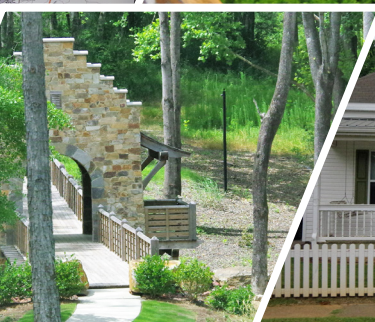




Tuscaloosa Zoning Ordinance

Full Zoning Text Draft | October 2023

Entire Zoning Ordinance except for
Article 24-3: Administration



FRAMEWORK

Creating a dynamic guide for Tuscaloosa

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ARTICLE 24-1. GENERAL PROVISIONS¹

Commentary on Draft:

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

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

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

SEC. 24-1.1. TITLE²

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

SEC. 24-1.2. AUTHORITY³

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

¹ Footnotes are provided throughout this draft document to track and explain zoning ordinance provisions. These footnotes will be removed from the final document.

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

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

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

SEC. 24-1.3. GENERAL PURPOSE AND INTENT⁴

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

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

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

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

SEC. 24-1.4. APPLICABILITY⁵

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

SEC. 24-1.5. CONFORMANCE WITH ADOPTED PLANS⁶

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

SEC. 24-1.6. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DEEDS⁷

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

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

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

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

⁵ This section identifies activities and entities that are subject to the Zoning Ordinance.

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

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

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

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

SEC. 24-1.7. OFFICIAL ZONING DISTRICT MAP⁸

SEC. 24-1.7.1. ESTABLISHMENT

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

SEC. 24-1.7.2. MAINTENANCE AND DISTRIBUTION

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

SEC. 24-1.7.3. INTERPRETATION OF DISTRICT BOUNDARIES

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

SEC. 24-1.8. TRANSITIONAL PROVISIONS¹¹

SEC. 24-1.8.1. VIOLATIONS CONTINUE

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

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

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

¹⁰ Per staff comments, this is not current practice.

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

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

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

SEC. 24-1.8.3. APPROVED APPLICATIONS

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

SEC. 24-1.8.4. NEW APPLICATIONS

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

SEC. 24-1.8.5. ZONING DISTRICT TRANSITION

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

Table 1-1: Zoning District Transitions

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

Table 1-1: Zoning District Transitions

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

SEC. 24-1.9. SEVERABILITY¹²

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

SEC. 24-1.10. EFFECTIVE DATE¹³

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

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

¹³ This section establishes the effective date of the updated zoning ordinance.

ARTICLE 24-2. DEFINITIONS AND RULES FOR MEASUREMENT

SEC. 24-2.1. GENERAL RULES FOR INTERPRETATION¹⁴

SEC. 24-2.1.1. MEANINGS AND INTENT

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

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

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

SEC. 24-2.1.3. LISTS AND EXAMPLES

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

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

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

SEC. 24-2.1.5. DELEGATION OF AUTHORITY

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

SEC. 24-2.1.6. PUBLIC OFFICIALS AND AGENCIES

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

SEC. 24-2.1.7. MANDATORY AND DISCRETIONARY TERMS

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

SEC. 24-2.1.8. CONJUNCTIONS

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

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

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

SEC. 24-2.1.9. TENSES AND PLURALS

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

SEC. 24-2.1.10. TERM NOT DEFINED

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

SEC. 24-2.2. RULES OF MEASUREMENT¹⁵

SEC. 24-2.2.1. BUILDING MEASUREMENTS

a. Building Footprint¹⁶

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

b. Building Height in Feet¹⁷

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

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

c. Building Height in Stories¹⁸

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

¹⁵ This section consolidates measurement rules that apply throughout the Ordinance, including building height and terms relating to lots and district dimensional requirements. Some rules are new; some are carried forward from the general definitions included in Sec. 24-5, Definitions, of the current Zoning Ordinance, and others are carried forward from provisions that applied only to the Mixed-Use and Mixed Residential zoning districts in the current Zoning Ordinance. Sign measurements can be found with the sign regulations in Sec. 24-6.10.5, Sign Measurements.

¹⁶ This is a new definition.

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

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

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

d. Gross Floor Area¹⁹

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

SEC. 24-2.2.2. LOT MEASUREMENTS

a. Buildable Area²⁰

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

b. Ground Coverage Ratio²¹

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

c. Lot Area²²

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

d. Lot Width²³

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

e. Lake Frontage Width²⁴

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

f. Lot Depth²⁵

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

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

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

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

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

²³ This carries forward the definition of lot width that apply to the mixed-use districts (Sec. 24-286(b)(3)) and the mixed residential districts (Sec. 24-335(b)(3)) in the current Zoning Ordinance but changes the point of measurement to the front setback line, for consistency with the definition of lot width in, e.g., the residential lot standards in the current Zoning Ordinance (Sec. 24-34).

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

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

g. Lot Frontage²⁶

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

h. Lot Types²⁷

Lots are classified as follows:

1. Corner Lot

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

Figure 2-1: Measurement of Angles Abutting Curved Street

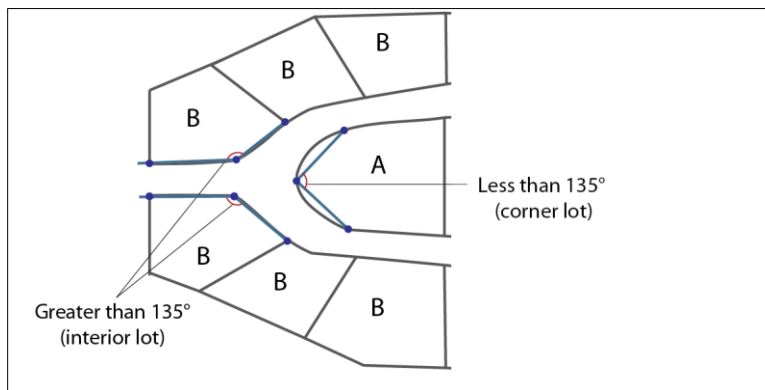
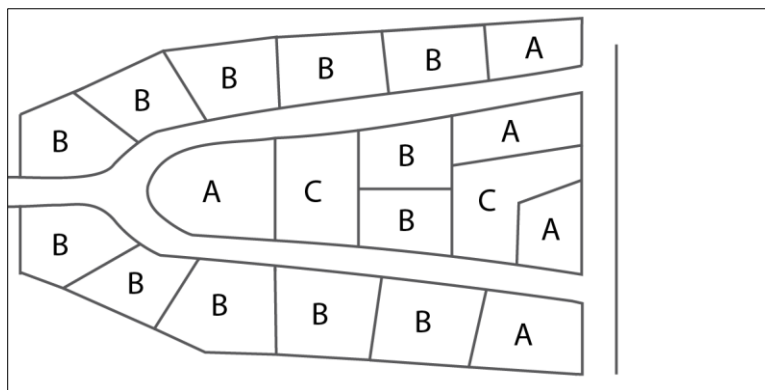


Figure 2-2: Examples of Lot Types



2. Interior Lot

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

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

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

3. Through Lot

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

i. Setback²⁸

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

1. Primary and Side Street Setbacks, and Front Setbacks

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

2. Side Interior Setbacks

Measured from the side lot line.

3. Rear Setbacks

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

j. Yard²⁹

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

1. Front Yard³⁰

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

2. Side Yard

A yard abutting a side lot line.

3. Rear Yard

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

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

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

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

k. Lot Line

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

1. Lot Line, Front

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

2. Lot Line, Side

A lot line that is not a front lot line and that intersects with a front lot line.³³

3. Lot Line, Rear

A lot line that is not a front lot line or a side lot line.³⁴

SEC. 24-2.2.3. ALLOWABLE ENCROACHMENTS³⁵

a. General

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

Table 2-1: Allowable Encroachments Into Yards

FEATURE	EXTENT AND LIMITATIONS OF ENCROACHMENT
Fences, walls ³⁶	Allowed anywhere in an area within a required minimum setback subject to the limitations in Sec. 24-6.5, Fence and Wall Standards
Eaves, gutters, and cornices ³⁷	Allowed anywhere in an area within a required minimum setback
Customary yard accessories, ornaments, and outdoor furniture ³⁸	Allowed anywhere in an area within a required minimum setback except as limited elsewhere in this Ordinance
Play equipment such as a slide, jungle gym, or tree house	Allowed anywhere in a side or rear yard except as limited elsewhere in this Ordinance
Air conditioner compressor or heat pump	Allowed in a side or rear yard at least five feet from a lot line, except as provided in subsection b below
Porch, stoop, and balcony ³⁹	Up to six feet into an area within a required minimum setback and at least two feet from a lot line. Shall not encroach into public right-of-way except as allowed elsewhere in this Ordinance.

³¹ This is a new definition

³² This is a new definition.

³³ This is a new definition.

³⁴ This is a new definition.

³⁵ This is a new section that consolidates allowable encroachments into required setbacks and includes cross-references to sections that may limit the allowable encroachment (e.g. fences and walls).

³⁶ Carried forward from definition of *Yard* in Sec. 24-5 of the current Zoning Ordinance.

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

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

³⁹ Carried forward from definition of *Yard* in Sec. 24-5 and incorporates additional permitted encroachments for the mixed-use districts in Sec. 24-292 and Sec. 24-349 of the current Zoning Ordinance.

Table 2-1: Allowable Encroachments Into Yards

FEATURE	EXTENT AND LIMITATIONS OF ENCROACHMENT
Swimming pool on private property within a residential district	Allowed in an area within a required minimum rear setback subject to the limitations of Sec. 24-5.3.4.x, Swimming Pool ⁴⁰
Antennas	Allowed in an area within a required side or rear minimum setback subject to the limitations of Sec. 24-5.3.4.b, Antenna

b. Air Conditioner Compressor or Heat Pump⁴¹

An air conditioning compressor or heat pump that was legally installed as of [insert effective date of Ordinance] may be replaced with a new unit installed in the same location, even if the air conditioning compressor or heat pump is closer to the lot line than allowed by Table 2-1: Allowable Encroachments Into Yards, provided that the new air conditioning compressor or heat pump is no closer to the lot line than the prior unit.

SEC. 24-2.3. DEFINITIONS⁴²

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

A

Abutting Having a common boundary line, such as two contiguous parcels with a shared lot line.⁴³

Accessory Use or Structure A structure or use which is subordinate to and serves a principal structure or principal use and is subordinate in extent, area or purpose to the principal structure or use served; and which is located on the same lot as the principal structure or use.⁴⁴

Acquisition Line The line which marks the limits of the City’s ownership of Lake Tuscaloosa, including all land within the lake’s 50-year floodplain, at approximately the 230-foot elevation line.⁴⁵

Adjacent Having an abutting boundary line or being separated only by a street, easement, stream, or other right-of-way, such as two parcels separated by a public street.⁴⁶

Administrative Adjustment A uniform mechanism for the Director of Planning to approve minor adjustments from the dimensional or design standards of this

⁴⁰ The use-specific standards in Sec. 24-5.3.4.x require a swimming pool be located at least six feet from a property line.

⁴¹ This is a new provision that allows existing buildings which have air conditioning compressors that were legally located closer than five feet from the lot line to replace those units with new ones.

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

⁴³ This is a new definition.

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

⁴⁵ This is a new definition.

⁴⁶ This is a new definition.

Ordinance to better accomplish the purposes of this Ordinance. See Sec. 24-3.4.9, Administrative Adjustment.

- Aerodrome** An airfield meeting all standards of the Federal Aviation Administration that supports takeoff and landing of helicopters and airplanes that can operate on short take-off and landing fields. This includes heliports and ancillary facilities such as lounges and aircraft fueling.⁴⁷
- Animal Shelter** An establishment that houses and cares for stray, homeless, abandoned, or neglected household and domestic animals and that is owned, operated, or maintained by a public body or an established humane society or other private or nonprofit organization.⁴⁸
- Antenna** A device used to transmit or receive wireless communications signals, including parabolic antennas such as satellite dishes.⁴⁹
- Approval letter for development in historic district buffer zone** A uniform mechanism to ensure that new construction in areas adjacent to historic districts are compatible with surrounding buildings and structures in the historic districts. See Sec. 24-3.4.6, Approval Letter for Development in Historic Districts Buffer Zone.
- Artisanal Production** Small-scale fabrication, preparation, or production of arts, crafts, foods, and beverages by an artist, artisan, craftsperson, or cook, on the premises, by hand or with minimal automation. Examples include small-scale welding and sculpting or arts and crafts, small-scale 3D printing, firing of pottery or sculpture in kilns, and local, small-batch bakeries, candy shops, and cheese shops. Accessory uses include retail teaching of these skills to others in the course of fabrication, preparation, or production. This use does not include production of alcoholic beverages or an eating establishment.⁵⁰
- Assisted Living Facility** A facility that provides or offers to provide any combination of residence, health supervision, or personal care to three or more individuals who are in need of assistance with activities of daily living such as bathing, dressing, ambulation, feeding, toileting, grooming, medication assistance, diet, and personal safety.

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

⁴⁷ This is a new definition.

⁴⁸ This is a new definition.

⁴⁹ This is a new definition.

⁵⁰ This is a new definition.

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

Assisted Living Facility, Family	An assisted living facility authorized to care for two or three adults, which was licensed prior to October 1, 2015, and maintains that license. No new family assisted living facility use may be commenced in the City.
Assisted Living Facility, Group	An assisted living facility authorized to care for 3 to 16 adults.
Assisted Living Facility, Congregate	An assisted living facility authorized to care for 17 or more adults.
Authorized agent	Someone who has the power to act on behalf of another person. ⁵²
Automated Teller Machine (ATM)	A mechanized device operated by or on behalf of a bank or financial institution that allows customers to conduct automated banking or financial transactions. Where an ATM is provided at the site of a bank or financial institution for use by customers in motor vehicles, the ATM shall be considered a drive-through facility accessory use. At other locations, an ATM may be considered a separate accessory use to the principal use(s) of the location. ⁵³
Automobile Sales Event	A temporary short-term event of no more than 5 days duration at which automobiles are brought to a site, offered for sale, and removed from the site at the end of the event. ⁵⁴
Automobile Wash (Car Wash)	A facility where automobiles are washed by individuals or by machines. ⁵⁵
Auxiliary Security or Utility Structure	A structure that is accessory to a principal multifamily or nonresidential use and that is used for security purposes or that houses utility equipment. ⁵⁶
Awning	A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk or other pedestrianway. ⁵⁷

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

⁵² This is a new definition.

⁵³ This is a new definition

⁵⁴ This is a new definition.

⁵⁵ This is a new definition.

⁵⁶ This is a new definition.

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

B

Balcony	An unenclosed platform that projects out of an upper floor of a building, typically with a railing or balustrade, that is designed for decorative purposes or for lounging, dining, and similar activities. ⁵⁸
Banner	Any sign made of lightweight fabric, cloth, canvas, plastic sheeting, nylon or any other flexible material, with no enclosing framework and which is not rigidly and permanently attached to a building or the ground through a permanent support structure. ⁵⁹
Bar or Tavern	An establishment where the primary use is the on-premises sale and consumption of beer, wine, or liquor/distilled spirits-based alcoholic beverages and where no kitchen facilities are present or utilized. See Determination Guidelines for Sale and Consumption of Alcoholic Beverages. ⁶⁰
Barge Terminal	A facility for the docking, loading, or unloading of ships, barges, or boats that primarily transport freight. ⁶¹
Bed and Breakfast	An owner-occupied residence where rooms are rented to transient guests on an overnight basis and breakfast is served to these guests. ⁶²
Bicycle Parking Facility	A facility used for the storage of bicycles, including bicycle racks, bicycle lockers, covered bicycle storage, or facilities that meet the standards for bicycle parking in Sec. 24-6.2, Off-Street Parking, Bicycle Parking, and Loading Standards. ⁶³
Billboard	A sign with a message related to a business, profession, product, activity, service, or commodity that is offered, sold, or manufactured on property or premises other than that upon which the sign is located. ⁶⁴
Bioswale	A vegetated surface designed to treat sheet flow from adjacent surfaces, including filtering strips that reduce the velocity of water runoff, filter out sediment and other pollutants, and allow for infiltration into soil. ⁶⁵
Boat Ramp	A structure, man-made or altered natural feature, or an included and stabilized surface extending into the water from the shore which facilitates the launching and landing of boats into a water body. ⁶⁶
Brewery	Any premises licensed by the city to engage in the manufacture of only malt or brewed alcoholic beverages as well as engaging in the

⁵⁸ This is a new definition.

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

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

⁶¹ This is a new definition.

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

⁶³ This is a new definition.

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

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

⁶⁶ This is a new definition.

receiving, storage, or warehousing only of malt or brewed beverages within the city for transshipment inside and outside the state.⁶⁷

Brewpub Any premises upon which malt or brewed alcoholic beverages are actively and continuously manufactured or brewed, in quantities no greater than 10,000 barrels per year, for consumption on the premises where manufactured, or for sale to any designated wholesaler licensee for resale to retail licensees.⁶⁸

Broadcasting Studio A site used for commercial and public communications. Facilities shall be located entirely indoors except for transmission devices like antennas and broadcasting dishes, and related facilities. Examples include radio and television broadcasting and receiving stations and studios.⁶⁹

Building A structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure.⁷⁰

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

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

C

Caliper The diameter or thickness of a nursery-grown tree trunk, measured at six inches above the top of the root mass.⁷¹

Cannabis-Based Product Products derived from all parts and varieties of the plant *Cannabis sativa* intended for use and consumption or introduction to the human body, including but not limited to edible products, beverages, topical products, ointments, oils, tinctures, and products to be smoked or vaporized. These products are only those which are legal to sell and possess under state and federal law.⁷²

Carport or Garage An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of the occupants in the building to which such garage or carport is accessory. A carport has a roof and is not fully enclosed; a garage is fully enclosed.⁷³

Catering An establishment in which food and meals are prepared on the premises for delivery to an off-site location for consumption.⁷⁴

⁶⁷ This is a new definition.

⁶⁸ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance. Capacity limitations are consistent with the Alabama Brewpub Act, Sec. 28-4A-3 of the Code of Alabama, 1975.

⁶⁹ This is a new definition.

⁷⁰ This is a new definition.

⁷¹ This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

⁷² This is a new definition provided by staff.

⁷³ This is a new definition.

⁷⁴ This is a new definition

Cemetery/Graveyard	Land used or dedicated to the burial of the dead, including columbaria, mausoleums, and necessary maintenance facilities, but not including a crematory. ⁷⁵
Certificate of Occupancy	A uniform mechanism for ensuring that buildings and structures and their premises erected, altered, moved, enlarged, or changed in occupancy, nature, or use are in compliance with Chapter 6, Buildings, Construction, and Related Activities, of the City Code, and this Ordinance, prior to use or occupancy.
Channel Letters	Fabricated or formed three-dimensional letters, numbers, or symbols, typically used as signage and illuminated. ⁷⁶
Check Cashing	An establishment that provides short-term lending services, such as payday or title loans or lending on security of personal property (pawn shops), but that does not accept customers' deposits and does not meet the definition of a Financial Institution. This includes businesses licensed under the Alabama Deferred Presentment Services Act, Title 5, Chapter 18A of the Code of Alabama, 1975, or the Alabama Pawn Shop Act, Title 5, Chapter 19A of the Code of Alabama, 1975. ⁷⁷
Chief Building Official	The Chief Building Official of Tuscaloosa, Alabama.
City Code	The Code of Ordinances of the City of Tuscaloosa, Alabama.
City Council	The City Council of Tuscaloosa, Alabama.
City Engineer	The City Engineer of Tuscaloosa, Alabama.
Coffee House	An establishment where the primary use is the sale and consumption of non-alcoholic beverages, and where limited menu meals may also be sold. See Determination Guidelines for Sale and Consumption of Alcoholic Beverages. ⁷⁸
College or University	An institute of higher education authorized by the State to award associates or higher degrees. Ancillary facilities may include administrative and faculty offices, classrooms, dining halls, meeting areas, dormitories, arenas, stadiums, recreation facilities, and similar features that serve students, teachers, and employees, and not the general population. ⁷⁹
Commercial Message	For purposes of the sign and billboard regulations in this Ordinance, any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. ⁸⁰

⁷⁵ This is a new definition.

⁷⁶ This is a new definition.

⁷⁷ This is a new definition.

⁷⁸ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance for *Café, coffee house, juice bar*.

⁷⁹ This is a new definition.

⁸⁰ This carries forward the definition in Sec. 24-132 of the current Zoning Ordinance.

Comprehensive Plan	The Framework Comprehensive Plan, adopted in 2021, as amended ⁸¹
Composting Facility	A facility where organic matter, such as plant trimmings and food waste, derived primarily from off-site sources is made subject to decomposition processes to produce compost. Activities may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost. ⁸²
Composting, small-scale	An enclosed area that contains a compost tumbler or similar apparatus designed for the purpose of converting household kitchen and yard waste into fertilizer. ⁸³
Community Facility	A facility for displaying or preserving objects of interest, or providing facilities for one or more of the arts or sciences, that is generally open to the public. Examples include libraries, museums, zoos, and art galleries. ⁸⁴
Community Garden	A public area used for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family. ⁸⁵
Conference or Training Center	A facility used for business or professional conferences, seminars, and training programs. This may include sales of food and drink intended for visitors attending programs at the facility, and may be incorporated into a hotel. ⁸⁶
Continuing Care Retirement Development	An integrated development that offers senior citizens a full continuum of housing options and assistance, ranging from fully independent dwelling units, to assistance with personal care in assisted living facilities, to long-term skilled nursing care in a nursing home facility. ⁸⁷
Contractors Office	An establishment in which a building or portion of a building is used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building. Outdoor storage is available only when permitted as an accessory use. ⁸⁸
Convenience Store	A small Retail Sales use that provides convenience goods and services such as food, newspapers, magazines, toiletries, and the like. Fuel sales are permitted only when this use is associated with a Light Vehicle Fuel Station use permitted in the zoning district. This use may be accessory to a principal use. ⁸⁹
Cool Roof	A roofing product with high solar reflectance (SR) and thermal emittance (TE) properties. These properties help reduce electricity

⁸¹ This is a new definition.

⁸² This is a new definition.

⁸³ This is a new definition.

⁸⁴ This is a new definition.

⁸⁵ This is a new definition.

⁸⁶ This is a new definition.

⁸⁷ This is a new definition.

⁸⁸ This is a new definition.

