3.2. SPECIFIC VIOLATIONS

It shall be a violation of this Ordinance to undertake any activity contrary to the provisions of this Ordinance, including but not limited to any of the following:

- a. Develop land or a structure without first obtaining all appropriate development approvals and permits;
- b. Fail to provide any notice that the applicant is required to provide under this Ordinance;
- c. Develop land or a structure without complying with the terms or conditions of all applicable development approvals and permits;
- d. Occupy or use land or a structure without first obtaining all applicable development approvals and permits;
- e. Disturb any landscaped area or vegetation required by this Ordinance;
- f. Install, create, erect, alter, or maintain any sign without first obtaining the applicable development approvals and permits, and complying with their terms and conditions;
- g. Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permit has lapsed;
- h. Create, expand, replace, or change any nonconformity except in compliance with this Ordinance;
- i. Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Ordinance;
- j. Increase the intensity or density of development, except in accordance with the standards of this Ordinance;
- k. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Ordinance;
- l. Through any act or omission, violate any term, condition of approval, or qualification placed by a decision-making body or person on a development approval or permit;
- m. Violate any lawful order issued by any decision-making body or person in accordance with this Ordinance;

⁸³⁶ This new section explains that failure to comply with any provision of the Zoning Ordinance, or the terms or conditions of any development approval or permit granted in accordance with this Ordinance shall constitute a violation of this Ordinance. The section also more specifically identifies both general violations as well as specific violations.

- n. Obtain a development approval or permit through false or misleading information; or
- o. Remove, deface, obscure, or obstruct a notice required to be posted or otherwise given in accordance with this Ordinance.

SEC. 24-7.4. RESPONSIBLE PERSONS⁸³⁷

Any person who violates this Ordinance shall be subject to the remedies and penalties set forth in this article. For purposes of this section, a “person” subject to the remedies and penalties established in this article may include the owner, tenant, or occupant of the land or structure that is in violation of this Ordinance, and any architect, engineer, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation.

SEC. 24-7.5. ENFORCEMENT GENERALLY⁸³⁸

SEC. 24-7.5.1. RESPONSIBILITY FOR ENFORCEMENT⁸³⁹

The Director of Planning and/or the Director of Codes & Development Services shall be responsible for enforcing the provisions of this Ordinance in accordance with state law.

SEC. 24-7.5.2. INSPECTIONS⁸⁴⁰

The Director of Planning and/or the Director of Codes & Development Services is authorized to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out enforcement of this Ordinance. Such inspections may occur at any reasonable time prior to the issuance of certificate of occupancy. After a certificate of occupancy is issued, the Director of Planning may conduct such inspections only after presenting proper credentials and only during normal business hours, unless the Director of Planning determines there is an emergency necessitating inspection outside of normal business hours.

SEC. 24-7.5.3. COMPLAINTS REGARDING VIOLATIONS⁸⁴¹

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. The complaint, stating fully the cause and basis therefore, shall be filed with the Director of Planning and/or the Director of Codes & Development Services, who shall properly record such complaint, investigate, and take appropriate action as provided by this Ordinance.

SEC. 24-7.5.4. ENFORCEMENT PROCEDURE⁸⁴²

Upon becoming aware of any violation of the provisions of this Ordinance, the Director of Planning and/or the Director of Codes & Development Services shall serve written notice of such violation upon the person(s) responsible for compliance, in accordance with the enforcement procedure in the Procedures Manual. No penalty shall be assessed until 60 days after notification of violation(s). On determining that the violator has failed to correct the violation by the time limit set forth in the notice of violation, or any granted extension, or has failed to timely appeal the notice of violation in accordance with Sec. 24-3.4.10,

⁸³⁷ This new section states who is responsible for a violation when it occurs. It states that any person who violates the Zoning Ordinance shall be subject to the remedies and penalties set forth in this article.

⁸³⁸ This section builds on the current Zoning Ordinance. It states who is responsible for enforcing the ordinance (the Director of Planning or Chief Building Official), what procedures citizens should follow to report potential violations, and how inspection of property is to be carried out, when it is required. The heart of the section sets down the current procedure for enforcement of zoning ordinance violations.

⁸³⁹ This section builds on Sec. 24-171 of the current Zoning Ordinance.

⁸⁴⁰ This section builds on Sec. 24-171 of the current Zoning Ordinance.

⁸⁴¹ This is a new section.

⁸⁴² This is a new section. The Enforcement Procedure is relocated in the Procedures Manual.

Appeal of Administrative Decision, the Director of Planning shall ensure that appropriate action is taken, as provided in Sec. 24-7.6, Remedies and Penalties, to correct and abate the violation and to ensure compliance with this Ordinance.

SEC. 24-7.6. REMEDIES AND PENALTIES⁸⁴³

SEC. 24-7.6.1. AVAILABLE REMEDIES⁸⁴⁴

The Director of Planning and/or the Director of Codes & Development Services may use any combination of the following enforcement actions or remedies to correct, stop, abate, and enjoin a violation of this Ordinance:

- a. Suspend inspections at the site of construction;
- b. Issue and serve upon a person pursuing the activity or activities in violation of the Ordinance a stop-work order requiring that the person stop all activities in violation of the Ordinance.
- c. Revoke any development approval or permit required under the Ordinance if it is determined that:
 1. There is a failure to comply with the approved development approval, permit, plans, specifications, or terms or conditions required under the development approval or permit;
 2. The development approval or permit was procured by false representation; or
 3. The development approval or permit was issued in error.
- d. Deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation related to such land, structure, or improvements is corrected and any associated civil penalty is paid.
- e. If a violation is one that presents a serious threat to the public health, safety, or welfare, or is irreparable or irreversible, ensure that all reasonable repairs necessary to bring the land into compliance are made and charge the violator with the reasonable cost of the repairs, in accordance with state law.
- f. Bring an action for injunction or mandamus to abate a violation; or
- g. Take any other action at law or in equity to prevent or remedy any violation, or otherwise enforce the provisions of this Ordinance.

SEC. 24-7.6.2. AVAILABLE PENALTIES⁸⁴⁵

Any person who violates this Ordinance shall be subject to the civil and criminal penalties set forth in Section 1-8 of the City Code.

SEC. 24-7.6.3. REMEDIES ARE CUMULATIVE⁸⁴⁶

- a. The remedies and penalties provided for violations of this Ordinance, whether civil, equitable, or criminal, shall be cumulative and may be exercised in any order.
- b. Each day of continued violation of this Ordinance shall be considered a separate violation for purposes of computing cumulative penalties.

⁸⁴³ This section recognizes civil, equitable, and criminal penalties, detailing the range of penalties and remedies available.

⁸⁴⁴ This section builds on Sec. 24-171 of the current Zoning Ordinance.

⁸⁴⁵ Sec. 24-203, Penalties for Violations, of the current Zoning Ordinance includes a fine for violations. Instead of carrying forward that provision this new section references Sec. 1-8 of the Tuscaloosa Code of Ordinances.

⁸⁴⁶ This section is new.

SEC. 24-7.6.4. PRIVATE CIVIL RELIEF⁸⁴⁷

An adjacent or neighboring landowner who would be specially damaged by any violation of this Ordinance may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land, in accordance with state law.

⁸⁴⁷ This provision is new.