⁸⁹ This is a new definition.

used for air conditioning by lowering roof temperatures on hot, sunny days.⁹⁰

Correctional Facility A public or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.⁹¹

Critical Root Zone The area around a tree that is within its Drip Line.⁹²

Cul-de-sac The circular turnaround at the end of a dead-end street.⁹³

D

Data Center A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, and enhanced security features.⁹⁴

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

Day Care Center A facility which provides daily care for more than 12 children or inform adults during all or part of a 24-hour day. This use includes pre-kindergarten, preschool, or nursery schools or other similar daytime programs, as well as night care facilities.⁹⁵

Day Care Home A facility licensed by the Alabama Department of Human Resources that operates in a family home and provides care for no more than six children during all or part of a 24-hour day.⁹⁶

Day Care Home, Group A facility licensed by the Alabama Department of Human Resources that operates in a family home and provides care for at least seven and no more than 12 children during all or part of a 24-hour day where there are at least two adults present and supervising the activity.⁹⁷

Determination Guidelines for Sale and Consumption of Alcoholic Beverages The standards to use when determining the floor area devoted primarily to the sale and consumption of alcoholic beverages. The factors to be evaluated include:

⁹⁰ This is a new definition.

⁹¹ This is a new definition.

⁹² This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

⁹³ This is a new definition.

⁹⁴ This is a new definition.

⁹⁵ This is a new definition that is updated for consistency with state law. The minimum of 12 children is consistent with the definition in state law. In this draft, the definition has been updated to accommodate the merger with the “Night Care Center” use, which has not been carried forward as a separate use.

⁹⁶ This updates the definition in Sec. 24-5 of the current Zoning Ordinance. Limit changed from five to six for consistency with state law (Sec. 38-7-2, Code of Alabama, 1975) and to eliminate the gap with group day care homes, which in the current Zoning Ordinance and under state law accommodate seven or more children.

⁹⁷ This updates for consistency the definition in Sec. 24-5 of the current Zoning Ordinance.

- (1) The existence of a kitchen and its makeup;
- (2) The layout and site plan of the establishment;
- (3) The location and size of the bar;
- (4) Whether the size, placement, and spacing of tables, stools, and booths indicate that the area is primarily devoted to the sales or consumption of alcohol;
- (5) Whether there is a wall or other separation in the establishment dividing an area primarily devoted to the sale and consumption of alcoholic beverages in the dining area; and
- (6) Whether or not full meals are served in the area.⁹⁸

Dead Storage The storage of items for safekeeping for an indefinite period of time and not for the purposes of wholesale, retail, industrial, or other similar activity.⁹⁹

Deck A roofless outdoor space built as an above ground platform, freestanding or attached, projecting from the wall of a structure and supported by posts or pillars.¹⁰⁰

Development Any human alteration to the state of land, including its soil, geology, or hydrology, for any residential, commercial, industrial, utility, or other use, such as, but not limited to, grubbing, or grading of land, and structural improvements (e.g., buildings, walls, fences, signs, and vehicular areas).¹⁰¹

Development, New Development of a site that was previously unimproved, with no existing principal structures, or that has been or will be cleared of structures. New development is distinguished from 1) existing development and 2) the expansion or alteration of existing development, also known as redevelopment.¹⁰²

Development Application Any application or request for development submitted in the form required by this Zoning Ordinance.

Diameter at Breast Height (DBH) The diameter of a tree, measured four-and-a-half feet above ground level.¹⁰³

Director of Planning The Director of Planning of Tuscaloosa, Alabama. Also referred to as the Planning Director.

Distillery An establishment where spirituous liquors are manufactured for commercial purposes.¹⁰⁴

Dock A structure built along the shore of or floating over a river, lake, canal, or other navigable body of water for use by boats for moorage and

⁹⁸ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

⁹⁹ This is a new definition.

¹⁰⁰ This is a new definition.

¹⁰¹ This is a new definition.

¹⁰² This is a new definition.

¹⁰³ This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

¹⁰⁴ This is a new definition.

loading and unloading passengers and materials. In addition to this Ordinance, docks are regulated by Chapter 18, Parks and Recreation, of the City Code.¹⁰⁵

Donation Box An accessory use with one or more closed containers or donation boxes designated for the collection of donated goods, such as clothing, books, shoes, or other non-perishable personal property, for resale or reuse by a charitable organization. This does not include on-site containers approved for the purpose of book returns or donations in conjunction with a public library or recycling containers provided by the City or a private contract hauler for household use.¹⁰⁶

Drip Line The perimeter of a tree’s canopy.¹⁰⁷

Drive Aisle The surfaced area in a parking lot primarily intended for motor vehicles that provides ingress and egress to the site and access to parking spaces, loading areas, and other parts of a site.¹⁰⁸

Drive-Through Facility A facility used to provide products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., ATM), or through a mechanical device (e.g., a pneumatic tube system). In addition to the pick-up window or door, drive-through service facilities also may include remote menu boards and ordering stations. Use types that commonly have drive-through service include banks, restaurants, and drugstores.¹⁰⁹

Driveway A surfaced area that is designed and constructed to provide ingress and egress by motor vehicles to a single-family dwelling, townhouse, duplex, triplex, and quadplex and may also be used for vehicle storage.¹¹⁰

Drug Rehabilitation Facility A facility that provides medical treatment, counseling, rehabilitation, and 24 hour on-site supervision for persons with substance abuse, emotional disorders, physical disabilities, or other medical conditions, with the goal of enabling residents to live independently when treatment is completed.¹¹¹

Dwelling, Duplex A building which is not physically attached to any other principal structure and contains two dwelling units, each of which is arranged, designed, used, or intended to be occupied by one family, and that is not a Student-Oriented Dwelling.¹¹²

¹⁰⁵ This is a new definition and adds a reference to potential relevant regulations in Chapter 18 of the City Code.

¹⁰⁶ This is a new definition.

¹⁰⁷ This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

¹⁰⁸ This is a new definition.

¹⁰⁹ This is a new definition.

¹¹⁰ This revises the definition in Sec. 24-5 of the current Zoning Ordinance.

¹¹¹ This is a new definition.

¹¹² This revises the definition of *Dwelling, Two-Family* in Sec. 24-5 of the current Zoning Ordinance. This non-student dwelling use, along with other non-student dwelling uses, has been revised to make clear that this use is not a Student-Oriented Dwelling.

Dwelling, Live/work	A building or portion of a building combining a dwelling unit with an integrated work space principally used by one or more of the dwelling unit's residents. ¹¹³
Dwelling, Mobile Home	Defined in Sec. 15-3 of the City Code. A mobile home dwelling shall comply with the Uniform Standards Code for Manufactured Homes Act at Title 24, Ch. 5, Art. 1 of the Code of Alabama, 1975. ¹¹⁴
Dwelling, Multifamily	A building containing five or more dwelling units, each of which is arranged, designed, used, or intended to be occupied by one family. This definition excludes uses that meet the definition of Multifamily Student Dwelling, Townhouse Dwelling, U-Single Dwelling, U-Rowhouse Dwelling, U-Duplex Dwelling, U-Triplex Dwelling, or any Group Living uses. ¹¹⁵
Dwelling, Multifamily Student	A multifamily structure that meets the definition of a Student-Oriented Dwelling. ¹¹⁶
Dwelling, Quadplex	A building which is not physically attached to any other principal structure and contains four dwelling units, each of which is arranged, designed, used, or intended to be occupied by one family, and that is not a Student-Oriented Dwelling. ¹¹⁷
Dwelling, Single-Family Detached	A building which is not physically attached to any other principal structure and contains one dwelling unit which is arranged, designed, used, or intended to be occupied by one family, and that is not a Student-Oriented Dwelling. ¹¹⁸
Dwelling, Student-Oriented	<p>A building, not owned or operated by a college or university, which contains bedrooms for students attending a college or university. The use typically contains bedrooms with private bathrooms, individually rented, and arranged around a common area with a kitchen shared by tenants renting the bedrooms, or bedrooms along a hall, which provides access to a common kitchen space. The listed defining characteristics are not exhaustive, nor does absence of one or more of the defining characteristics preclude a finding that the development is a student-oriented housing development. Other determining factors include, but are not limited to:</p> <ol style="list-style-type: none"> (1) Interior layout of development. (2) Location of development and proximity to a college or university. (3) Company portfolio. (4) Marketing and branding of development.

¹¹³ This is a new definition.

¹¹⁴ In-lieu of the definition included in the current Zoning Ordinance, this references the City Code chapter that governs mobile homes and includes a reference to the state law (and, by reference, federal law) that regulates mobile/manufactured homes.

¹¹⁵ This carries forward the definition of *Dwelling, Multifamily or apartment* in Sec. 24-5 of the current Zoning Ordinance but limits it to housing with five or more dwelling units to accommodate the new *Triplex* and *Quadplex* dwelling uses.

¹¹⁶ This applies the Student-Oriented Dwelling definition to multifamily units

¹¹⁷ This is a new definition.

¹¹⁸ This revises the definition of *Dwelling, Single-Family* in Sec. 24-5 of the current Zoning Ordinance.

- (5) Amenities provided in development (fitness facilities, study rooms, pools, assembly rooms, club houses, etc.).
- (6) Provided furnishings in units.¹¹⁹

Dwelling, Townhouse	A row of three or more dwellings flush against each other at the sides and attached at the sides by party walls. In this use, each dwelling is on an individual lot, is at least two stories in height, is arranged, designed, used, or intended to be used as a residence for one family, and is not a Student-Oriented Dwelling. ¹²⁰
Dwelling, Triplex	A building which is not physically attached to any other principal structure and contains three dwelling units, each of which is arranged, designed, used, or intended to be occupied by one family, and that is not a Student-Oriented Dwelling. ¹²¹
Dwelling, U-Duplex	A Student-Oriented Dwelling as defined at Sec. 6-109(v) of the City Code. ¹²²
Dwelling, U-Rowhouse	A Student-Oriented Dwelling as defined at Sec. 6-109(v) of the City Code. ¹²³
Dwelling, U-Single	A Student-Oriented Dwelling as defined at Sec. 6-109(v) of the City Code. ¹²⁴
Dwelling, U-Triplex	A Student-Oriented Dwelling as defined at Sec. 6-109(v) of the City Code. ¹²⁵

E

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

- (1) A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.
- (2) A Level 2 charging station is a medium-speed charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt AC circuit.

¹¹⁹ This carries forward the definition of *Student-oriented housing development* in Sec. 24-5 of the current Zoning Ordinance but revises it to be more general to cover all student-oriented housing.

¹²⁰ This revises the definition of *Dwelling, Townhouse* in Sec. 24-5 of the current Zoning Ordinance. Limitations on the length of a row of townhouses is included in Sec. 24-6.8, Form and Design Standards.

¹²¹ This is a new definition.

¹²² This references the current definition incorporated into the building code by the City Code and clarifies that it is a type of Student-Oriented Dwelling.

¹²³ This references the current definition incorporated into the building code by the City Code.

¹²⁴ This references the current definition incorporated into the building code by the City Code.

¹²⁵ This references the current definition incorporated into the building code by the City Code.

- (3) A Level 3 charging station is an industrial-grade charging station that operates on a high-voltage circuit to allow for fast charging.¹²⁶

Electric Vehicle Parking Space	A parking space for use by motor vehicles that is served by an electric vehicle charging station. ¹²⁷
Electronic, Digital, or Video Display	For purposes of the sign and billboard regulations in this Ordinance, any portion of a sign displaying letters, characters, figures, or illustrations that are generated by light-emitting devices which may be electronically programmed by computer to change the sign copy without altering the face or surface of the sign. Such light-emitting devices may be integral to the sign face, such as a matrix composed of light emitting diodes (LEDs), or they may be an external light source designed to reflect off the changeable component display. ¹²⁸
Elevated Structure	A podium-built structure having all or a portion of its ground floor unenclosed and used for nonresidential purposes, such as parking, and having one or more dwellings above the ground floor. ¹²⁹
Event Space	An establishment primarily intended to accommodate private functions such as banquets, weddings, anniversaries, and other similar celebrations. The sale of alcoholic beverages is intended for on premise consumption only during scheduled events and when not open to the general public. See determination guidelines for sale and consumption of alcoholic beverages. ¹³⁰
Extractive Operations	The development or extraction of mineral deposits, including but not limited to limestone, coal, sand, rock, clay, dirt, gravel, and other materials, and quarry aggregate from their natural occurrences on affected land. This includes open pit mining and surface operations, strip mining, quarrying, dredging, and the disposal of refuse from those activities. ¹³¹

F

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

¹²⁶ This is a new definition.

¹²⁷ This is a new definition.

¹²⁸ This is a new definition that incorporates some language from relevant definitions in Sec. 24-132 of the current Zoning Ordinance.

¹²⁹ This is a new definition for a term used in Sec. 24-223(a)(2)d of the current Zoning Ordinance.

¹³⁰ This revises for clarity the definition for *Event space, banquet/reception hall* in Sec. 24-5 of the current Zoning Ordinance.

¹³¹ This is a new definition.

transitory or seasonal nature such as a fraternity, sorority, or informal group of students.¹³²

Farm and Agricultural Operations The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal/poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. Ancillary uses may include incidental retail sales of the products raised or grown on the site.¹³³

FCC The Federal Communications Commission.

Financial Institution A federal or State-regulated facility that provides financial and banking services to individuals and businesses. Services typically include deposit banking and closely related functions such as making loans, investments, and fiduciary activities. This does not include a Check Cashing use.¹³⁴

Food Storage and Processing A facility primarily used for the storage, sorting, treatment, or preparation of food products for sale or as inputs to further processing. This includes but is not limited to cold storage establishments, creamery operations, frozen food lockers, and meat, poultry, and seafood canning, curing, and by-product processing.¹³⁵

Fraternity or Sorority House A building used by a fraternity or sorority that is officially recognized by a college or university, that is used by the fraternity or sorority as a principal place of residence for some or all of its members.¹³⁶

Funeral Home An establishment for the preparation of the deceased for burial and the display of the deceased and rituals connected with, and conducted before, burial or cremation. This use does not include cremation units.¹³⁷

G

Gastropub An establishment where full menu meals are primarily served during typical mealtime hours (11 am until 10 pm) and bar operations continue independently or as the primary use during late night hours, providing the on-premise sale and consumption of alcoholic beverages. In making this determination, the Director of Planning shall consider the following criteria:

- (1) Exclusions of patrons under the age of 21 years at any time;
- (2) Removal or rearrangement of table and seating facilities from the floor area;
- (3) Meals are still being served; and

¹³² This is new and replaces the definition in the current Zoning Ordinance. Limit of three unrelated persons is new

¹³³ This is a new definition.

¹³⁴ This is a new definition.

¹³⁵ This is a new definition.

¹³⁶ This is a new definition.

¹³⁷ This is a new definition.

(4) Cover charges being collected.¹³⁸

- Gazebo** A freestanding roofed structure, typically open on the sides, that provides seating or an area for gathering.¹³⁹
- Genus** A taxonomic category ranking of types of living creatures below a family and above a species and that generally consists of a group of species exhibiting similar characteristics.¹⁴⁰
- Government Facility** An office or other facility of a federal, state, county, or City government or agency. Examples include general offices, employment offices, public assistance offices, motor vehicle licensing and registration services, maintenance and repair centers, equipment, and outdoor storage yards, and administrative offices that support the police, fire, and Emergency Medical Services uses included in the Public Safety use, but excluding the Correctional Facility use.¹⁴¹
- Green Roof** A roof or portion of a roof that is covered with vegetation planted in a growing medium over a waterproofing membrane, and that may include additional layers, such as a root barrier, and drainage and irrigation systems.¹⁴²
- Greenway** A linear open space designed for passive recreation purposes including walking or bicycling and that is normally kept in its natural state except for the pedestrian or bicycle trail.¹⁴³
- Group Home** Any premises which provides shelter, food, personal assistance and/or supervision for not more than ten individuals with developmental disabilities or mental illness and which is a permitted use in certain zoning districts in accordance with this Ordinance and Sec. 11-52-75.1 of the Code of Alabama, 1975. Two additional persons who carry out duties in connection with the supervision or management of the group home may also reside on the premises.¹⁴⁴
- Group Housing, Supportive** Any premises which provides shelter, food, personal assistance and/or supervision for not more than ten individuals who do not have developmental disabilities or mental illness but who require medical, correctional, or other mandated supervision, and whose joint residence does not meet the definition of another use in this Ordinance. This use includes a halfway house that assists residents in transitional from more restrictive custodial confinement back into

¹³⁸ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance and incorporates the former definition of “mealtime hours,” which was only used in this definition and thus has not been carried forward separately.

¹³⁹ This is a new definition.

¹⁴⁰ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

¹⁴¹ This is a new definition.

¹⁴² This is a new definition.

¹⁴³ This is a new definition.

¹⁴⁴ This carries forward the definition for *Group home for individuals with developmental disabilities or mental illness* in Sec. 24-5 of the current Zoning Ordinance, and reviewed for consistency with and adds a reference to the state-law description of Group Homes.

society, a shelter for persons experiencing homelessness, and a domestic violence shelter.¹⁴⁵

H

Health Department	The Department of Public Health of Tuscaloosa County, Alabama.
Hedge	A linear arrangement of shrubs, bushes, or other plants grown closely together to create a solid, continuous barrier. ¹⁴⁶
Historic Preservation Commission	The City of Tuscaloosa Historic Preservation Commission established in Chapter 19, Article II, Division 2 of the City Code.
Historic or Architectural Landmark	A structure, premises, or site listed in the National Register of Historic Places, the Historic American Buildings Survey, the Statewide Plan of Historic Preservation (revised) prepared by the Alabama Historical Commission, or the Alabama Register of Historic Landmarks. ¹⁴⁷
Home Garden	An area for the cultivation of fruits, flowers, vegetables, or ornamental plants accessory to the principal use on the site primarily intended for personal use by the occupant of the site and not for sale or other form of commercial transaction with others. ¹⁴⁸
Home Occupation	A business or occupation conducted within a dwelling unit by a resident of the dwelling that is incidental and subordinate to the use of the dwelling for residential purposes. ¹⁴⁹
Hospice	An establishment that provides a coordinated program of inpatient care and services including the coordination of nursing care, social services, medical supplies, physician’s services, counseling, and bereavement services for patients’ families to hospice patients and families, through a medically directed interdisciplinary team, under interdisciplinary plans of care established pursuant to Sec. 22-21-20 of the Code of Alabama, 1975, in order to meet the physical, psychological, social, spiritual, and other special needs that are experienced during the final stages of illness, dying, and bereavement and which is licensed by the Alabama Department of Public Health in accordance with Ala. Admin Code r. 420-5-17. ¹⁵⁰
Hospital	An institution providing health services and medical or surgical care, primarily for temporary inpatients, to persons suffering from mental or physical illness, disease, injury, or disability. This often includes ambulance bays, emergency heliports, laboratories, outpatient facilities, central service facilities, staff offices, or training facilities. ¹⁵¹

¹⁴⁵ This is a new definition.

¹⁴⁶ This is a new definition.

¹⁴⁷ This carries forward the definition in Sec. 24-106 of the current Zoning Ordinance.

¹⁴⁸ This is a new definition and includes language to clarify that this is a garden for personal use and not intended as a commercial operation.

¹⁴⁹ This builds on the definition in Sec. 24-5 of the current Zoning Ordinance; the regulatory standards contained in the current definition are carried forward as use-specific standards at Sec. 24-5.3.4.n.

¹⁵⁰ This is a new definition which is based on the definition in the state administrative regulations and includes a reference to the regulations.

¹⁵¹ This is a new definition.

Hotel A building or group of buildings containing individual sleeping or living units accessed by interior hallways and that are used by transient guests for a typical contract term of less than 30 days. A hotel may include common dining and drinking facilities, meeting rooms, recreational facilities, and/or gift shops, and similar amenities designed primarily for use by guests.¹⁵²

I

Ice Vending Machine An freestanding outdoor device that produces ice and dispenses it to customers in exchange for payment.¹⁵³

Incidental, Customary, Remunerative Activities Incidental gainful activities which are customarily carried on in the home by its bona fide residents, but not rising to the level of a home occupation. Incidental, customary, remunerative activities include but are not limited to activities such as baby sitting, giving individual music lessons, the operation of a Day Care Home, and similar activities as interpreted by the Director of Planning. If the Director of Planning later concludes that the activity goes beyond the bounds of an incidental, customary, remunerative activity, or in the event that any citizen objects to the operation of a Day Care Home or Group Day Care Home, the activities shall be referred to the Zoning Board of Adjustment for determination as to whether the use meets the standards of a home occupation.¹⁵⁴

Illuminance, Horizontal The intensity of artificial light falling on a horizontal surface, measured in footcandles.¹⁵⁵

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

Invasive Species Any species that is not native to an ecosystem and that by its introduction into and continued growth in the ecosystem is likely to cause economic or environmental harm or harm to human, animal, or plant health through crowding out of native plants, destruction of animal habitats, and other methods.¹⁵⁶

J

K

Kennel Any establishment where dogs, cats, or other household pets are boarded, trained, cared for, and/or groomed commercially, exclusive

¹⁵² This builds on the definition for *Motel* and *Motel or hotel* in Sec. 24-5 of the current Zoning Ordinance and consolidates with the *Extended stay motel* use. The new definition limits hotels to facilities where individual rooms open to interior hallways; however, the use-specific standards allow motels with rooms that access exterior corridors to continue in operation as conforming uses under the updated zoning ordinance.

¹⁵³ This is a new definition.

¹⁵⁴ This carries forward and simplifies the definition in Sec. 24-5 of the current Zoning Ordinance

¹⁵⁵ This is a new definition.

¹⁵⁶ This is a new definition, based in part on the definition in Executive Orders 13751 (Dec. 5, 2016) and 13112 (Feb. 3, 1999).

of veterinary care. This use may include a dog park or dog day care services.¹⁵⁷

L

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

Laundromat An establishment providing washing, drying, or ironing machines for use on the premises by rental to the general public. This definition includes automatic, self-service, or hand laundries. This shall not include dry cleaning or processing with any solvents.¹⁵⁸

Laundry and Dry-Cleaning Retail Facility An establishment where laundry or dry cleaning is dropped off or picked up by customers and processed on-site, and where laundering and dry-cleaning on the premises is limited to items which are brought directly to the premises by the retail customer.¹⁵⁹

Laundry and Dry-Cleaning Plant An establishment where laundry or dry cleaning is performed, often for commercial and institutional customers but also including the cleaning of garments dropped off by customers on site. This use does not include facilities where the public drops off or picks up dry cleaning or laundry that is cleaned off-site.¹⁶⁰

Light Vehicle Fuel Station An establishment at which motor vehicle fuels are dispensed, sold, or offered for sale at retail, and may offer minor repair services and inspections as incidental to the sale of fuel including but not limited to battery charging, tire repairs, and oil and fluid changes, but not including maintenance allowed in the Light Vehicle Repair use. Ancillary facilities such as an automobile wash, convenience store, or the rental of automobiles may be provided.¹⁶¹

Light Vehicle Repair Any facility providing for the major or minor repair and maintenance, including but not limited to body work, painting, welding, or storage, of automobiles, motorcycles, trucks, vans, trailers, scooters, all-terrain vehicles, and similar vehicles under 8,500 pounds gross vehicle weight.¹⁶²

Light Vehicle Sales or Rental An establishment that sells, leases, or rents automobiles or light duty vehicles under 8,500 pounds gross vehicle weight with an enclosed, permanent building on site for the transaction of business. The principal use of the site shall be the marketing of new or used automobiles, whether by sale, lease, or rent.¹⁶³

Live Entertainment Any activity utilizing amplified sound equipment and performed for the entertainment of patrons on the premises of any establishment. This

¹⁵⁷ This is a new definition.

¹⁵⁸ This is a new definition.

¹⁵⁹ This is a new definition.

¹⁶⁰ This is a new definition.

¹⁶¹ This builds on the definition of *Automobile service station* in Sec. 24-5 of the current Zoning Ordinance.

¹⁶² This is a new definition. The cutoff of 8,500 pounds is based on vehicle classification standards from the Environmental Protection Agency.

¹⁶³ This is a new definition. The cutoff of 8,500 pounds is based on vehicle classification standards from the Environmental Protection Agency.

includes, but is not limited to, karaoke, musical performances, comedy shows, and disc jockeys (DJs).¹⁶⁴

Loading Berth A space designated for the temporary parking of commercial vehicles and used for the loading or unloading of goods or materials.¹⁶⁵

Lot A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for the purpose of development.¹⁶⁶

Lot of Record A parcel of land that is part of a subdivision, the map of which has been recorded by the county office of probate or a parcel of land described by metes and bounds the description of which has been recorded by the county office of probate.¹⁶⁷

Low Impact Development (LID) A set of approaches and practices intended to reduce runoff of water and pollutants from the site at which they are generated by means of infiltration, evapotranspiration, and reuse of runoff. LID techniques manage water and water pollutants at the source and thereby prevent or reduce the impact of development on rivers, streams, lakes, coastal waters, and ground water. Bioretention facilities, rain gardens, swales, green roofs, rain barrels, and permeable pavement are examples of LID techniques.¹⁶⁸

M

Manufacturing, Heavy An establishment engaged in manufacturing and production activities that may result in substantial off-site noise, odor, vibration, dust, or hazard. Examples include the manufacture or assembly of machinery, vehicles, and appliances; the smelting or reduction of ores; oil refining; stockyards, slaughterhouses, and rendering facilities; the manufacture of petroleum products, explosives, cement, lime, gypsum, plaster-of-paris, fertilizer, corrosive acid, insecticides, radioactive materials, and plastic and synthetic resins; lumber mills; pulp and paper mills; the manufacture, processing, and packing of food products; and electric power generation plants.¹⁶⁹

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

¹⁶⁴ This builds on the definition in Sec. 24-5 of the current Zoning Ordinance.

¹⁶⁵ This is a new definition.

¹⁶⁶ This carries forward the definition in Sec. 24-286 of the current Zoning Ordinance.

¹⁶⁷ This is a new definition.

¹⁶⁸ This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

¹⁶⁹ This is a new definition.

recapping; and manufacturing of components, jewelry, clothing, trimming decorations, and similar items.¹⁷⁰

Marina	An establishment for mooring, servicing, and storing recreational boats, as well as providing supplies, provisions, and fueling facilities. Ancillary facilities may include a restaurant or a boat and motor sales store. Boat building or facilities for the dry docking or repair of barges or watercraft exceeding two tons in weight are not included. ¹⁷¹
Manufactured Building (Modular Building)	A factory-fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure, including, without limitation, residential, commercial, and industrial purposes, and which bears a seal of compliance with the regulations of the Alabama Manufactured Housing Commission. Manufactured buildings must be constructed to meet the requirements of the city's building code and construction regulations as well as any other design standards the city may adopt which apply to conventional construction. A manufactured building is distinct from a Mobile Home Dwelling or Manufactured Home. ¹⁷²
Manufactured Home	See "Dwelling, Mobile Home."
Medical or Dental Clinic	A public or private facility that provides health services in one or more medical or dental specialty to the public. This includes physician offices, examining rooms, and equipment for the outpatient medical or dental care of the sick and injured. ¹⁷³
Mobile Home	See "Dwelling, Mobile Home."
Mobile Home Park	Land that is designed, arranged, or used for the placement of Mobile Home Dwellings, and provides streets, utilities, landscaping, sanitary facilities, and recreational facilities for the residents of the Mobile Home Dwellings. ¹⁷⁴
Mobile Home Sales	An establishment that engages in the sale or repair of mobile homes. ¹⁷⁵
Mobile Food Vending Unit (Food Truck)	The use of a fully enclosed trailer, motorized vehicle, or cart designed to be portable and not permanently attached to the ground from which only prepared food or beverages are peddled, vended, sold, displayed, offered for sale, or given away. This use does not include the sale of alcoholic beverages. ¹⁷⁶

¹⁷⁰ This is a new definition.

¹⁷¹ This revises for clarity the definition in Sec. 24-5 of the current Zoning Ordinance.

¹⁷² This carries forward the definition in the current Zoning Ordinance and is revised, in accordance with state law (Sec. 24-4A-2(13) of the Code of Alabama, 1975), to apply to all manufactured/modular buildings, not just non-residential buildings. A "modular home," defined in the state code (Sec. 24-4A-2(19)) is a manufactured building that is used for residential purposes. It also makes clear that, in accordance with Sec. 24-4A-3(i) of the Code of Alabama, 1975, a manufactured building is distinct from a manufactured or mobile home.

¹⁷³ This consolidates the separate definitions for a *Public health clinic* and a *Private group clinic* in the *Medical or dental clinic* use in Sec. 24-5 of the current Zoning Ordinance.

¹⁷⁴ This clarifies and simplifies the definition in Sec. 24-5 of the current Zoning Ordinance.

¹⁷⁵ This is a new definition.

¹⁷⁶ This carries forward the definition in Sec. 24-229(c)(1) of the current Zoning Ordinance with minor revisions.

Moving Equipment Rental An accessory use that engages in the rental of vehicles typically used for moving, such as small trucks and trailers, and which may also sell related goods such as boxes and packing supplies. This use does not include the rental of automobiles or other light vehicles such as sport utility vehicles which are included in the Light Vehicle Sales or Rental use.

N

Nit A unit of measurement of brightness (luminance), which is the measure of the light emanating from an object with respect to its size and is the term used to quantify electronic sign brightness. The unit of measurement for luminance is nits, which is the total amount of light emitted from a sign divided by the surface area of the sign (candelas per square meter (cd/m²)).¹⁷⁷

Nonconforming lot of record A lot of record the area or dimension of which was lawful at the time of its creation but which fails to conform to the lot area standards of the zoning district in which it is located.

Nonconforming structure Any structure that lawfully existed at the time of its construction; that does not comply with the current standards related to height, setbacks, design standards, or lot coverage of the zoning district in which it is located.

Nonconforming use Any use that lawfully existed at the time of its establishment that does not comply with the use standards of the zoning district in which it is located. If the land or structure is vacant or unused on [redacted] [insert the effective date of this Ordinance] or a subsequent date of an amendment that makes the use nonconforming, it shall be conclusively presumed that any use of the land or structure shall comply with the requirements of this Ordinance.

Nonconforming sign A sign which was lawful at the time of its installation but that does not comply with Sec. 24-6.10, Signs and Billboards, or as otherwise specified by this Ordinance.¹⁷⁸

Nonconforming site feature A feature of parking, landscaping, or exterior lighting that was lawful at the time of its establishment and that does not comply with the standards of this Ordinance.¹⁷⁹

Nonconformity A nonconforming use, structure, lot of record, sign, or site feature.

Nursing Home An establishment that provides nursing care, housing, meals, and care to individuals who require such care due to illness, disease, injury, or physical or mental infirmity on a daily or more frequent basis. These establishments are regulated by Ch. 420-5-10 of the Alabama Administrative Code.¹⁸⁰

¹⁷⁷ This carries forward the definition in Sec. 24-132 of the current Zoning Ordinance.

¹⁷⁸ This is a new definition.

¹⁷⁹ This is a new definition.

¹⁸⁰ This revises the current definition in Sec. 24-5 of the current Zoning Ordinance to incorporate terms used in Ala. Admin Code r. 410-2-4-.03.

O

- Office** An establishment that provides executive, management, administrative, or professional services, but not involving the sale of merchandise except as incidental to a permitted use. Examples include government, real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, journalism, engineering, accounting, call centers, medical, dental, and similar offices. Ancillary uses may include cafeterias, health facilities, game or activity areas, parking, or other amenities primarily for the use of employees in the firm or building. This use does not include a Medical or Dental Clinic use.¹⁸¹
- Open Space** Land within or related to a development which is designated and intended for the common use or enjoyment of the residents of the development, including permeable and impermeable surfaces under roof or covered, but with at least two open sides.¹⁸²
- Original City Survey** That part of the City included on the plat of McCalla’s Street Center Survey of 1891, on file in the Office of Urban Development, roughly bounded by Martin Luther King Jr. Boulevard to the west, 4th Street to the north, Queen City Avenue to the east, and 15th Street to the south.¹⁸³
- Outdoor Seating (as accessory use)** The provision of on-site outdoor seating or entertainment areas as an accessory use. The accessory use also may include outdoor seating areas on public sidewalks in front of the establishment, including within the public right-of-way, only where allowed by the City Code and following issuance of required City permits.¹⁸⁴
- Outdoor Video Display (as accessory use)** A screen on which an image is displayed either through projection or by a digital display. This accessory use is located outdoors, is incorporated into the initial design of a mixed-use or multifamily residential development, and may include speakers.¹⁸⁵
- Outdoor Storage** An area used for the keeping of any material or machinery.¹⁸⁶

P

- Package Liquor Store** A state-licensed establishment where the primary use is the retail sale of original package liquor and/or distilled spirits for off-premise consumption. Other alcoholic beverages may be sold for off-premise consumption as a secondary use.¹⁸⁷
- Parapet** The portion of a wall that extends above the roof line.¹⁸⁸

¹⁸¹ This is a new definition.

¹⁸² This is a new definition.

¹⁸³ This is a new definition.

¹⁸⁴ This is a new definition that includes uses other than those in the Food and Beverage Use category and to recognize that a permit from the City is required for outdoor dining within the public right-of-way.

¹⁸⁵ This is a new definition.

¹⁸⁶ This is a new definition.

¹⁸⁷ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

¹⁸⁸ This definition is carried forward from Sec. 24-132 of the current Zoning Ordinance.

- Park** An outdoor area designed and used for public recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks. This includes greenways, open fields, arboreta, botanical gardens, sports fields, dog parks, skate parks, plazas, splash pads, playgrounds, and picnic areas.¹⁸⁹
- Parking Facility** An off-street area designed, used, required, or intended to be used for the parking or storage of motor vehicles, including driveways or access ways in and to such areas, but not including public streets and rights-of-way.¹⁹⁰
- Parking Lot** A designated off-street area used for the temporary parking of motor vehicles. A parking lot typically includes designated spaces for car storage, drive aisles to provide access to parking spaces and to access and egress a public or private street, interior landscaping, and perimeter landscaping buffers. A parking lot may also include spaces for the temporary parking of bicycles, scooters, and other mobility devices.¹⁹¹
- Party Wall** A wall on a lot line between adjoining buildings which is used or adapted for joint service between the two buildings, and is constructed as a fire wall in accordance with the City of Tuscaloosa Building Code. Party walls are constructed without openings and create separate buildings.¹⁹²
- Passenger Station, Rail, Bus, or Intermodal Facility** A facility or location that receives and discharges passengers and at which facilities and equipment required for their operation are provided. Examples include terminals for bus, trolley, taxi, light rail, railroad, shuttle van, or other similar vehicular services. Ticket sales and baggage handling services may take place on site. Ancillary facilities such as a newsstand or Convenience Store may be provided.¹⁹³
- Patio** A level, hard-surfaced area directly adjacent to a principal building at or within three feet of the finished grade that is used for outdoor lounging, dining, and similar purposes. A patio may or may not have a roof.
- Pedestrianway** A right-of-way such as sidewalks, side paths, walking trails, and multi-use trails designed for use by people walking on their own or with an assistive device.¹⁹⁴
- Person** See Sec 1-2 of the City Code.

¹⁸⁹ This is a new definition.

¹⁹⁰ This is a new definition.

¹⁹¹ This is a definition that replaces the definition applicable to the landscaping and buffering standards in Sec. 24-252 of the current Zoning Ordinance. Revised to change from “storage” of motor vehicles to “parking” for consistency.

¹⁹² This updates the definition in Sec. 24-5 of the current Zoning Ordinance for consistency with the City’s Building Code (Sec. 706.1.1 of the 2016 International Building Code) by requiring a party wall be on a lot line, have no openings, and be fire resistant.

¹⁹³ This is a new definition.

¹⁹⁴ This is a new definition.

Personal Care Home Any premises, other than Group Home, which provides food, shelter, personal assistance, or supervision for a period exceeding 24 hours for more than two adults who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet, or medication prescribed for self-administration.¹⁹⁵

Personal Services An establishment primarily engaged in providing services involving the care of a person or of the care or repair of personal goods or apparel. This use typically includes, but is not limited to, diaper service, day spas, beauty shops, barbershops, nail salons, blow dry bars, lash bars, massage services, shoe repair, appliance repair, personal copying/shipping services, daytime non-medical pet care, bicycle and sports equipment repair, small appliance repair, and similar uses.¹⁹⁶

Pet Grooming A facility where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. This use does not include the overnight boarding of animals.¹⁹⁷

Pharmacy An establishment where drugs and medicine are prepared and dispensed. Drive-through services are permitted only where it is allowed as an accessory use.¹⁹⁸

Planned Development Developments that are master planned and developed under unified control. Planned developments allow more flexible standards and procedures in order to achieve innovative site design, improved appearance, greater compatibility of uses, increased preservation of natural and scenic features, improved service by community facilities, better functioning of vehicular access and circulation, and otherwise higher-quality development than could be achieved through base zoning district regulations. See Sec. 24-4.7, Planned Development Districts.

Planning and Zoning Commission The City of Tuscaloosa Planning and Zoning Commission established in Chapter 20, Article 1, Division 1 of the City Code.

Plant Nursery/Greenhouse An establishment for the growth, display, and/or wholesale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.¹⁹⁹

Porch A raised structure attached to the front of a building, forming a covered entrance to a doorway.²⁰⁰

Portable Toilet²⁰¹ A freestanding, movable structure equipped with a watertight impervious receptacle that receives waste discharged through a hopper, seat, urinal or similar device, and where the structure or receptacle is taken off-site for disposal of the waste. This use is

¹⁹⁵ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

¹⁹⁶ This is a new definition.

¹⁹⁷ This is a new definition.

¹⁹⁸ This is a new definition.

¹⁹⁹ This is a new definition.

²⁰⁰ This definition is carried forward from Sec. 24-349 of the current Zoning Ordinance.

²⁰¹ This is a new definition.

intended for temporary use and shall not be permanently connected to a sanitary sewer system with a standard connection.

Primary Pedestrian Entrance A place of ingress and egress to a building that is used by the public or residents of the building and faces a sidewalk or pedestrian path and not a parking lot.²⁰²

Primary Use The main use to which a premises is devoted and the purpose for which the premises exists.²⁰³

Private Club or Lodge An establishment of a private non-profit corporation incorporated in the State which provides social, physical, recreational, educational, agricultural, or benevolent services. This establishment often maintains dining facilities and includes meeting areas. Examples include union halls, social clubs, youth centers, and fraternal and veterans' organizations.²⁰⁴

Professional-Level City Employee A person employed by the City of Tuscaloosa for wages or salary.²⁰⁵

Property Line See definition of "Lot Line" in Sec. 24-2.2.2, Lot Measurements.

Public Safety Facility A private or public facility for the provision of local rapid response emergency services such as police, firefighting, and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles and equipment, housing and feeding of emergency personnel, and related activities.²⁰⁶

Q
R

Railroad Facility An area and related facilities connected with the movement, assembly, or disassembly of trains, including without limitation railroad track, sidings, operations and maintenance shacks, train sheds, and classification yards. This use does not include a Railroad Terminal.²⁰⁷

Railroad Terminal An area designed and used for the storage, loading, and unloading of containers from railroads to facilitate transshipment with trucks.²⁰⁸

Rain Garden A garden of native shrubs, perennials, and flowers planted in a small depression or lowered area, which is generally formed on a natural slope. A rain garden is planted so that rainwater from roofs, driveways, or other surfaces runs into it and soaks into the ground, thereby reducing flooding or other related problems.²⁰⁹

²⁰² This is a new definition.

²⁰³ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance with minor revisions.

²⁰⁴ This is a new definition.

²⁰⁵ This is a new definition.

²⁰⁶ This is a new definition.

²⁰⁷ This is a new definition.

²⁰⁸ This is a new definition.

²⁰⁹ This replaces the definition in Sec. 24-252 of the current Zoning Ordinance with updates for clarity.

Rainwater Cistern or Barrel	A catchment device to capture rainwater from a roof or other surface before it reaches the ground, which may be either above or below ground level. ²¹⁰
Recreation, Indoor	A facility that accommodates recreation activities where all activities take place within enclosed structures. Examples include bowling alleys; trampoline centers; movie theaters; fitness centers; performing arts centers; recreation centers; indoor swimming pools; indoor tennis, basketball, volleyball, and other hard-surfaced courts; and paintball/laser tag centers. This does not include an Event Space use. ²¹¹
Recreation, Outdoor	A facility that accommodates recreation activities that take place outdoors. Examples include outdoor tracks, miniature golf, amusement parks, water slides, fitness center outdoor activities, tennis and other racquet courts, basketball and volleyball courts, go-kart tracks, and outdoor swimming pools. This does not include a Park use. ²¹²
Recreational Vehicle (RV)	A vehicular unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. This includes travel trailers, camping trailers, truck campers, and motor homes.
Recreational Vehicle (RV) Park	A premises that is designed, arranged, or used for the temporary placement of recreational vehicles and includes permanent sanitary facilities adequate for the number of recreational vehicle spaces available. ²¹³
Recyclables Processing Center	An establishment in which recyclables, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may be used again in new products. ²¹⁴
Recycling Collection Area	An outdoor area where recyclables are collected and temporarily stored, as an activity incidental to the principal use of the property.
Religious Institution	A building or site containing a hall, auditorium, or other suitable room or rooms used for conducting religious or other services or meetings of the occupants. This includes a church, synagogue, temple, or mosque, along with accessory structures. ²¹⁵
Research and Development	A facility including research, synthesis, analysis, development and testing laboratories, including the fabrication, assembly, mixing and preparation of equipment and components incidental, convenient, or necessary to the conduct of those activities. ²¹⁶

²¹⁰ This is a new definition.

²¹¹ This is a new definition.

²¹² This is a new definition.

²¹³ This builds on the existing definition in Sec. 24-5 of the current Zoning Ordinance but removes regulatory elements of the definition to the use-specific standards in Sec. 24-5.2.4.c.4.iii, Recreational Vehicle (RV) Park.

²¹⁴ This is a new definition.

²¹⁵ This is a new definition.

²¹⁶ This is a new definition.

- Restaurant, Quick-Service** An establishment where food is cooked or prepared, patrons dine on or off the premises, and where there is menu board-served drive-up, or walk-up window service or service to customers in their vehicles. Drive-through service may be allowed as an accessory use. See determination guidelines for sale and consumption of alcoholic beverages.
- Restaurant, Sit-Down** An establishment where food is cooked and patrons dine while seated within the building or outside on the premises and with no drive-through, drive-up, or walk-up window service. Alcoholic beverages may be served, but such service shall be incidental and subordinate to the primary use of food service and may only occur while food sales are being conducted. Any included attached bar shall not occupy more than 20 percent of the interior customer service area and its operation shall at all times be incidental and subordinate to the primary use of food service. The use has no menu board ordering, and the facilities may include a pick-up window only. An establishment with less than 2,500 square feet in gross floor area is sometimes known as a bistro. See determination guidelines for sale and consumption of alcoholic beverages.²¹⁷
- Retail Sales Establishment** An establishment that does not meet another definition of a principal use in this Ordinance that engages in the sale or short-term rental of goods and merchandise to the general public for personal or household consumption. Examples include newsstands, food stores, hardware stores, building supply stores, garden supply stores, furniture stores, florists, bakeries, department stores, auto parts stores (without vehicular service), grocery stores, equipment rental shops, wedding supply rental establishments, sports equipment stores, and bookstores. An establishment may include a pharmacy. Rental of heavy construction equipment including bulldozers, grading pans, power rollers, large backhoes, and asphalt spreaders is prohibited.²¹⁸
- Retail Sales, Large** A Retail Sales Establishment that is at least 45,000 square feet in gross floor area.²¹⁹
- Retail Sales, Medium** A Retail Sales Establishment that is larger than 7,500 square feet and smaller than 45,000 square feet in gross floor area.²²⁰
- Retail Sales, Small** A Retail Sales Establishment that is 7,500 square feet or smaller in gross floor area.²²¹
- Ride-hailing or Taxi Service** An establishment that supports for-hire vehicle services such as taxis or ride-hailing/ride-sharing services, including services authorized by Chapter 23, Article I, Vehicles for Hire and Transportation Network Companies, of the City Code. This may include office space to

²¹⁷ This carries forward and consolidates the definitions of *Restaurant*, *Restaurant with attached bar*, and *Restaurant, bistro* in Sec. 24-5 of the current Zoning Ordinance. The size restrictions that apply to a bistro have been included as a use-specific standard that limit the use's size in certain zoning districts.

²¹⁸ This is a new definition.

²¹⁹ This is a new definition.

²²⁰ This is a new definition.

²²¹ This is a new definition.

coordinate the dispatch of vehicles and operate the business, areas for vehicle storage, and related uses.²²²

Right-of-Way A piece of land in which there is public ownership or other interest, typically in a strip which has been acquired for or devoted to the use of a street, alley, greenway, or railroad.²²³

Rope Lighting A lighting fixture with small light bulbs that are linked together and encased in a flexible material that can be strung along a surface or hung from a structure.²²⁴

Runoff The water from precipitation that flows over the ground.²²⁵

S

Sale of Motor Vehicles on Private Property The offering for sale of a motor vehicle through such means as a sign within the vehicle that is visible to passers-by.²²⁶

Salvage or Junkyard An establishment involving the storage and/or sale of inoperable, disused, dismantled, or wrecked vehicles, equipment or machinery or the storage or processing of scrap metal, wastepaper, rags, wastes, construction wastes, industrial wastes or other scrap, salvage, waste, or junk materials.²²⁷

School, Private, K-12 An institution operated by an entity other than the Tuscaloosa City Schools offering general, technical, or alternative instruction at the pre-school, elementary, middle, and/or secondary school levels. This includes parochial schools.²²⁸

School, Public, K-12 An institution operated by the Tuscaloosa City Schools offering general, technical, or alternative instruction at the pre-school, elementary, middle, and/or secondary school levels.

Seawall A structure installed along a waterfront that is intended to minimize erosion along a shoreline. Also known as a bulkhead or retaining wall.²²⁹

Self-Service Storage An establishment within a secure enclosure containing separate lockable storage spaces rented as individual units for the storage of a customer's goods or wares, boats, and RV storage. Ancillary facilities may include a single dwelling unit for a watchman or resident manager.²³⁰

²²² This is a new definition.

²²³ This updates the definition in Sec. 24-252 of the current Zoning Ordinance.

²²⁴ This is a new definition.

²²⁵ This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

²²⁶ This is a new definition.

²²⁷ This is a new definition.

²²⁸ This is a new definition.

²²⁹ This is a new definition.

²³⁰ This simplifies the definition in Sec. 24-5 of the current Zoning Ordinance. The provisions regarding maximum size are located in the use-specific standards in Sec. 24-5.2.4.c.6.vii, Self-Service Storage.

- Sexually-oriented Business** An establishment that engages in the retail sales or rental of books, magazines, films, devices, sex devices, adult toys, marital aids, or like products, or other photographic, written, or actual reproductions of equipment characterized by their emphasis on matters depicting, describing, used in connection with, or related to sexual activities. Sexually-oriented adult use also includes the viewing of films, movies, photographs, live performances, or the like that are characterized by their emphasis on matters depicting, describing, used in connection with, or related to sexual activities.
- Shopping Center** A development that consists of two or more commercial units which may share common walls and ownership, constructed primarily for retailing purposes and sharing appurtenant facilities, such as driveways, off-street parking, and pedestrian walkways, and that is planned, developed, designed, and constructed as a single unified development.²³¹
- Short-Term Rental** The transient use of any dwelling or any part of a dwelling for overnight occupancy.²³²
- Shrub** A self-supporting woody species of plants characterized by controlled persistent stems and branches springing from the base, usually maturing at less than 12 feet in height.²³³
- Sign** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, designed to inform or advertise.²³⁴
- Sign, A-Frame** A freestanding sign consisting of two boards hinged at the top hanging back to back and separate at the base, forming an “A” shape. Also known as a sandwich-board sign.²³⁵
- Sign, Building/Wall** A sign displayed upon or attached to any part of the exterior of a building, including walls, doors, parapets, and marquees. Canopy signs, awning signs, projecting signs, and signs suspended from buildings are considered types of building signs.²³⁶

²³¹ This carries forward the definition in Sec. 24-132 of the current Zoning Ordinance. The definition relating to non-sign matters has been superseded, and the definition from Sec. 24-132 has been revised to apply to all uses of the term in this code.

²³² This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

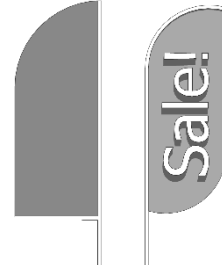
²³³ This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

²³⁴ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance but removes the phrase that a sign is designed to attract the attention of “persons not on the premises on which the sign is located.”

²³⁵ This is a new definition.

²³⁶ This definition is carried forward from Sec. 24-132 of the current Zoning Ordinance.

Sign, Feather Flag A temporary fabric sign intended to be inserted directly into the ground or into a mounting device that sits on the ground, often with a feather-like shape. Other common names for feather flag signs include blade flags, sail flags, quill flags, and flutter flags.²³⁷



Sign, Freestanding Any sign supported by structures or supports that are placed on, or anchored in the ground, and that are independent from any building or other structure and not located within right-of-way (see Sec. 24-6.10.6.b.1). The posts or other supporting structures shall be considered as part of the sign and shall be included in computing the sign display area.²³⁸

Sign, Monument A freestanding sign with a solid base in which the width of the sign at the base is equal to or greater than the width of the top of the sign.²³⁹

Sign, Painted Window A window sign where the message is drawn or painted directly on a window using paint or similar materials that affix to the window.²⁴⁰

Sign, Pole A freestanding sign attached to one or more vertical posts, with the base of the actual sign at least 48 inches above grade.²⁴¹

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

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

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

²³⁷ This is a new definition.

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

²³⁹ This is a new definition.

²⁴⁰ This is a new definition.

²⁴¹ This is a new definition.

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

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

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

Sign Supporting Structure	Any structure or component to which sign copy is attached, such as a monopole, uprights, braces, guys, anchors, framework, base, foundation, stringers, walkways or catwalks, catwalk supports, lighting, display surfaces, face(s) of a sign panel, caps, cross beams, headers, skirting, ladders, lighting fixtures, electrical components (including any artificial means of heating and cooling electronic, digital, or video billboards and signs), electrical service meters, boxes, and conduit. ²⁴⁵
Sign, Logo	A sign containing a graphic image, with or without words, that represents an organization. ²⁴⁶
Sign Permit	A uniform mechanism for ensuring that the erection and maintenance of signs complies with City regulations.
Sight Triangle	The space between the heights of three and one-half (3½) and ten feet above the street level within 20 feet of the intersection of the right-of-way lines of two streets or two railroads or of a street and a railroad property line, and within which no fence, sign, vegetation, or other obstruction to vision is allowed, except within the original city survey.
Slaughterhouse or Stockyards	The keeping of livestock, poultry, pigs, or small animals for commercial purposes in lots, pens, ponds, sheds, or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means, and/or a facility for the slaughtering and processing of domestic farm animals and the refining, packaging, and distribution of their byproducts. ²⁴⁷
Sober Living Facility	Any dwelling with bedrooms and kitchen facilities used as a residence for not more than ten individuals who are recovering from drug or alcohol addiction and who each reside in the facility for at least 30 days. ²⁴⁸
Solar Energy Conversion System, Small-Scale	Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures or on the ground. ²⁴⁹

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

²⁴⁶ This is a new definition.

²⁴⁷ This is a new definition.

²⁴⁸ This is a new definition for a new use; the size limitations are under discussion with staff. Ten is used as a placeholder for consistency with the Group Home definition.

²⁴⁹ This is a new definition.

Solar Energy Conversion System, Large-Scale	A facility consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, and storage) that collects solar energy and converts it into electricity or transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling. This use is generally designed to produce electricity to accommodate demands of a neighborhood or larger area and is typically mounted on the ground. ²⁵⁰
Special Event	A temporary activity on private property that is planned or reasonably expected to attract a large number of people, that is not prohibited by this Ordinance or the City Code, and that is not listed as a separate temporary use in this Ordinance. This use includes but is not limited to fundraising activities, circuses, amusements, outdoor concerts, festivals, street fairs, outdoor arts and crafts fairs, and other organized community events. ²⁵¹
Special Exception Use	A use is designated as a special exception use in a zoning district where the use may or may not be appropriate, because of its characteristics and potential impacts based on the general development character and uses permitted by right in the district. Consequently, special individual consideration of the proposed location, design, and methods of operation, of the special exception use in accordance with the procedure and standards in this Ordinance, is required before the use can be deemed appropriate in the district and compatible with its surrounding development. ²⁵²
Special Exception Use Permit	A uniform mechanism to ensure that special exception uses are appropriate for the location and district where they are proposed. See Sec. 24-3.4.5, Special Exception Use Permit.
Stoop	A small, raised platform that serves as an entrance to a building. ²⁵³
Stormwater	See Sec. 21-151 of the City Code. ²⁵⁴
Structure	In general use, anything constructed or erected, the use of which requires more or less permanent location on the ground, below the ground, or which is attached to something having a more or less permanent location on the ground, or below the ground, and which extends at least 36 inches above the ground. ²⁵⁵
Swimming Pool	A self-contained body of water at least 18 inches deep and eight feet in diameter or width and used for recreational purposes. It may be above or below ground level. As an accessory use, a swimming pool is accessory to a principal residential use. See also Recreation, Outdoor. ²⁵⁶

²⁵⁰ This is a new definition.

²⁵¹ This is a new definition.

²⁵² This is a new definition.

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

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

²⁵⁵ This is a new definition.

²⁵⁶ This is a new definition. Requirements for fences are included in the use-specific standards applicable to swimming pools at Sec. 24-5.3.4.x.

I

- Tattoo Establishment** An establishment that provides the placing of permanent designs, letters, symbols, or figures upon or under the skin with ink or any other substance by the use of needles or any other instrument. This includes a business that provides an opening in the body for the purpose of inserting jewelry or other decoration.²⁵⁷
- Theater or Auditorium** An indoor facility for public assembly and group entertainment, often including amplified sound equipment and seating, intended for events such as plays, movies, and concerts.²⁵⁸
- Tiny House** A single-family dwelling unit containing no more than 400 square feet of gross floor area. A tiny house installed on an engineered permanent foundation and constructed in accordance with the Building Code, shall be considered to be, and shall be subject to the regulations that apply to, a Single-Family Detached Dwelling. A tiny house that is not installed on an engineered permanent foundation shall be considered to be, and shall be subject to the regulations that apply to, a Mobile Home Dwelling.²⁵⁹
- Tobacco or Vape Shop** An establishment exclusively or primarily involved in the sale or distribution of tobacco, electronic cigarettes, vaping products, and/or related goods, but not including the sale or distribution of cannabis-based products.²⁶⁰
- Tourist Overlay Boundary** The area located south of the centerline of the Black Warrior River, west of the centerline of McFarland Boulevard East, the northern right-of-way line of 15th Street, east of the centerline of TY Rogers Jr. Avenue, thence northward from this point to the centerline of Nick's Kids Avenue, north of the centerline of Stillman Boulevard, east of the centerline of 29th Avenue, thence northward from this point to the centerline of the Black Warrior River, as indicated in the map below.²⁶¹

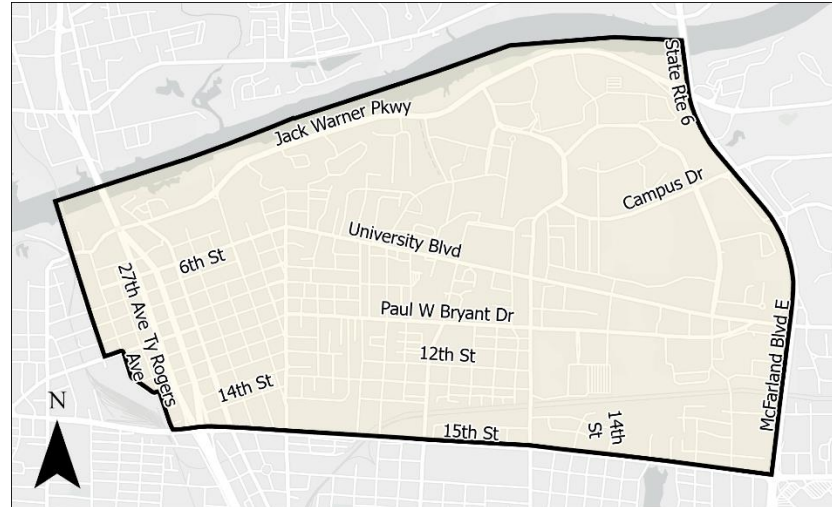
²⁵⁷ This definition is provided by staff.

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

²⁵⁹ This is a new definition which makes clear that a tiny house is subject to the same standards that apply to a single-family detached dwelling or a mobile home dwelling.

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

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



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

Transient A person who occupies a dwelling for less than 30 days.²⁶²

Tree A usually tall, woody plant, distinguished from a shrub by having comparatively greater height.²⁶³

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

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

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

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

Tree, Private A tree located on private property.

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

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

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

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

Turf Grass Grass grown for lawns, of a type that forms a dense even turf if mown and maintained.²⁶⁴

Tri-vision Technology A display surface composed of three-sided rotating slats arranged side by side, either horizontally or vertically, that are rotated by an

²⁶² This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

²⁶³ The tree definitions (from Tree through Tree, Understory) are carried forward from Sec. 24-252 of the current Zoning Ordinance with minor refinements.

²⁶⁴ This is a new definition.

electromechanical process, capable of displaying a total of three separate and distinct messages on a sign face, one message at a time.²⁶⁵

Truck Terminal A building or area in which trucks, including tractor or trailer units are parked, stored, or serviced, including the transfer, loading, or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment. This definition shall not include a waste transfer station.²⁶⁶

U

Utility, Major A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility facilities include potable water treatment plants, water towers, sewer or wastewater treatment plants, solid waste facilities, gas compressor stations, and electrical substations. This use does not include telecommunications facilities or towers.²⁶⁷

Utility, Minor A structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide utility services and that needs to be in or near the neighborhood or use type where the service is provided. Examples of minor utility facilities include water and sewage pipes and pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission pipes and valves, and broadband lines.²⁶⁸

Utility Easement A right in property acquired by a utility or governmental agency or private agency where utilities, including all types of pipelines, television cable, telephone, and electric cables, are placed and maintained. A utility easement can run above ground or underground, and can be located on or under private or public property, including public rights-of-way.²⁶⁹

V

Vegetated The use of vegetation to cover ground.²⁷⁰

Vehicle Fuel Station, Heavy An establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks and similar heavy commercial vehicles, including the sale of accessories and equipment for those vehicles. This use may also include overnight accommodations, showers, and restaurant facilities primarily for the use of truck crews.²⁷¹

²⁶⁵ This carries forward the definition in Sec. 24-132 of the current Zoning Ordinance, with minor modifications for consistency with the terminology used in the sign and billboard regulations in this draft.

²⁶⁶ This is a new definition.

²⁶⁷ This is a new definition.

²⁶⁸ This is a new definition.

²⁶⁹ This updates the definition in Sec. 24-252 of the current Zoning Ordinance.

²⁷⁰ This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance with minor revisions.

²⁷¹ This is a new definition.

Vehicle Fuel Station, Light	An establishment at which motor vehicle fuels are dispensed, sold, or offered for sale at retail, and may offer minor repair services and inspections as incidental to the sale of fuel including but not limited to battery charging, tire repairs, and oil and fluid changes, but not including maintenance allowed in the Light Vehicle Repair use. Ancillary facilities such as an Automobile Wash, convenience store, or the rental of automobiles may be provided. ²⁷²
Vehicle Repair, Heavy	Any facility providing for the major or minor repair and maintenance, of vehicles with 8,500 pounds or more of gross vehicle weight or farm equipment. ²⁷³
Vehicle Repair, Light	Any facility providing for the major or minor repair and maintenance, including but not limited to body work, painting, welding, or storage, of automobiles, motorcycles, trucks, vans, trailers, scooters, all-terrain vehicles, and similar vehicles under 8,500 pounds gross vehicle weight. ²⁷⁴
Vehicle and Farm Equipment Sales and Rental, Heavy	An establishment that sells, leases, or rents vehicles with 8,500 pounds or more of gross vehicle weight or farm equipment with an enclosed, permanent building on site for the transaction of business. The principal use of the site shall be the marketing of heavy vehicles or farm equipment whether by sale, lease or rent. ²⁷⁵
Vehicle Sales or Rental, Light	An establishment that sells, leases, or rents automobiles or light duty vehicles under 8,500 pounds gross vehicle weight with an enclosed, permanent building on site for the transaction of business. The principal use of the site shall be the marketing of new or used automobiles, whether by sale, lease, or rent. ²⁷⁶
Vehicle-Mounted or Tent-Sheltered Retail	The sale of food or other items to the public from a trailer or a tent located on private property. This does not include vendors operating in public right-of-way under a franchise granted by the City, or vendors selling produce at the City's farmers' market. ²⁷⁷
Veterinary Clinic	An establishment for the care and treatment of animals, including household pets and larger domesticated animals. A veterinary clinic may include the boarding of household pets and kennels as an accessory use. ²⁷⁸
Vocational School	An educational establishment that primarily teaches usable skills that prepares students for jobs in a trade or in industry, construction, or commerce. ²⁷⁹

²⁷² This builds on the definition of *Automobile service station* in Sec. 24-5 of the current Zoning Ordinance.

²⁷³ This is a new definition. The cutoff of 8,500 pounds is based on vehicle classification standards from the Environmental Protection Agency.

²⁷⁴ This is a new definition. The cutoff of 8,500 pounds is based on vehicle classification standards from the Environmental Protection Agency.

²⁷⁵ This is a new definition. The cutoff of 8,500 pounds is based on vehicle classification standards from the Environmental Protection Agency.

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

²⁷⁷ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

²⁷⁸ This is a new definition.

²⁷⁹ This is a new definition.

W

Warehouse	A facility primarily used for the storage of products, supplies, and equipment. ²⁸⁰
Waste Disposal	A facility for the temporary or permanent storage or disposal of solid waste, such as a landfill, incinerator, or waste transfer station, operated in accordance with all federal, state, and local laws and regulations. ²⁸¹
Wholesale Sales	An establishment primarily engaged in selling merchandise to retail, industrial, commercial, institutional, or professional business users or to other wholesalers, but not to the public at-large. ²⁸²
Wine Bar	An establishment in which wine products may be tasted and sold, featuring an area devoted to the sampling and sales thereof of wine or beer produced on or off the premises. ²⁸³
Wireless Telecommunications Tower	A structure, such as a self-supporting lattice tower, a guyed tower, or a monopole, designed and constructed primarily for the purpose of supporting one or more antennas, which may include accessory facilities necessary for equipment storage and unmanned operations. This definition includes modifications of such structures that do not meet the definition of a wireless telecommunications tower minor modification. ²⁸⁴
Wireless Telecommunications Tower Minor Modification	Any modification of an existing wireless telecommunications tower that 1) does not increase the height of the tower by more than ten percent of its current height or by more than one additional antenna array, provided the additional array is not separated by more than 20 feet from an existing array; 2) does not protrude from the edge of the tower by more than 20 feet or the width of the tower at the height of the modification, whichever is greater; and 3) does not defeat existing concealment elements of the tower. ²⁸⁵

X

Y

Yard See Sec. 24-2.2.2.j, Yard

Z

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

²⁸⁰ This is a new definition.

²⁸¹ This is a new definition.

²⁸² This is a new definition.

²⁸³ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance, with refinements.

²⁸⁴ This is a new definition.

²⁸⁵ This is a new definition based on relevant federal law.

- Zoning District, Base** A zoning district within which a single set of uses, density and intensity, dimensional, and development standards are applied.
- Zoning District, Overlay** A zoning district superimposed over one or more underlying base zoning districts that establishes standards and requirements in addition to those required by the underlying base zoning district.
- Zoning Map** The City of Tuscaloosa Zoning Map, on which the boundaries of the various zoning districts are established which is an integral part of this Zoning Ordinance and incorporated herein by reference.

ARTICLE 24-4. ZONING DISTRICTS

Commentary on Draft:

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

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

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

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

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

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

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

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

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

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

SEC. 24-4.1. ZONING DISTRICTS ESTABLISHED

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

SEC. 24-4.1.1. OPEN SPACE DISTRICT

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

SEC. 24-4.1.2. RESIDENTIAL DISTRICTS

Residential districts include the following districts:

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

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

SEC. 24-4.1.3. INSTITUTIONAL DISTRICTS

Institutional districts include the following districts:

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

SEC. 24-4.1.4. BUSINESS DISTRICTS

Business districts include the following districts:

1. Downtown (D) district (see Sec. 24-4.5.2);
2. Downtown Perimeter (DP) district (see Sec. 24-4.5.3);
3. Downtown Historic Edge (DHE) district (see Sec. 24-4.5.4);
4. Riverfront (R) district (see Sec. 24-4.5.5);
5. Lake Commercial (LC) district (see Sec. 24-4.5.6);
6. General Commercial (GC) district (see Sec. 24-4.5.7);
7. University Commercial (UC) district (see Sec. 24-4.5.8);
8. Neighborhood Commercial (NC) district (see 0); and
9. Highway Commercial (HC) district (see Sec. 24-4.5.10).

SEC. 24-4.1.5. INDUSTRIAL DISTRICTS

Industrial districts include the following districts:

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

SEC. 24-4.1.6. PLANNED DEVELOPMENT DISTRICTS

Planned development districts include the following districts:

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

SEC. 24-4.1.7. OVERLAY DISTRICT

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

SEC. 24-4.2. OPEN SPACE DISTRICT

SEC. 24-4.2.1. OPEN SPACE³⁰³

a. Purpose

The Open Space (OS) District is intended to provide lands in the City for open space, large public parks and trails, farmland, viewsheds, wildlife habitat, and related uses. The district is characterized by areas designed for active or passive recreation, public parks and trails, and natural areas.

b. Use Standards

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

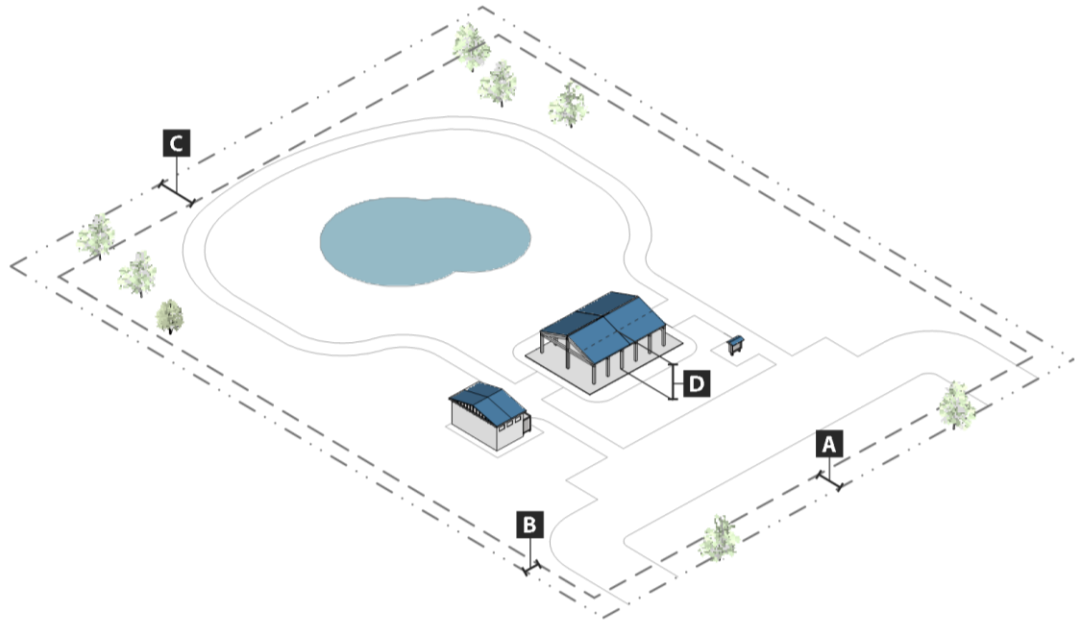
c. Intensity and Dimensional Standards

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

Table 4-1: OS Intensity and Dimensional Standards

	STANDARD [2]	ALL USES
	Lot area (min)	1 acre
A	Front setback (min)	15 ft
B	Side setback (min)	10 ft
C	Rear setback (min)	20 ft
D	Building height (max)	60 ft
	Ground Coverage Ratio (max)	15 percent
NOTES		
[1] max = maximum; min = minimum; ft = feet		
[2] Publicly-owned parks are not subject to these dimensional standards.		

³⁰³ The new OS district provides lands to accommodate passive and active parks and trails, farmland, viewsheds, wildlife habitat, and rural lands. This zoning district can generally be used to protect these types of lands that are owned by public entities. Private landowners in undeveloped and/or rural areas may also request to apply this zoning district.



a. References to Other Standards

Development in the OS district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-2: Cross-References to Other Standards.

Table 4-2: Cross-References to Other Standards

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

SEC. 24-4.3. RESIDENTIAL DISTRICTS

SEC. 24-4.3.1. GENERAL PURPOSE³⁰⁴

The general purpose of residential districts is to:

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

³⁰⁴ This is a new general purpose statement.

SEC. 24-4.3.2. COMPACT NEIGHBORHOOD³⁰⁵

a. Purpose

The purpose of the Compact Neighborhood (CN) district is to provide lands for clustered development on residential lots that are smaller than would otherwise be permitted under conventional development regulations, with the remaining land being retained as common open space. The district is intended to support a medium-density residential environment, with additional density allowed where additional open space is provided, and may include compatible public, civic, and institutional uses.

a. Use Standards

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

b. Intensity and Dimensional Standards

All development in the CN district shall comply with the standards in Table 4-3: CN Intensity and Dimensional Standards.

Table 4-3: CN Intensity and Dimensional Standards

	STANDARD	ALL USES
	Density (max) [2]	6 du/acre, plus additional density where additional open space is provided in accordance with Sec. 24-4.3.2.d, Additional Density Allowance.
	Lot area (min)	N/A
A	Lot width (min)	None [3]
B	Front setback (min)	Lot with front vehicular access: 20 ft
		Lot with rear vehicular access only: 10 ft
C	Side setback (min)	5 ft
D	Rear setback (min)	10 ft
E	Building height (max)	35 ft
	Percentage Common Open Space (min) [2]	10 percent
<p>NOTES</p> <p>[1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet</p> <p>[2] Density and percentage of common open space shall be calculated based on the total area of the project site and the total number of dwelling units, or total area of land occupied by common open space, respectively, within the project site.</p> <p>[3] For single-family detached uses, the minimum width of a lot with front vehicular access shall be 40 feet, and the minimum width of a lot with only rear vehicular access shall be 30 feet.</p>		

³⁰⁵ This new district provides lands where development would be clustered in a compact form in order to conserve lands for farmland or other open space uses.



c. General Standards

1. Residential lots shall be organized in one or more clusters so as to maximize contiguity and integration of open space areas.
2. Streets internal to the project site, driveways, and buildings shall be sited to maintain existing natural grades, to the maximum extent practicable.
3. Proposed street and driveway crossings through wetlands, floodplains, steep slopes, and streams are prohibited, unless the crossing will provide a more efficient lot and street layout that results in less overall disturbance of these features than an alternative layout.
4. Dwellings shall be sited and/or buffered to avoid the rear of the dwellings being visible from the front of other dwellings or streets external to the project site.
5. All parking lots shall be screened from view from streets external to the project site in accordance with Sec. 24-6.3.5.c, Parking Lot Perimeter Landscaping Standards.
6. All residential lots shall be served by public water and sewer systems.
7. Trees on ridgelines shall be preserved, to the maximum extent practicable.

d. Additional Density Allowance

Where a development includes open space areas in excess of the minimum ten percent required by Table 4-3, the maximum residential density allowed in the development shall be increased in accordance with this section, if all open space areas in the development comply with subsection e below. No open space area shall count toward both the general allowance specified in subsection 1 below, and the increased allowance specified in subsection 2 below (that is, land may not be double counted toward both allowances; it may be used only for one allowance or the other).

1. General Allowance

For every additional fifteen percent of the land area in a proposed development consisting of open space areas, above the ten percent minimum required by Table 4-3: CN Intensity and Dimensional Standards, an additional density of one dwelling unit per acre, above six

dwelling units per acre, is allowed, up to a total maximum density of eight dwelling units per acre.

2. Increased Allowance for Well-Connected Open Space

For every additional ten percent of the land area in a proposed development consisting of well-connected open space areas, above the ten percent minimum required by Table 4-3: CN Intensity and Dimensional Standards, an additional density of one dwelling unit per acre, above six dwelling units per acre, is allowed, up to a total maximum density of ten dwelling units per acre. For purposes of this section, “well-connected” means the open space set-aside:

- (a) Is compact and contiguous, unless a different configuration is needed to continue an existing pedestrianway or multi-modal path; and
- (b) Includes lighted, all-weather pedestrianways or multi-modal paths that allow pedestrians to pass through the open space set-aside from one side to another. At least two of the following shall be provided within the open space-set aside in convenient proximity to the pedestrianways or multi-modal paths:
 - (1) Wayfinding signage;
 - (2) Benches;
 - (3) Shade canopies;
 - (4) Water fountains;
 - (5) Outdoor strength training/fitness stations; or
 - (6) Similar pedestrian/bicyclist amenities.

e. Open Space

1. Open space used to meet the requirement in Table 4-3, or provided in accordance with subsection d above, shall also count toward the minimum open space requirements in Sec. 24-6.4, Open Space Standards, and shall comply with all other standards in Sec. 24-6.4, Open Space Standards, except as otherwise provided in this section.
2. A maximum of 60 percent of the total open space area in the project site may consist of lands that the Director of Planning determines cannot be developed because they contain wetlands, bodies of water, dedicated easements or rights-of-way (except those existing to only protect underground utilities such as water or sewer lines), or other constraints.
3. Use of the open space shall be limited to agriculture (including forestry), passive recreation, preservation of natural areas (such as wildlife corridors, existing stands of trees, and shoreline buffers), and preservation of areas of special historical significance.
4. Open spaces shall be contiguous, to the maximum extent practicable.
5. The following notation shall be placed on all open space on the subdivision plat: “Designated open space, not to be further subdivided or used for future building lots.”

f. References to Other Standards

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

Table 4-4: Cross-References to Other Standards

SECTION	STANDARD	SECTION	STANDARD
Sec. 24-6.1	Mobility and Connectivity Standards	Sec. 24-6.7	Neighborhood Compatibility Standards

Table 4-4: Cross-References to Other Standards

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

SEC. 24-4.3.3. SINGLE FAMILY RESIDENTIAL ESTATE³⁰⁶

a. Purpose

The purpose of the Single Family Residential Estate (SFR-E) District is to provide lands for large-lot suburban neighborhoods that accommodate single-family detached homes at a maximum density of one unit per two acres. The district supports a low-density residential environment and may include compatible public, civic, and institutional uses.

b. Use Standards

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

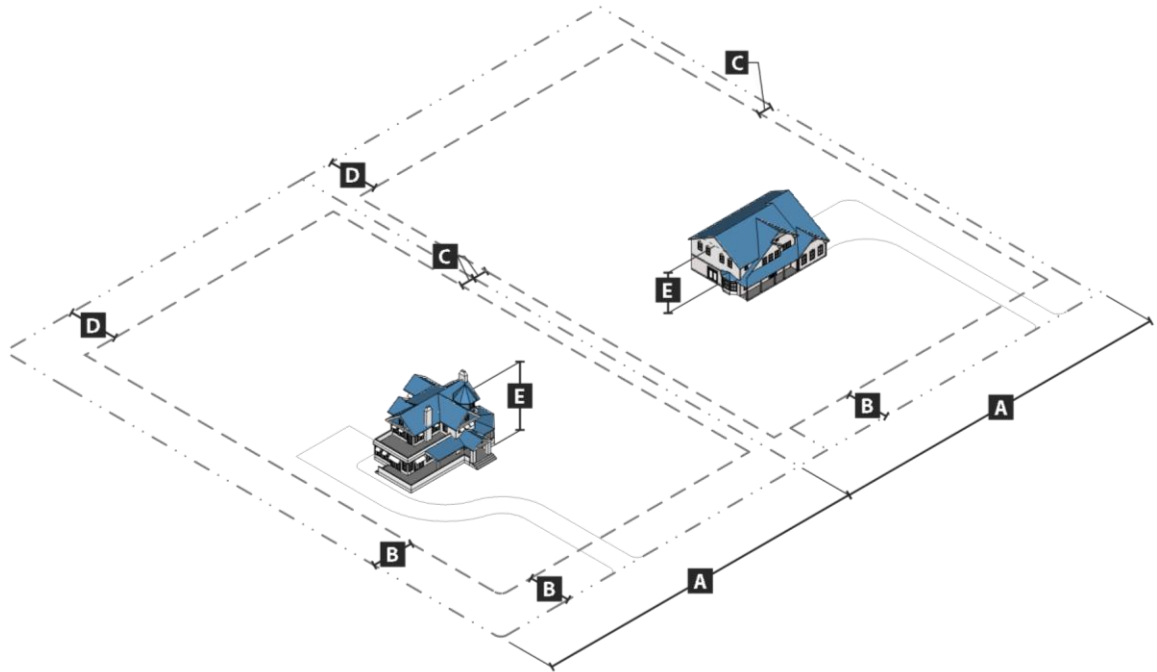
c. Intensity and Dimensional Standards

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

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

	STANDARD	ALL USES
	Lot area (min)	2 acres
A	Lot width (min)	85 ft
B	Front setback (min)	35 ft
C	Side setback (min)	10 ft
D	Rear setback (min)	35 ft
E	Building height (max)	35 ft
	Ground Coverage Ratio (max)	25 percent
NOTES		
[1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet		

³⁰⁶ The new SFR-E district accommodates large lot single-family development, similar to the current Estate Lot Conservation Overlay district.



d. References to Other Standards

Development in the SFR-E district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-6: Cross-References to Other Standards.

Table 4-6: Cross-References to Other Standards

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

SEC. 24-4.3.4. LAKE RESIDENTIAL³⁰⁷

a. Purpose

The purpose of the Lake Residential (LR) District is to provide lands for residential development consisting of detached single-family dwellings near Tuscaloosa’s lakes and reservoirs that is consistent with the character of surrounding development and that protects water quality. To accomplish this purpose, it is intended that at minimum all land abutting Lake Tuscaloosa be classified in the LR district. Optional cluster development standards allow for a moderate increase in density and substantial decreases in minimum lot width and setbacks if additional open space and setbacks from the lake or reservoir are provided, in order to further protect water quality and enhance development quality. This district is intended to implement the Lakeside Living character type on the Future Land Use and Character Map in the comprehensive plan.

b. Use Standards

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

c. Intensity and Dimensional Standards

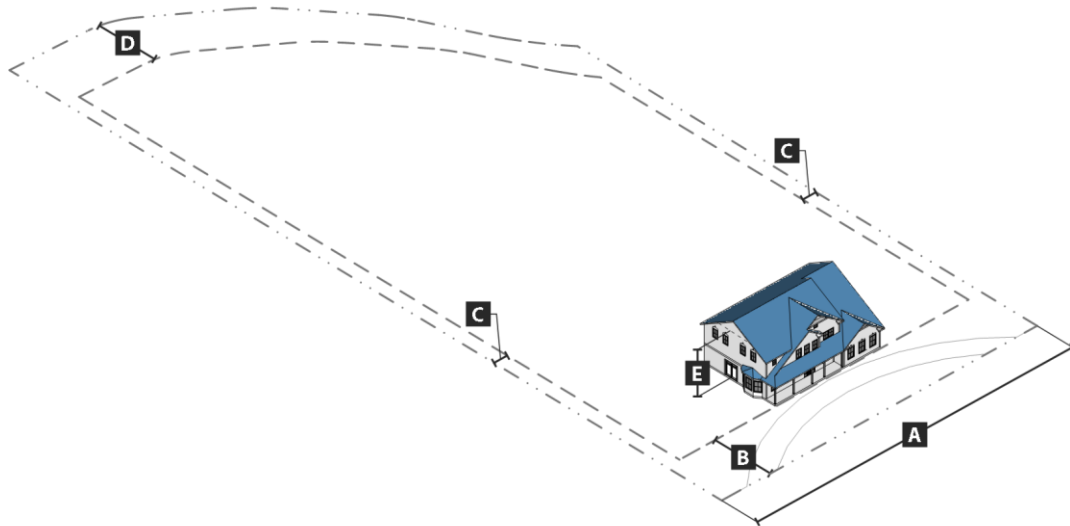
1. General Standards

Except as otherwise provided in subsection 2 below, all development in the LR district shall comply with the standards in Table 4-7: LR Intensity and Dimensional Standards.

Table 4-7: LR Intensity and Dimensional Standards

	STANDARD	ALL USES
	Lot area (min)	20,000 sf [2]
A	Lot width (min)	85 ft
B	Front setback (min)	35 ft [3]
C	Side setback (min)	10 ft
D	Rear setback (min)	35 ft
E	Building height (max)	3 stories
	Ground Coverage Ratio (max)	25 percent
NOTES		
[1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet		
[2] If the lot includes a septic system, the minimum lot area shall be the minimum required by the health department.		
[3] The minimum front setback may be decreased to the average alignment of existing buildings within 100 feet on either side of subject building and within the same block if such alignment is less than 35 feet.		

³⁰⁷ The new LR: Lakefront Residential District accommodates lands for single-family residential development around Lake Tuscaloosa that minimizes surface area and protects the water quality of the lake. An alternative development option relaxes minimum lot width and setback standards while requiring additional setbacks from the lake.

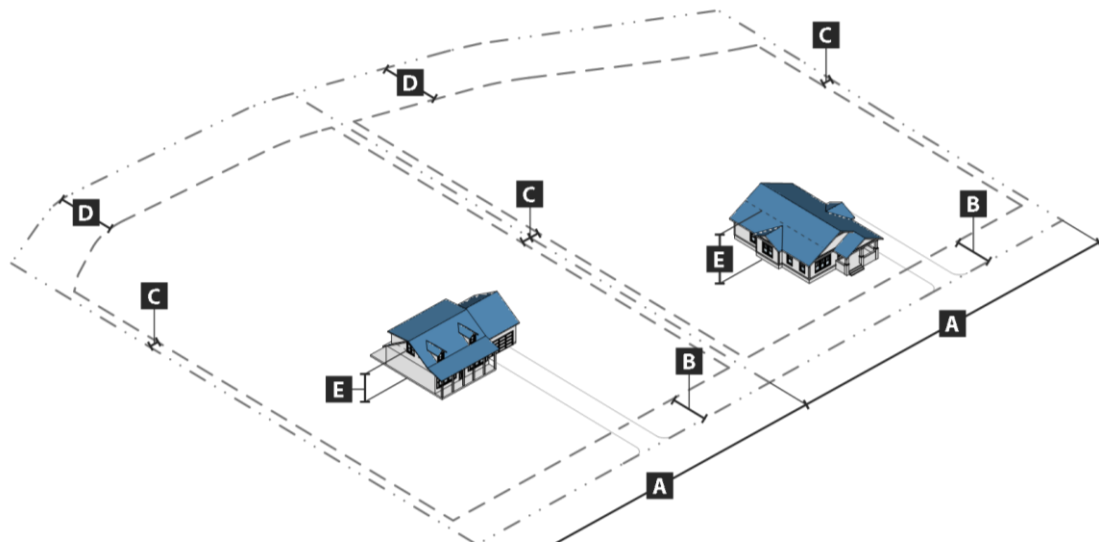


2. Alternative Development Option

- i. The purpose of this section is to allow for residential development in the LR district consisting of smaller lots that are arranged to provide enhanced open space and protect the environmental, recreational, and aesthetic value of Lake Tuscaloosa.
- ii. Undeveloped land classified in the LR district may be subdivided and developed in accordance with the standards in Table 4-8: LR Alternative Development Option Intensity and Dimensional Standards, in-lieu of the standards in Table 4-7: LR Intensity and Dimensional Standards, if the proposed development reserves a minimum of 30 percent of land in the development as permanent open space areas.

Table 4-8: LR Alternative Development Option Intensity and Dimensional Standards³⁰⁸

STANDARD		ALL USES
	Density (max)	2.5 du/acre
	Lot area (min)	None [2]
A	Lot width (min)	Lot with front vehicular access: 50 ft
		Lot with rear vehicular access only: 40 ft
B	Front setback (min)	Lot with front vehicular access: 20 ft
		Lot with rear vehicular access: 10 ft
C	Side setback (min)	5 ft
D	Rear setback (min)	30 ft
E	Building height (max)	3 stories
	Ground Coverage Ratio (max) [3]	20 percent
	Percentage Common Open Space (min) [3]	30 percent
NOTES		
[1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet		
[2] If the lot includes a septic system, the minimum lot area shall be the minimum required by the health department.		
[3] Density, Ground Coverage Ratio, and percentage of common open space shall be calculated based on the total area of the project site and the total number of dwelling units, total area of building footprints, or total area of land occupied by common open space, respectively, within the project site.		



³⁰⁸ A new district graphic has been created to illustrate the alternative development option dimensional standards.

d. Development Standards³⁰⁹

All development in the LR district shall comply with the following standards:

1. Primary Building Materials

- i. The following building material shall be used for not less than 75 percent of the building wall surface area on each façade. Primary material changes may occur only at building corners where a maximum of one of the façades faces the street:
 - (a) Brick masonry.
 - (b) Natural stone (or synthetic equivalent);
 - (c) Wood-clapboard or shingles;
 - (d) Glass curtain wall; or
 - (e) Stucco (panels with cementitious finish, not tiles or EIFS – external insulation finishing system).
- ii. The use of EIFS or aluminum siding is prohibited.

2. Accent Building Materials

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

- i. Pre-cast masonry (only for trim and cornice elements);
- ii. Gypsum reinforced fiber concrete – GFRC (for trim elements only);
- iii. EIFS only for trim;
- iv. Metal (for beams, lintels, trim elements, and ornamentation);
- v. Split-faced block (only for piers, foundation walls, and chimneys);
- vi. Glass block;
- vii. Cementitious siding;
- viii. Vinyl shakes or shingles; and
- ix. Vinyl clapboard (with a minimum thickness of 0.044 inches).

3. Alternative Building Materials

Alternative building materials not listed in subsections Sec. 24-4.3.5.d.2.i and Sec. 24-4.3.5.d.2.ii below may be approved if the Director of Planning determines that the alternative materials are equivalent or better than the listed materials. The use of regionally-available materials is preferred.

e. References to Other Standards

Development in the LR district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-9: Cross-References to Other Standards.

Table 4-9: Cross-References to Other Standards

SECTION	STANDARD	SECTION	STANDARD
Sec. 24-6.1	Mobility and Connectivity Standards	Sec. 24-6.7	Neighborhood Compatibility Standards

³⁰⁹ Building materials standards are identical to standards in LMF district, and build on the Riverfront district standards.

Table 4-9: Cross-References to Other Standards

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

SEC. 24-4.3.5. LAKE MULTIFAMILY³¹⁰

a. Purpose

The purpose of the Lake Multifamily (LMF) District is to provide lands near Lake Tuscaloosa for multifamily residential development that is appropriately set back from the lake, in order to protect water quality, and that is compatible with the character of surrounding areas. District standards support a low-to-medium-density residential environment that may include compatible public, civic, and institutional uses.

b. Use Standards

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

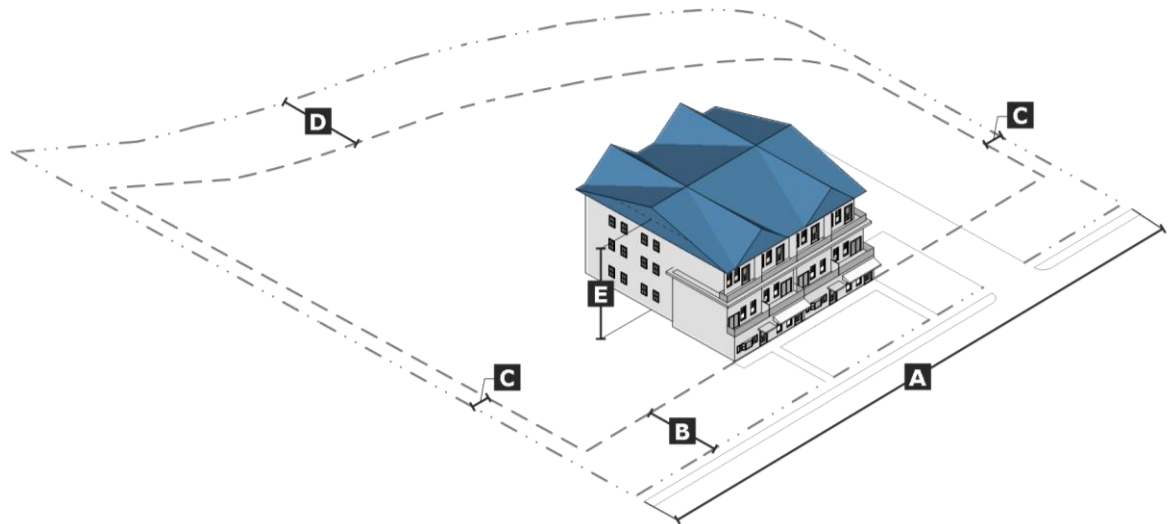
c. Intensity and Dimensional Standards

All development in the LMF district shall comply with the standards in Table 4-10: LMF Intensity and Dimensional Standards.

Table 4-10: LMF Intensity and Dimensional Standards

	STANDARD	ALL USES
	Density (max)	6 du/acre
	Lot area (min)	3 acres
A	Lot width (min)	500 ft
B	Front setback (min)	35 ft
C	Side setback (min)	20 ft
D	Rear setback (min)	40 ft
E	Building height (max)	50 ft
	Ground Coverage Ratio (max)	35 percent
NOTES		
[1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet		

³¹⁰ The new LMF: Lake Multifamily District accommodates lands for multifamily residential development near Lake Tuscaloosa that minimizes surface area, provides a vegetative buffer and materials standards, and protects the water quality of the lake.



d. Development Standards

All development in the LMF district shall comply with the following standards:

1. Building Design

Building façades facing the lake shall include windows, functional entrances, and balconies, verandas, porches, or other similar architectural features.

2. Building Materials³¹¹

i. Primary Materials

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

- (1) Brick masonry.
- (2) Natural stone (or synthetic equivalent);
- (3) Wood-clapboard or shingles;
- (4) Glass curtain wall; or
- (5) Stucco (panels with cementitious finish, not tiles or EIFS – external insulation finishing system).

(b) The use of EIFS or aluminum siding is prohibited.

ii. Accent Materials

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

- (a) Pre-cast masonry (only for trim and cornice elements);
- (b) Gypsum reinforced fiber concrete – GFRC (for trim elements only);
- (c) EIFS only for trim;
- (d) Metal (for beams, lintels, trim elements, and ornamentation);

³¹¹ Building materials standards are identical to standards in LR district, and build on the standards in the Riverfront district.

- (e) Split-faced block (only for piers, foundation walls, and chimneys);
- (f) Glass block;
- (g) Cementitious siding;
- (h) Vinyl shakes or shingles; and
- (i) Vinyl clapboard (with a minimum thickness of 0.044 inches).

iii. Alternative Materials

Alternative building materials not listed in subsections i and ii above may be approved if the Director of Planning determines that the alternative materials are equivalent or better than the listed materials. The use of regionally-available materials is preferred.

e. References to Other Standards

Development in the LMF district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-11: Cross-References to Other Standards.

Table 4-11: Cross-References to Other Standards

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

SEC. 24-4.3.6. SINGLE FAMILY RESIDENTIAL 1³¹²

a. Purpose

The purpose of the Single Family Residential 1 (SFR-1) District is to provide lands for medium- and large-lot suburban neighborhoods that accommodate single-family detached homes. The district is intended to support a low-density residential environment that may include compatible public, civic, and institutional uses.

b. Use Standards

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

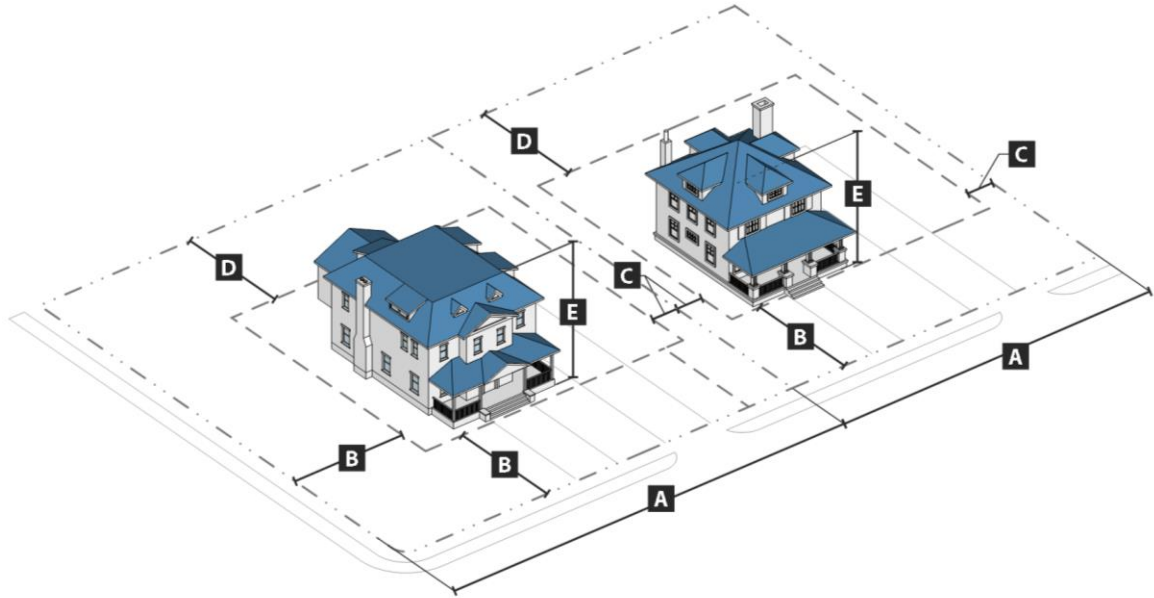
c. Intensity and Dimensional Standards

All development in the SFR-1 district shall comply with the standards in Table 4-12: SFR-1 Intensity and Dimensional Standards.

Table 4-12: SFR-1 Intensity and Dimensional Standards

	STANDARD	ALL USES
	Lot area (min)	12,000 sf
A	Lot width (min)	85 ft
B	Front setback (min)	35 ft [2]
C	Side setback (min)	10 ft
D	Rear setback (min)	35 ft
E	Building height (max)	35 ft
	Ground Coverage Ratio (max)	30 percent
NOTES		
[1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet		
[2] The minimum front setback may be decreased to the average alignment of existing buildings within 100 feet on either side of subject building and within the same block if such alignment is less than 35 feet.		

³¹² The SFR-1 district carries forward and renames the R-1 district in the current Zoning Ordinance with the following changes from the current district standards: 1) The aggregate 20-foot width requirement for lots with two side yards has not been included as the minimum side yard requirement is ten feet; 2) The required increase in side yard width for buildings in excess of 35 feet has not been carried forward due to the inclusion of a new maximum height standard, and 3) the maximum ground coverage ratio is increase from 25 percent to 30 percent. Standards relating to heights of accessory uses in Sec. 24-37 of the current Zoning Ordinance are located in the accessory uses standards in Sec. 24-5.3.3, General Standards for All Accessory Uses and Structures.



d. References to Other Standards

Development in the SFR-1 district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-13: Cross-References to Other Standards.

Table 4-13: Cross-References to Other Standards

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

SEC. 24-4.3.7. SINGLE FAMILY RESIDENTIAL 2³¹³

a. Purpose

The purpose of the Single Family Residential 2 (SFR-2) District is to provide lands for medium- and large-lot suburban neighborhoods that accommodate single-family detached homes. The district is intended to support a low-density residential environment and may include compatible public, civic, and institutional uses.

b. Use Standards

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

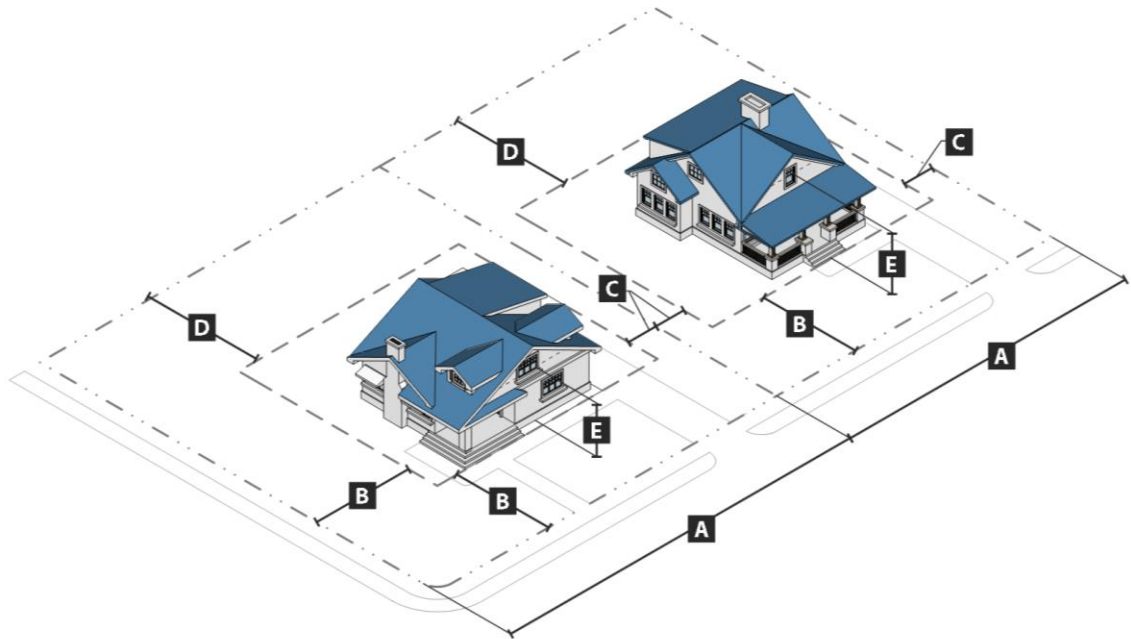
c. Intensity and Dimensional Standards

All development in the SFR-2 district shall comply with the standards in Table 4-14: SFR-2 Intensity and Dimensional Standards.

Table 4-14: SFR-2 Intensity and Dimensional Standards

	STANDARD	ALL USES
	Lot area (min)	9,000 sf
A	Lot width (min)	75 ft
B	Front setback (min)	30 ft [2]
C	Side setback (min)	9 ft
D	Rear setback (min)	35 ft
E	Building height (max)	35 ft
	Ground Coverage Ratio (max)	30 percent
NOTES		
[1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet		
[2] The minimum front setback may be decreased to the average alignment of existing buildings within 100 feet on either side of subject building and within the same block if such alignment is less than 30 feet.		

³¹³ The SFR-2 district carries forward and renames the R-2 district in the current Zoning Ordinance with the following changes from the current district standards: 1) The aggregate 18-foot width requirement for lots with two side yards has not been included as the minimum side yard requirement is nine feet; and 2) The required increase in side yard width for buildings in excess of 35 feet has not been carried forward due to the inclusion of a new maximum height standard. Standards relating to heights of accessory uses in Sec. 24-37 of the current Zoning Ordinance are relocated to Sec. 24-5.3.3, General Standards for All Accessory Uses and Structures. Standards relating to reduced side-yard requirements adjacent to a carport are located in the accessory uses standards in Sec. 24-5.3.3, General Standards for All Accessory Uses and Structures.



d. References to Other Standards

Development in the SFR-2 district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-15: Cross-References to Other Standards

Table 4-15: Cross-References to Other Standards

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

SEC. 24-4.3.8. SINGLE FAMILY RESIDENTIAL 3³¹⁴

a. Purpose

The purpose of the Single Family Residential 3 (SFR-3) District is to provide lands for medium-lot suburban neighborhoods that accommodate single-family detached homes. The district is intended to support a medium-density residential environment and may include compatible public, civic, and institutional uses.

b. Use Standards

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

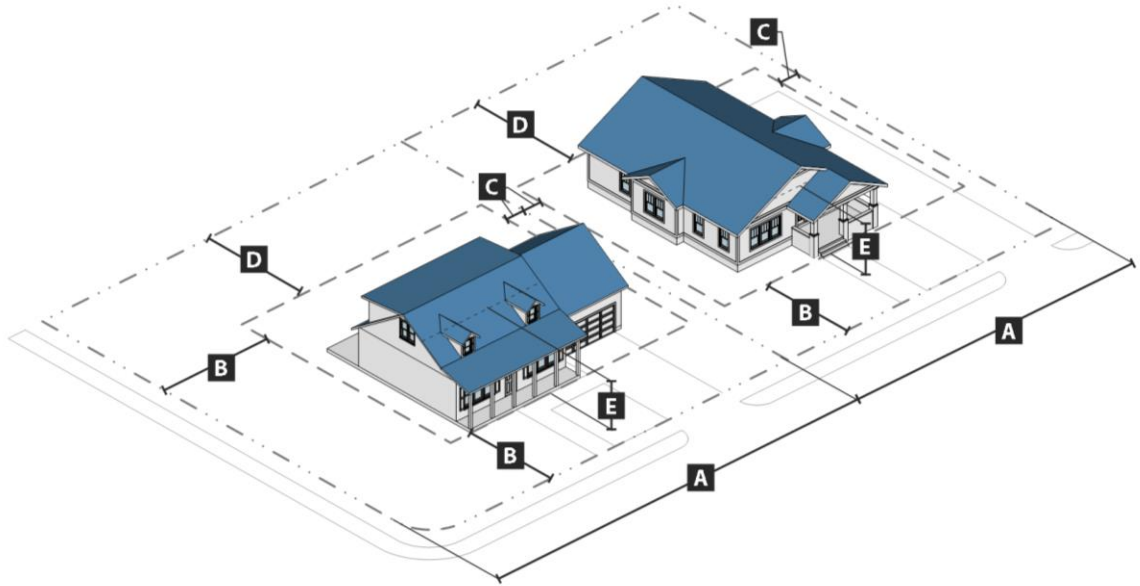
c. Intensity and Dimensional Standards

All development in the SFR-3 district shall comply with the standards in Table 4-16: SFR-3 Intensity and Dimensional Standards.

Table 4-16: SFR-3 Intensity and Dimensional Standards

	STANDARD	ALL USES
	Lot area (min)	7,500 sf
A	Lot width (min)	65 ft
B	Front setback (min)	25 ft [2]
C	Side setback (min)	5 ft; 14 ft combined both sides
D	Rear setback (min)	30 ft
E	Building height (max)	35 ft
	Ground Coverage Ratio (max)	35 percent
NOTES		
[1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet		
[2] The minimum front setback may be decreased to the average alignment of existing buildings within 100 feet on either side of subject building and within the same block if such alignment is less than 25 feet.		

³¹⁴ The SFR-3 district carries forward and renames the current R-3 district in the current Zoning Ordinance, except the required increase in side yard width for buildings in excess of 35 feet has not been carried forward due to the inclusion of a new maximum height standard. Standards relating to heights of accessory uses in Sec. 24-37 of the current Zoning Ordinance are located in the accessory uses standards in Sec. 24-5.3.3, General Standards for All Accessory Uses and Structures.



d. References to Other Standards

Development in the SFR-3 district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-17: Cross-References to Other Standards.

Table 4-17: Cross-References to Other Standards

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

SEC. 24-4.3.9. SINGLE FAMILY RESIDENTIAL 4³¹⁵

a. Purpose

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

b. Use Standards

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

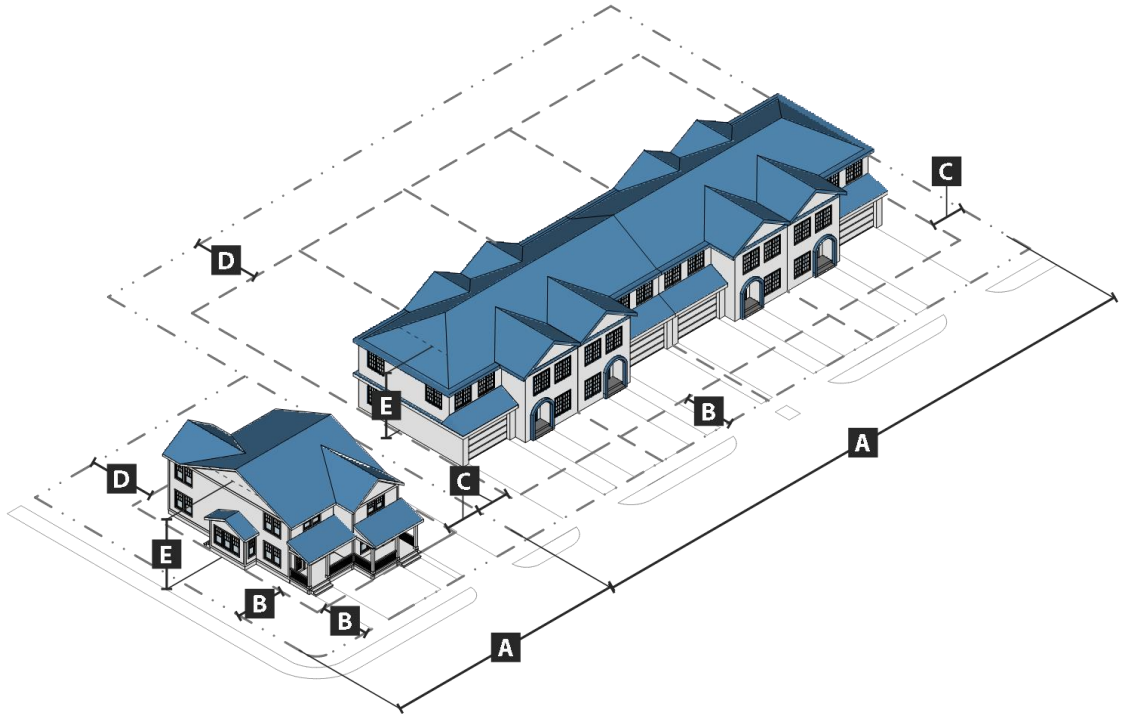
c. Intensity and Dimensional Standards

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

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

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

³¹⁵ The SFR-4 district carries forward and consolidates, modifies, and renames the RD-1 and RD-2 districts in the current Zoning Ordinance. The SFR-4 district is intended to reduce the number of existing nonconformities in the West Tuscaloosa residential neighborhoods, as well as provide land for new small-lot residential development. Dimensional standards are carried forward from Sec. 24-347 of the current Zoning Ordinance; the cottage court standards in Sec. 24-344 and the mirrored green standards in Sec. 24-345 have not been carried forward, and the minimum side setback has been reduced to five feet. The new district also allows duplexes and townhouses, which are not currently allowed. The district graphic has been updated to show townhouses on separate lots.



d. Additional Development Standards³¹⁶

The following building material requirements apply to all development in the SFR-4 district.

1. Primary Materials

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

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

2. Accent Materials

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

- i. Pre-cast masonry (for trim and cornice elements only);
- ii. Gypsum reinforced fiber concrete – GFRC (for trim elements only);
- iii. EIFS, only for trim;
- iv. Metal (for beams, lintels, trim elements, and ornamentation);

³¹⁶ Standards carried forward from Sec. 24-352 of current Zoning Ordinance with changes to conform with the updated building design regulations that apply in the downtown district.

- v. Split-faced block (only for piers, foundation walls and chimneys); and
- vi. For detached building types only:
 - (a) Vinyl shakes or shingles; and
 - (b) Vinyl (only trim elements).

3. Foundation and Crawlspace Materials

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

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

4. Alternative Materials

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

e. References to Other Standards

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

Table 4-19: Cross-References to Other Standards

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

SEC. 24-4.3.10. SINGLE FAMILY RESIDENTIAL 5³¹⁷

a. Purpose

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

b. Use Standards

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

c. Intensity and Dimensional Standards

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

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

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

NOTES

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

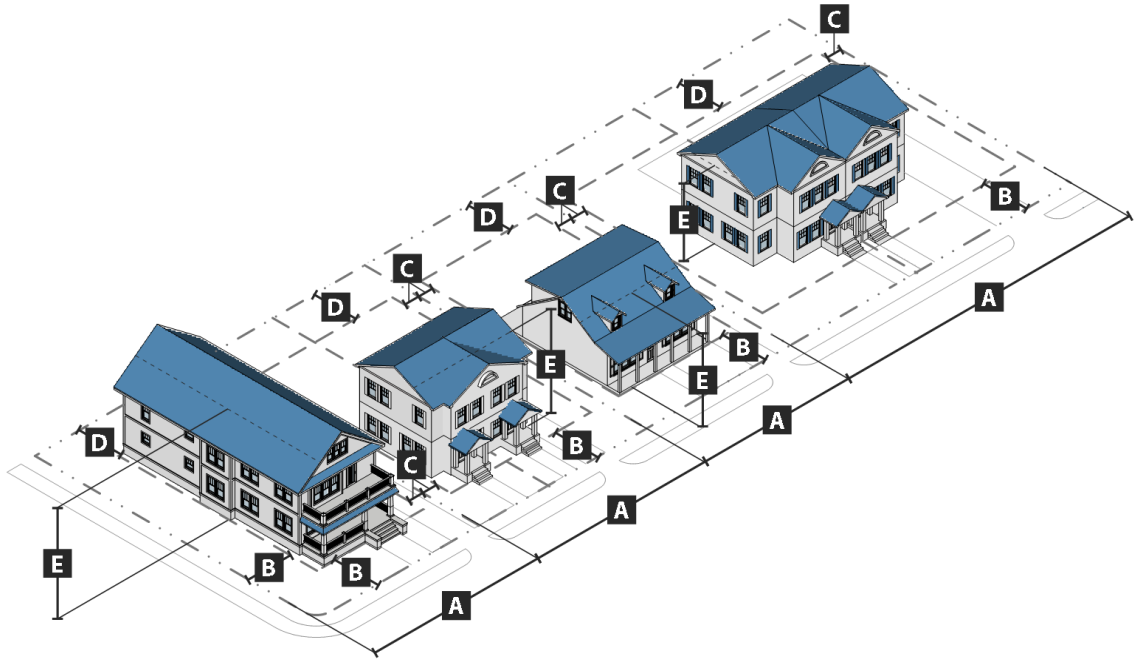
[2] The minimum lot area is 6,000 sf if both units in the duplex are on one lot, or 4,500 sf if each unit is on a separate lot.

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

[4] The minimum front setback may be decreased to the average alignment of existing buildings within 100 feet on either side of subject building and within the same block if such alignment is less than 15 feet. A street-facing garage shall be set back at least 20 feet from the front lot line.

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

³¹⁷ The SFR-5 district is new. It accommodates small-lot single-family detached residential development, as well as duplexes and townhouses, and is appropriate for both new development and to be applied in some parts of the city zoned R-3 (new SFR-3) and R-4 (new MR-1) where there are lots or buildings that do not conform to the currently applicable lot size or setback requirements. The proposed minimum lot area of 4,500 square feet allows for smaller lot residential development, while the proposed maximum density of eight dwelling units per acre supports moderate-density residential development. The district graphic has been updated to show duplex units on separate lots.



d. References to Other Standards

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

Table 4-21: Cross-References to Other Standards

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

SEC. 24-4.3.11. MIXED RESIDENTIAL 1³¹⁸

a. Purpose

The purpose of the Mixed Residential 1 (MR-1) District is to provide lands for neighborhoods that accommodate a mix of single-family detached, two-family, and three-family dwellings; townhouses; and small-scale multifamily developments at a maximum density of 15 units per acre. The district is intended to support a medium-density residential environment and incorporate some context-sensitive neighborhood-oriented community and educational development.

b. Use Standards

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

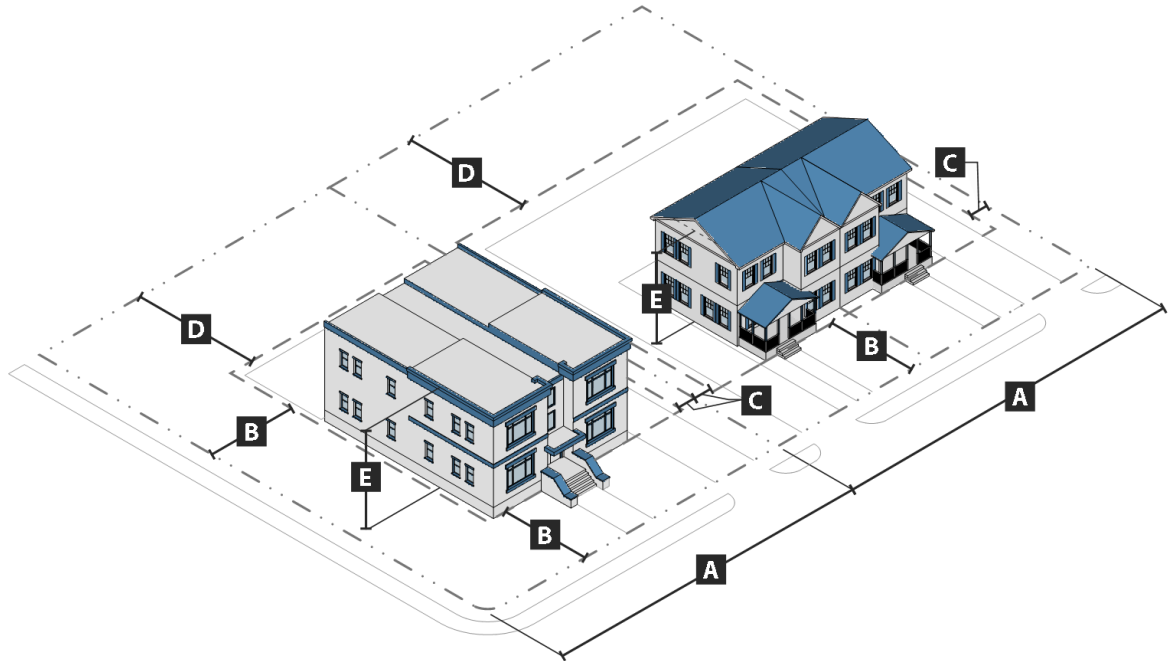
c. Intensity and Dimensional Standards

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

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

	STANDARD	TOWNHOUSE, MULTIFAMILY DWELLING, OR GROUP HOME	SINGLE-FAMILY DETACHED DWELLING	ALL OTHER USES
	Density (max)	15 du/acre	8 du/acre	8 du/acre (residential)
	Lot area (min)	2,900 sf for each du on lot	6,000 sf	7,500 sf
A	Lot width (min)	No minimum [2]	65 ft	65 ft
B	Front setback (min)	15 ft [3]	15 ft [3]	15 ft [3]
C	Side setback (min)	5 ft [4]	5 ft	5 ft
D	Rear setback (min)	20 ft	20 ft	20 ft
E	Building height (max)	35 ft	35 ft	35 ft
NOTES				
[1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet				
[2] No townhouse lot shall be less than one-third as wide as it is deep.				
[3] The minimum front setback may be decreased to the average alignment of existing buildings within 100 feet on either side of subject building and within the same block if such alignment is less than 20 feet. A street-facing garage shall be set back at least 20 feet from the front lot line.				
[4] There is no minimum side setback for townhouses, except a minimum side setback of seven feet is required at each end of a row of townhouse units.				

³¹⁸ The MR-1 district carries forward and renames the current R-4 district in the current Zoning Ordinance with the following changes from the current district standards: 1) The minimum lot area for single-family detached dwellings has been reduced from 6,500 to 6,000 square feet; predominantly single-family property that does not currently conform with the standards of R-4 could be rezoned to SFR-5, which has a minimum lot size requirement of 4,500 square feet. 2) The minimum lot area for townhouses and multifamily dwellings has been reduced from 2,904 to 2,900 square feet; 3) The minimum front and rear setbacks have been reduced, from 30 and 20 feet respectively; 4) The minimum side setback requirement has been reduced to five feet for all uses, down from five feet (14 feet combined) for single-family dwellings, six feet (16 feet combined) for multifamily buildings, and eight feet for other permitted principal buildings. Standards relating to heights of accessory uses in Sec. 24-37 of the current Zoning Ordinance are located in the accessory uses standards in Sec. 24-5.3.3, General Standards for All Accessory Uses and Structures.



d. References to Other Standards

Development in the MR-1 district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-23: Cross-References to Other Standards.

Table 4-23: Cross-References to Other Standards

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

SEC. 24-4.3.12. MIXED RESIDENTIAL 2³¹⁹

a. Purpose

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

b. Use Standards

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

c. Intensity and Dimensional Standards

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

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

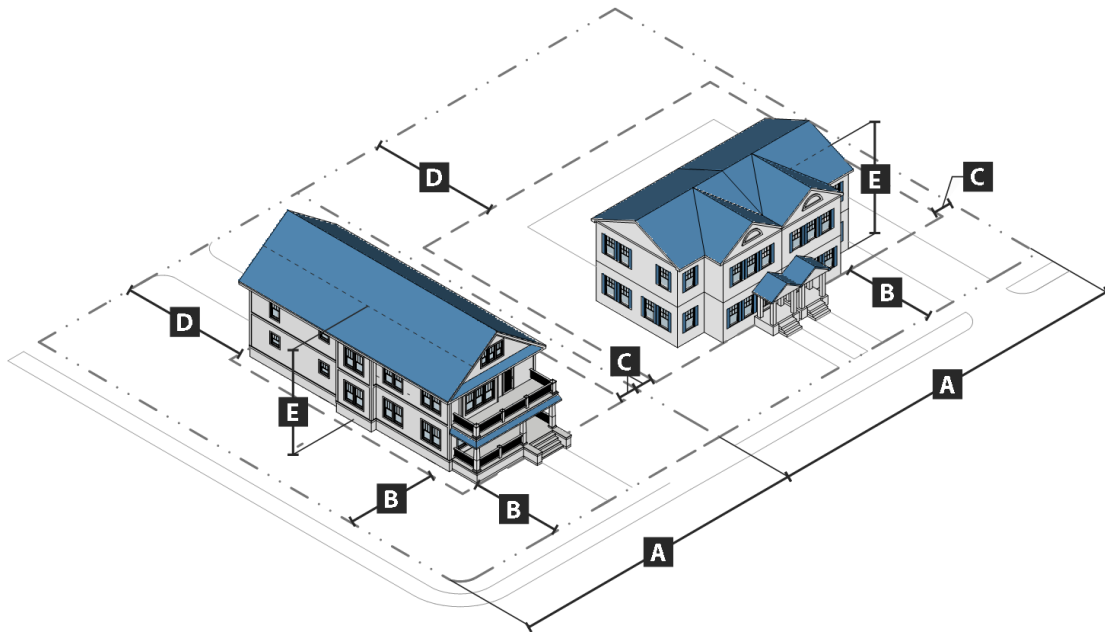
	STANDARD	TOWNHOUSE OR MULTIFAMILY	ALL OTHER USES
	Density (max)	12 du/acre	12 du/acre (residential)
	Lot area (min)	1,300 sf for each du on lot [2]	Single-family detached dwelling on lot with vehicular access from rear only: 5,000 sf
			Duplex dwelling and all other uses: 7,500 sf
A	Lot width (min)	45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

NOTES

- [1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet
- [2] The minimum total site area for a townhouse project is 15,000 square feet.
- [3] The minimum lot width applies to single family homes only. There is no minimum lot width for duplexes and multifamily buildings. No townhouse lot shall be less than one-fourth as wide as it is deep.³²⁰
- [4] The minimum front setback may be decreased to the average alignment of existing buildings within 100 feet on either side of subject building and within the same block if such alignment is less than 25 feet. A street-facing garage shall be set back at least 20 feet from the front lot line.
- [5] There is no minimum side setback for townhouses, except a minimum side setback of seven feet is required at each end of a row of townhouse units.

³¹⁹ The MR-2 district carries forward, consolidates, simplifies, and renames the current RA-1 and RA-2 districts in the current Zoning Ordinance. Dimensional standards are based on from Sec. 24-341 (townhouse) and 24-347 (detached house) of the current Zoning Ordinance; the cottage court standards in Sec. 24-344 and the mirrored green standards in Sec. 24-345 have not been carried forward. The per-unit lot size requirements for multifamily (“Apartment” in Sec. 24-337) are new. Nonresidential standards are new. The district graphic has been updated to show rear-loaded single-family lots.

³²⁰ This provision modifies the existing lot width-to-depth ratio for townhouse lots from one-third to one-fourth to allow for deeper townhouse lots.



d. Additional Development Standards³²¹

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

1. Primary Materials

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

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

2. Accent Materials

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

- i. Pre-cast masonry (for trim and cornice elements only);
- ii. Gypsum reinforced fiber concrete – GFRC (for trim elements only);
- iii. EIFS, only for trim;
- iv. Metal (for beams, lintels, trim elements, and ornamentation);

³²¹ Standards carried forward from Sec. 24-352 of current Zoning Ordinance with changes to conform with the updated building design regulations that apply in the downtown district.

- v. Split-faced block (only for piers, foundation walls and chimneys); and
- vi. For detached building types only:
 - (a) Vinyl shakes or shingles; and
 - (b) Vinyl (only trim elements).

3. Foundation and Crawlspace Materials

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

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

4. Alternative Materials

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

e. References to Other Standards

Development in the MR-1 district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-25: Cross-References to Other Standards.

Table 4-25: Cross-References to Other Standards

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

SEC. 24-4.3.13. MIXED RESIDENTIAL UNIVERSITY³²²

a. Purpose

The purpose of the Mixed Residential University (MRU) District is to provide lands for primarily single-family detached, duplex, and triplex residential development around the University of Alabama campus. The district is intended to support a medium-density residential environment and incorporate limited context-sensitive neighborhood-oriented commercial, employment, community, and educational activities.

b. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 24-5: Use Regulations. In addition, the following standards apply to U-dwellings, as defined in Section 6-109 of Chapter 6 of the City Code:

- i. U-dwellings shall be constructed in accordance with Sec. 6-109 of the City Code.
- ii. When all permitted work is completed on an eligible U-dwelling development, as defined in subsection iii below, and the U-dwelling has passed all final site, building, and zoning inspections and has been issued a final certificate of occupancy by the Chief Building Official, the property may be certified to allow up to five unrelated persons to live in a single dwelling unit.³²³
- iii. Eligible U-dwelling development in the MRU District which may be certified in accordance with subsection ii above, shall include the following:³²⁴
 - (a) New construction of a permitted U-dwelling allowed in the base zoning district that complies with the requirements of this Ordinance and all other applicable City, county, state, and federal regulations; or
 - (b) Redevelopment or conversion of an existing building and site to a U-dwelling in order to fully comply with the requirements of this Ordinance and all other applicable City, county, state, and federal regulations.

c. Intensity and Dimensional Standards

All development in the MRU district shall comply with the standards in Table 4-26: MRU Intensity and Dimensional Standards.

Table 4-26: MRU Intensity and Dimensional Standards

	STANDARD	SINGLE-FAMILY DETACHED	TRIPLEX	ALL OTHER USES
	Density (max)	200 bedrooms per acre, not to exceed 200 bedrooms in any one development	200 bedrooms per acre, not to exceed 200 bedrooms in any one development	200 bedrooms per acre, not to exceed 200 bedrooms in any one development
	Lot area (min)	None	None	None
	Lot width (min)	None	None	None
A	Front setback (min)	15 ft [2]	15 ft [2]	15 ft [2]

³²² This is a new district with standards based on the standards for the current R-4U district. The existing lot width-to-depth ratio for townhouse lots has been reduced from one-third to one-fourth to allow for deeper townhouse lots. Standards relating to heights of accessory uses in Sec. 24-37 of the current Zoning Ordinance are located in the accessory uses standards in Sec. 24-5.3.3, General Standards for All Accessory Uses and Structures.

³²³ This provision carries forward Sec. 24-220(d) of the current Zoning Ordinance.

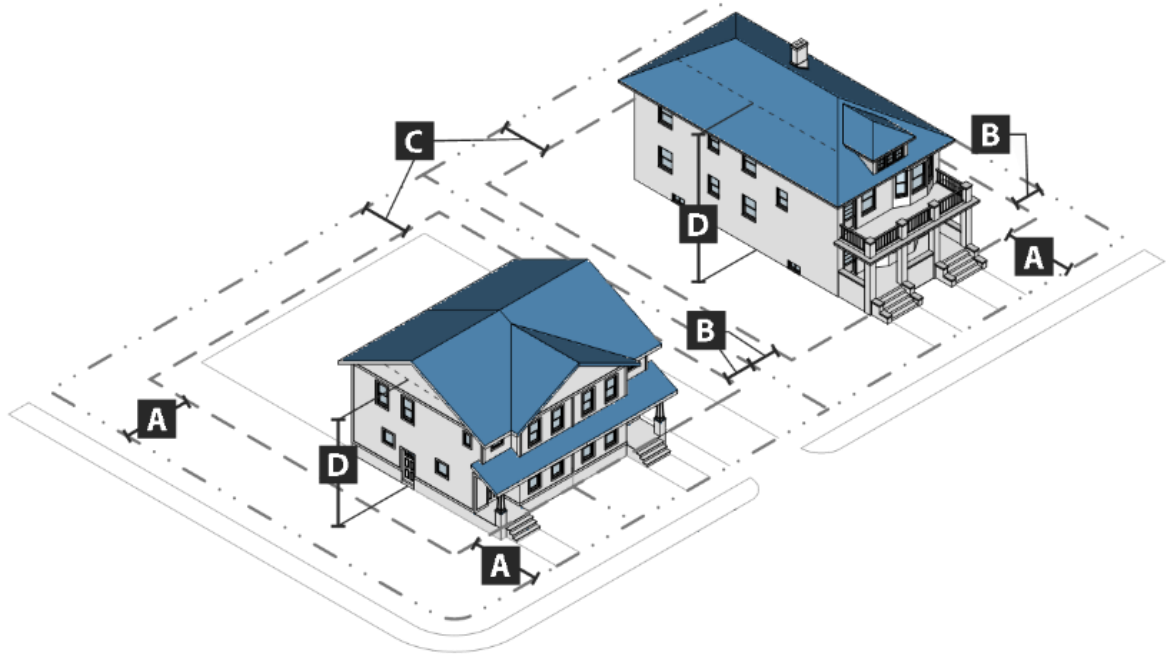
³²⁴ This provision carries forward Sec. 24-220(c) of the current Zoning Ordinance.

Table 4-26: MRU Intensity and Dimensional Standards

	STANDARD	SINGLE-FAMILY DETACHED	TRIPLEX	ALL OTHER USES
B	Side setback (min)	5 ft; 14 ft combined both sides	6 ft; 16 ft. combined both sides	7 ft [3]
C	Rear setback (min)	10 ft	10 ft	10 ft
D	Building height (max)	37 ft	37 ft	37 ft

NOTES

- [1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet
- [2] For corner lots, the front yard abutting the side street shall be five feet. The minimum front setback may be decreased to the average alignment of existing buildings within 100 feet on either side of subject building and within the same block if such alignment is less than 15 feet. For single-family detached and townhouse dwellings, a street-facing garage shall be set back at least 20 feet from the front lot line.
- [3] No townhouse lot shall be less than one-fourth as wide as it is deep. There is no minimum side setback for townhouses, except a minimum side setback of seven feet is required at each end of a row of townhouse units.



d. Site Design Standards

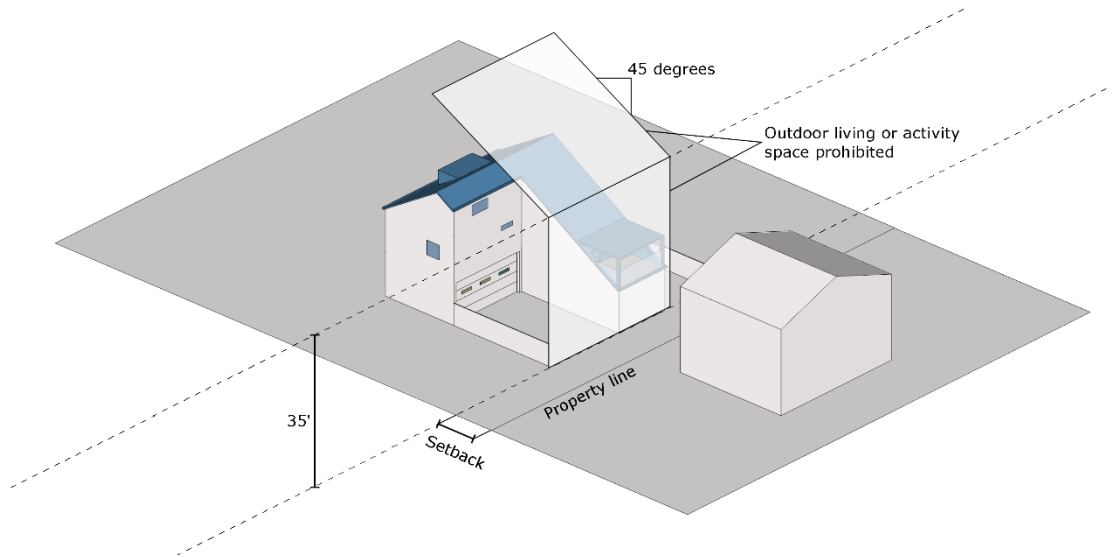
1. Neighborhood Compatibility

Development, other than a detached single-family dwelling, that abuts the Historic Buffer (HB) overlay district, an historic district, or an existing single-family detached house used for residential purposes in a residential zone district shall comply with the following standards:

- i. No building shall extend into a 45 degree angular plane projecting over the property, measured from a height of 35 feet at the side interior or rear setback line. Where a building roof is stepped back to comply with this requirement, rooftop living space is

prohibited within the stepped back portion of the roof. See Figure 4-1: Rooftop Living Space Restrictions.³²⁵

Figure 4-1: Rooftop Living Space Restrictions



- ii. A fence or wall having a minimum height of six feet shall be constructed along the property line shared with the abutting property (see subsection 6, Fences and Walls, below).

2. Parking

i. Minimum Parking Required

- (a) A minimum of one parking space per bedroom is required. All parking spaces used to comply with this minimum parking standard shall be off-street parking spaces, except as otherwise provided in this section.
- (b) On property located south of University Boulevard, north of Paul W. Bryant Drive, east of Gene Stallings Avenue, and west of Hackberry Lane, on-street parking spaces that comply with the following standards may be used to comply with the minimum parking standard in subsection (a) above:
 - (1) The on-street space is located on a public right-of-way immediately abutting the subject property;
 - (2) The on-street space is located on an “Avenue,” not a “Street;”
 - (3) No more than 50 percent of the on-street parking located in the areas specified in subsections (1) and (2) above is counted towards the minimum parking requirements for a development;
 - (4) The number of on-street parking spaces used does not exceed 20 percent of the total number of required parking spaces; and
 - (5) Curb stops are installed so that sidewalks are not affected.
- (c) Along Convent Street, Oak Avenue, and 14th Avenue properties adjacent to the historic districts, the on-street parking spaces immediately abutting the subject

³²⁵ Added in April draft to incorporate a restriction regarding use of rooftop space within the area bounded by the 45 degree angular plane and to include a re-created version of the illustrative figure from Sec. 24-293 of the current Zoning Ordinance that includes the outdoor activity space prohibition.

property may be used to comply with the minimum parking standard in subsection (a) above.

- (d) On-street parking spaces may be used to comply with the minimum parking standard in subsection (a) above, for small redevelopments in accordance with Sec. 24-4.3.13.f, Small Redevelopment Standards.

ii. Location

Parking is prohibited between the front façade of the structure and the front property line. On corner lots, the parking may encroach past the front façade along the side street, but the parking must be screened from the public right of way by a wall that is at least 42 inches in height and constructed of the same materials as the principal building(s).

iii. Large Parking Lots

Open, surface parking lots containing 50 or more spaces shall be divided into smaller areas separated by (1) landscaped areas at least 10 feet wide that comply with subsection 4 below, or (2) a building or a group of buildings. At least ten percent of the total surface area of each such parking lot shall be used for landscaping that is distributed and designed in accordance with an overall landscaping plan.

iv. Parking Structures

- (a) Parking structures, if provided, shall be architecturally integrated or designed with an architectural theme similar to that of the principal building(s).
- (b) Vehicles shall be screened from view with a metal or architectural panel such as galvanized welded wire steel/mesh panels, an aluminum louver system, or similar treatments. The following materials, as well as materials which the Director of Planning determines to be visually similar to the listed materials, are prohibited:
 - (1) Chain link (including coated chain link);
 - (2) Vinyl or other fabrics; and
 - (3) Window screen material.

v. Mechanical Lifts

The use of mechanical lifts for parking is prohibited.

vi. Bicycle Parking

Bicycle parking shall be provided in accordance with Sec. 24-6.2.9, Bicycle Parking Standards, and the following standards:

- (a) In each new development or redevelopment, a minimum of one bicycle parking space per unit shall be provided for developments with four and five bedrooms per unit. In a new development or redevelopment featuring units containing one, two, or three bedrooms per unit, a minimum one bicycle parking space per every five bedrooms shall be provided, rounded to the next highest whole number.
- (b) Bicycle racks shall be installed on the exterior side or rear of a building and shall be high-quality, inverted “U”-type construction or be attached to the building. Alternative high-quality bicycle parking racks may be approved by the Director of Planning if they can be shown to support the bicycle at two points of contact to the bicycle wheels and frame.
- (c) Bicycle parking spaces may be located in an internal bicycle storage room, if the room is lockable and contains systems for locking to allow for at least two points of contact to the bicycle wheels and frame.

3. Sidewalks

- i. In order to establish safe and efficient pedestrian circulation, new development shall include sidewalks that directly connect the main entrances of buildings on the site with each other and with available access points including parking areas, streets, sidewalks, and transit stops. Where such sidewalks traverse parking areas, the sidewalk shall be clearly identifiable through changes in material or elevation.
- ii. New development shall install sidewalks along all street frontages as needed for pedestrian mobility or safety and as appropriate to the location. Installation of such sidewalks is not required where the Director of Planning determines a sidewalk is impractical or unfeasible. Each sidewalk shall have a minimum width of four feet or the width of the widest existing abutting sidewalk, whichever is greater.³²⁶
- iii. Except as otherwise provided by subsection ii above, a landscaped strip at least five feet wide shall be provided between the street and the sidewalk along all street frontages. The landscaped strip shall be grass, landscaping, or trees, and shall incorporate the provisions of the right-of-way landscape requirements in subsection 4 below. Additionally, bollards shall be provided between the street and the sidewalk at intervals of four feet, except where the Director of Planning determines the bollards are impractical or unfeasible.

4. Landscaping

- i. At least one canopy tree having a minimum three-inch base caliper shall be planted or preserved in the required rear yard. The tree may be an existing tree on the site that is preserved or it may be planted. Every parking space provided in accordance with subsection 2 above shall be within a 60-foot radius of the trunk of at least one tree. All efforts should be made to retain existing healthy canopy trees.
- ii. Where development occurs adjacent to an existing street, one canopy tree having a minimum three-inch base caliper shall be planted or preserved on the street frontage for every 50 feet of lot width. All efforts should be made to retain existing healthy canopy trees.
- iii. Trees planted to comply the requirements of this section shall be installed with an irrigation bag or be watered by an irrigation system operated by the developer to ensure healthy growth. The irrigation bag or system shall be maintained for a minimum of two summer growing seasons.
- iv. Except as otherwise provided in this section, all trees required by this section shall be maintained in landscape islands. Each landscape island shall be sodded, seeded, mulched, or planted with shrubs and/or groundcover, and may incorporate low impact development best management practices, such as rain gardens and bioswales, to promote infiltration of stormwater.

5. Screening

- i. All parking lots and parking spaces shall be screened in accordance with Sec. 24-6.3.5.c. Parking Lot Perimeter Landscaping Standards.
- ii. Solid waste containers shall be screened from view from the right-of-way and adjacent properties using similar building materials as the primary structure.
- iii. All mechanical equipment located on the roof of a structure shall be screened by parapet walls that exceeds the height of the mechanical unit by at least one foot. All other mechanical equipment must be screened with a wall or fence. All such screens shall be constructed from the primary building material or opaque landscaping at least 30 inches in height at installation and maintained at that minimum height in a healthy condition.

³²⁶ The minimum sidewalk width requirement is new.

6. Fences and Walls³²⁷

- i. Fences and walls shall be constructed of wood, brick, stucco, or metal. Wood fences must be of a decorative style, such as shadow box or picket.
- ii. Chain link, razor wire, barbed wire, and concertina wire are prohibited as fencing material.
- iii. In a front setback, no part of a fence shall be within ten feet of the curb line. Fences are prohibited in the public right-of-way.

7. Exterior Lighting³²⁸

- i. All light fixtures shall be designed and oriented so as to not direct glare or excessive illumination onto adjacent properties, streets, or sidewalks.
- ii. Flood lights, wall packs, and flood lamps must either (i) be aimed downward at least 45 degrees from vertical, or (ii) use a shielded fixture so that no portion of the light bulb extends below the bottom edge of the shield.
- iii. The maximum height for freestanding light fixtures is 12 feet. Service connections for all freestanding light fixtures must be installed underground.
- iv. All surface parking areas shall be illuminated using light fixtures so that lighting is consistent across the parking area. Freestanding light poles may be located within required landscaped areas in surface parking areas.
- v. All structured parking shall be illuminated using light fixtures so that lighting is consistent across all public areas in the structure and no areas are dark or dim.

8. Mechanical Equipment and Utilities

- i. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may encroach into a required rear or side setback, provided that such extension is at least two feet from the vertical plane of any lot line.
- ii. All utilities shall be installed underground, except where such utilities are not visible from any right-of-way.

9. Accessory Structures

Accessory structures on any lot used primarily for residential purposes shall comply with the following standards:

- i. Accessory structures are prohibited in front yards.
- ii. Accessory structures may be located within a side yard provided they are not located between the principal building and a street, and set back at least five feet from all lot lines.
- iii. Accessory structures may be located within rear yards, provided they are set back at least five feet from all lot lines and that no more than 30 percent of any rear yard is covered by accessory structures.
- iv. Accessory structures shall not be occupied at any time as a dwelling.
- v. No single accessory structure shall exceed 600 square feet or 40 percent of the principal building's building floor area, whichever is greater.

³²⁷ These provisions may be refined and consolidated with generally applicable fence and wall standards in Article 24-6: Development Standards.

³²⁸ These standards may be refined and consolidated with generally applicable exterior lighting standards in Article 24-6: Development Standards.

e. Building Design Standards

1. Entrances

Operable, street-facing entrances are required on each building façade that fronts a public street.

2. Ground Floor Elevation

The ground floor elevation of each building shall be at least 24 inches and shall not exceed 30 inches. For purposes of this requirement, ground floor elevation is measured from the top of the sidewalk or the mean level of the finished grade abutting the building to the top of the finished ground floor.

3. Variation Among Adjacent Buildings

To avoid uniform styles and provide visual interest, adjacent buildings shall be constructed with variations in materials, roof form, window patterns, elements, and façade projections, as approved by the Director of Planning.

4. Façade Projections³²⁹

Each residential structure must include a front porch, stoop, or balcony that complies with the standards in this section on each building façade that fronts a public street.

i. Front Porch

- (a) A front porch must be at least six feet deep, not including any steps providing access to the porch.
- (b) A front porch must have an unbroken width of at least 50 percent of the width of the building façade from which it projects, not including any steps providing access to the porch.
 - (1) If one set of access stairs is required, those stairs shall not be located along the front façade of the building.³³⁰
 - (2) If two sets of access stairs are required, one may be located on the front façade, as long as the usable porch space is not less than 50 percent of the building façade from which it projects.
- (c) A front porch must be roofed and may be screened, but shall not be fully enclosed.
- (d) A front porch may extend up to nine feet, including the steps, into a required setback, provided that such extension is at least two feet from the vertical plane of any lot line.

ii. Stoop

- (a) A stoop must be no more than six feet deep, not including any steps providing access to the stoop.
- (b) A stoop may be covered but shall not be fully enclosed.

iii. Balcony

A balcony may be covered and/or screened, but shall not be fully enclosed.

5. Façade Variation

Each ground-floor building façade facing a public street shall include at least one of the following every ten feet of its width, between the ground level and a height of ten feet:

³²⁹ Several of the standards are applied throughout the city in Sec. 24-2.2.3, Allowable Encroachments, and thus have been removed from this section in the Revised Module 3 draft.

³³⁰ This provision clarifies how the set of access stairs for the building relates to the front porch and front building façade.

- i. A substantial material change (paint color is not considered a substantial change);
- ii. A window or door;
- iii. A stoop or balcony; or
- iv. A column, pilaster, or other articulation greater than 12 inches in depth.

6. Building Materials Allowed

i. Primary Materials

Primary material changes shall occur only at inside corners. The following materials are required for not less than 75 percent of the building wall surface area on each façade:

- (a) Brick and tile masonry;
- (b) Natural stone (or synthetic equivalent), such as limestone, granite, and marble;
- (c) Wood-clapboard or shingles;
- (d) Glass curtain wall;
- (e) Cementitious siding; and
- (f) Stucco (cementitious finish).

ii. Accent Materials

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

- (a) Pre-cast masonry (for trim and cornice elements only);
- (b) External insulation finishing system – EIFS (for trim and cornice elements only);
- (c) Gypsum reinforced fiber concrete – GFRC (for trim elements only);
- (d) Metal (for beams, lintels, trim elements, and ornamentation);
- (e) Split-faced block (for piers, foundation walls and chimneys only);
- (f) Glass block;
- (g) Vinyl shakes or shingles; and
- (h) Vinyl clapboard (with a minimum thickness of 0.044 inches).

iii. Alternative Materials

Alternative building materials not listed in subsections i or ii above may be approved by the Director of Planning if it is determined the alternative building materials are equivalent or better than the listed materials. The use of regionally-available materials is preferred.

iv. Parking Structure Screening Materials

Where screening of parking areas within a structure is required, it shall use a metal or architectural panel, such as galvanized welded wire steel/mesh panels or an aluminum louver system. The following materials, and any material the Director of Planning determines closely mimics any of the following materials, shall not be used to screen parking areas:

- (a) Chain link (including coated chain link);
- (b) Vinyl or other fabrics; and
- (c) Window screen material.

7. Elevated Structures

- i. Elevated structures are prohibited in the MRU subdistrict except as otherwise provided in Sec. 24-4.3.13.f, Small Redevelopment Standards.

- ii. All elevated structures with at-grade parking areas located beneath the building shall include exterior screening walls to conceal the parking lot from view from the public right-of-way, not including alleys. Screening walls shall be at least four feet tall and shall be constructed of same materials as the principal building. A minimum landscaping strip that is at least three feet wide shall be provided between the screening wall and all adjacent rights-of-way. The landscaping strip shall be planted with shrubbery having a minimum height of 30 inches at installation and capable of forming a continuous evergreen hedge having a minimum height of 36 inches.

f. Small Redevelopment Standards

1. The following standards apply to development on a lot of 0.25 acres or less that will result in density of one-third (1/3) or less of the density allowed by this section:
 - i. Up to one on-street parking space immediately abutting the property may count toward the minimum parking required by Sec. 24-4.3.13.d.2.i, Minimum Parking Required.
 - ii. Elevated structures are allowed and may include living space that overhangs the rear of the structure, as long as the overhang is less than 50 percent of the depth of the main footprint and requires no posts for support.
2. The following standards apply to development on a lot of more than 0.25 acres and less than 0.50 acres that will result in density of one-third (1/3) or less of the density allowed by this section:
 - i. Up to two on-street parking spaces immediately abutting the property may count toward the minimum parking required by Sec. 24-4.3.13.d.2.i, Minimum Parking Required.
 - ii. Elevated structures are allowed and may include living space that overhangs the rear of the structure, as long as the overhang is less than 50 percent of the depth of the main footprint and requires no posts for support.
3. For development on a lot 0.50 acres in size or larger that will result in density of 100 or fewer bedrooms per acre, the minimum parking required by Sec. 24-4.3.13.d.2.i, Minimum Parking Required, may be reduced by ten percent, rounded down to the nearest whole number.

g. References to Other Standards

Development in the MRU district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, except as otherwise provided in this section, including but not limited to the standards referenced in Table 4-27: Cross-References to Other Standards.

Table 4-27: Cross-References to Other Standards

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

SEC. 24-4.3.14. MULTIFAMILY RESIDENTIAL UNIVERSITY³³¹

a. Purpose

The purpose of the Multifamily Residential University (MFRU) District is to provide lands within close proximity of the University of Alabama for primarily residential neighborhoods that include multifamily development. The district is intended to support a high-density residential environment and incorporate limited context-sensitive neighborhood-oriented commercial, employment, community, and educational activities.

b. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 24-5: Use Regulations. In addition, the following standards apply to U-dwellings, as defined in Section 6-109 of Chapter 6 of the City Code:

- i. U-dwellings shall be constructed in accordance with Chapter 6, Section 6-109, of the City Code.
- ii. When all permitted work is completed on an eligible U-dwelling development, as defined in subsection i above, and the U-dwelling has passed all final site, building, and zoning inspections and has been issued a final certificate of occupancy by the Chief Building Official, the property shall be certified to allow up to five unrelated persons to live in a single dwelling unit.³³²
- iii. Eligible U-dwelling development in the MFRU District which may be certified in accordance with subsection ii above, shall include the following:³³³
 - (a) New construction of a permitted U-dwelling allowed in the base zoning district that complies with the requirements of this Ordinance and all other applicable City, county, state, and federal regulations; or
 - (b) Redevelopment or conversion of an existing building and site to a U-dwelling in order to fully comply with the requirements of this Ordinance and all other applicable City, county, state, and federal regulations.

c. Intensity and Dimensional Standards

All development in the MFRU district shall comply with the standards in Table 4-28: MFRU Intensity and Dimensional Standards.

Table 4-28: MFRU Intensity and Dimensional Standards

	STANDARD	ALL USES
	Density (max)	200 bedrooms per acre, not to exceed 200 bedrooms in any one development [2]
	Lot area (min)	None
	Lot width (min)	None
A	Front setback (min)	10 ft [3]
B	Side setback (min)	Single-family Detached or U-Single Dwelling: 5 ft; 14 ft combined both sides
		Triplex, U-Triplex, Quadplex, Multifamily, or Multifamily Student Dwelling: 6 ft; 16 ft. combined both sides

³³¹ New district; standards are based off the standards for the current RMF-2U district.

³³² This provision carries forward Sec. 24-220(d) of the current Zoning Ordinance.

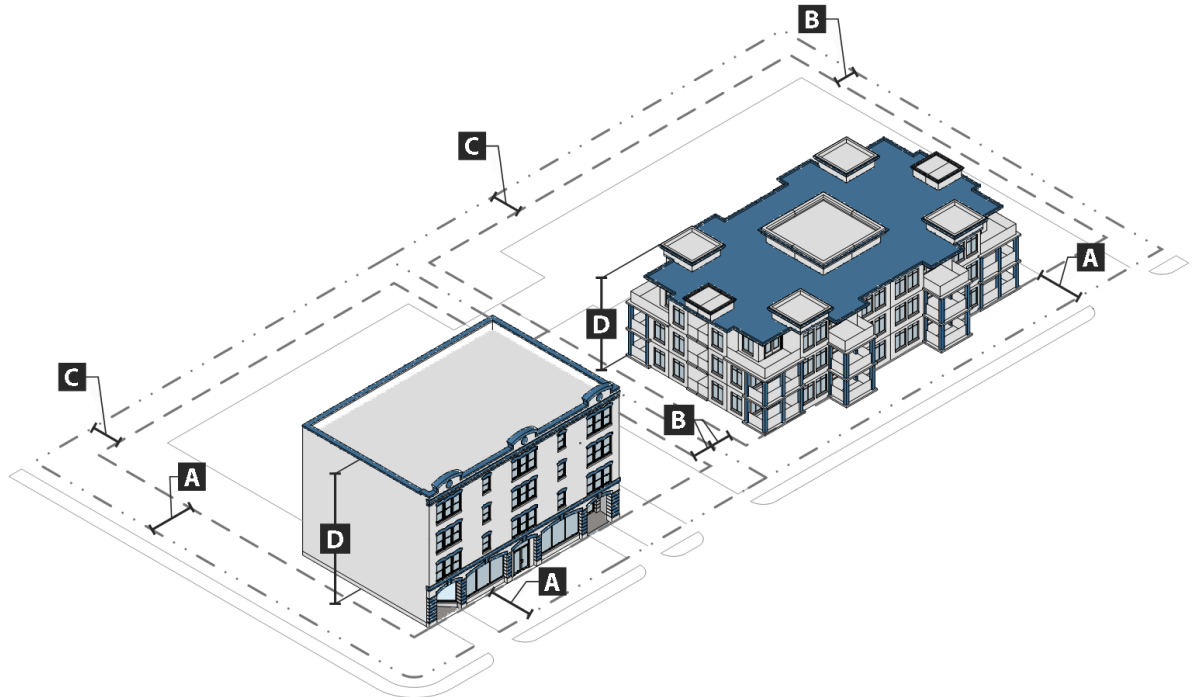
³³³ This provision carries forward Sec. 24-220(c) of the current Zoning Ordinance.

Table 4-28: MFRU Intensity and Dimensional Standards

STANDARD		ALL USES
		All other uses: 7 ft [4]
C	Rear setback (min)	10 ft
D	Building height (max) [5] [6]	Single-Family Dwelling, U-Single, Duplex, U-Duplex, Townhouse, or U-Rowhouse Dwelling: 37 ft
		Triplex, U-Triplex, or Quadplex Dwelling: Four stories, not to exceed 60 ft
		Multifamily or Multifamily Student Dwelling: 75 ft

NOTES

- [1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet
- [2] Maximum density is 110 bedrooms per acre in a line running from Campus Drive West, along University Blvd. to Gene Stallings Ave., south to Bryant Drive, along Bryant Drive to 12th Ave.
- [3] For corner lots, the minimum front setback abutting the side street shall be five feet. The minimum front setback may be decreased to the average alignment of existing buildings within 100 feet on either side of subject building and within the same block if such alignment is less than 10 feet. For single-family detached and townhouse dwellings, a street-facing garage shall be set back at least 20 feet from the front lot line.
- [4] There is no minimum side setback for townhouses, except a minimum side setback of seven feet is required at each end of a row of townhouse units.
- [5] For development on a lot of more than 0.50 acres that will result in density of 100 or fewer bedrooms per acre, the maximum building height shall be 60 feet.
- [6] Each story in a building shall be a minimum of nine feet in height, measured floor to ceiling.



d. Design and Small Redevelopment Standards

Development shall comply with the site design, building design, and small redevelopment standards that apply in the MRU District (see Sec. 24-4.3.13.d, Sec. 24-4.3.13.e, and Sec. 24-4.3.13.f above), except:

1. All elevated structures with at-grade parking areas located beneath the building shall comply with Sec. 24-4.3.13.e.7, Elevated Structures; and
2. On property south of University Boulevard, north of 13th Street, and east of Gene Stallings Avenue, a landscape strip is not permitted for sidewalks in accordance with Sec. 24-4.3.13.d.3.iii. Instead, trees required by the landscaping standards in Sec. 24-4.3.13.d.4, shall be placed in grates with tree guards between the sidewalk and street, incorporating the provisions of the right-of-way landscape requirements of subsection Sec. 24-4.3.13.d.4.

e. References to Other Standards

Development in the MFRU district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, except as otherwise provided in this section, including but not limited to the standards referenced in Table 4-29: Cross-References to Other Standards.

Table 4-29: Cross-References to Other Standards

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

SEC. 24-4.3.15. MULTIFAMILY RESIDENTIAL³³⁴

a. Purpose

The purpose of the Multifamily Residential (MFR) District is to provide lands for primarily residential neighborhoods that include multifamily development. The district supports a medium-density residential environment and may include compatible public, civic, and institutional uses.

b. Use Standards

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

c. Intensity and Dimensional Standards

All development in the MFR district shall comply with the standards in Table 4-30: MFR Intensity and Dimensional Standards.

Table 4-30: MFR Intensity and Dimensional Standards

	STANDARD	ALL USES
	Density (max)	22 du/acre
	Lot area (min)	7,500 sf ³³⁵
	Lot width (min)	None
A	Front setback (min)	10 ft [2] ³³⁶
B	Side setback (min)	5 ft; 14 ft combined both sides [3] ³³⁷
C	Rear setback (min)	20 ft ³³⁸
D	Building height (max)	
	<i>Minimum</i>	2 stories
	<i>Maximum</i>	60 ft
NOTES		
[1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet		
[2] The minimum front setback may be decreased to the average alignment of existing buildings within 100 feet on either side of subject building and within the same block if such alignment is less than 10 feet.		
[3] There is no minimum side setback for townhouses, except a minimum side setback of seven feet is required at each end of a row of townhouse units.		

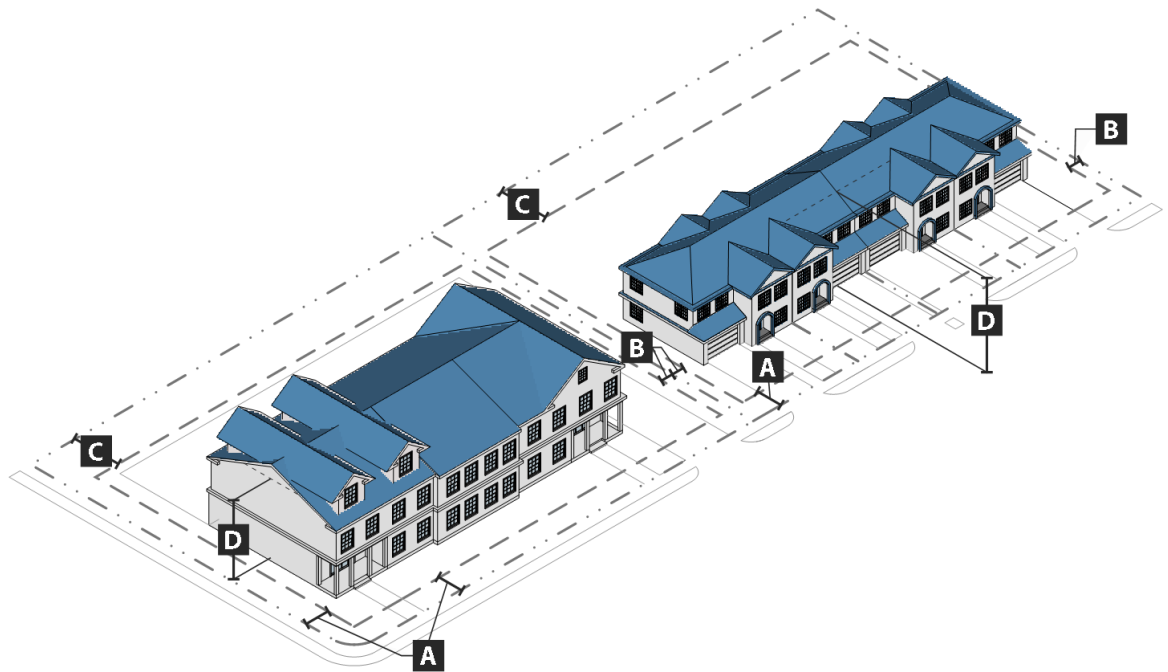
³³⁴ This district consolidates the current RMF-1 and RMF-2 districts. The standards in the RM-3 and RM-4 districts are not carried forward, but existing lands zoned RM-3 and RM-4 can be mapped to the MFR district. Standards relating to heights of accessory uses in Sec. 24-37 of the current Zoning Ordinance are relocated to the accessory uses standards in Sec. 24-5.3.1.

³³⁵ This lot area is the minimum lot area designated for a duplex in the current RMF-1.

³³⁶ The 10-foot front setback aligns with the current RMF-2 district standards. The requirement for a minimum of 35-foot setback from the centerline of a bordering street (Sec. 24-35(a)) has not been carried forward.

³³⁷ Minimum requirement for a single-family dwelling in current Zoning Ordinance (Sec. 24-35(b)). The current apartment minimum side setbacks of six feet/16 feet combined, and duplex setback of seven feet has not been carried forward. Standards relating to reduced side-yard requirements adjacent to a carport are in to Sec. 24-5.3.4, Standards Specific to Accessory Uses and Structures. Increased setback requirement for excess height have not been carried forward for simplicity; restrictions on height to mitigate impacts on adjoining neighborhoods are addressed in Sec. 24-6.7, Neighborhood Compatibility Standards.

³³⁸ The rear setback is the minimum required for uses other than a single-family or duplex dwelling in RMF-1 (currently requires 30 feet for those uses in RMF-1 and ten feet for all uses in RMF-2).



d. References to Other Standards

Development in the MFR district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-31: Cross-References to Other Standards.

Table 4-31: Cross-References to Other Standards

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

SEC. 24-4.3.16. MOBILE HOME RESIDENTIAL³³⁹

a. Purpose

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

b. MHR Lot and Building Standards

Mobile home parks shall conform to the design and development standards prescribed in Chapter 15 of the City Code, the Tuscaloosa Mobile Home Park Ordinance.³⁴⁰

³³⁹ The MHR district carries forward and renames the current RMH with no major changes.

³⁴⁰ This provision carries forward Sec. 24-38 of the current Zoning Ordinance.

SEC. 24-4.4. INSTITUTIONAL DISTRICTS³⁴¹

SEC. 24-4.4.1. GENERAL PURPOSE³⁴²

The general purpose of institutional districts is to:

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

³⁴¹ In order to provide more tailored standards for the institutional districts, the current institutional district is separated into three distinct institutional districts. The new Institutional University (I-U) district provides lands to accommodate the University of Alabama. The new Institutional Public (I-P) district provides lands for governmental uses, including City, county, state, and federal buildings, and the Tuscaloosa National Airport. The new Institutional Semi-Public (I-SP) district provides lands for secondary schools, cultural facilities like museums and libraries, hospitals and hospital complexes, and colleges and universities other than University of Alabama.

³⁴² This is a new general purpose statement.

SEC. 24-4.4.2. INSTITUTIONAL UNIVERSITY ³⁴³

a. Purpose

The purpose of the Institutional University (IU) District is to provide lands for the publicly funded campus of the University of Alabama. While the district includes general standards to support the continued growth and development of the University of Alabama, since the University operates in the public interest, has demonstrated it is a good steward of the state’s resources, and generally has a positive influence on the character of the City, the district places principal reliance upon the voluntary cooperation of the university to maintain a high quality of development consistent with its master campus plan, and ensure development impacts will not have an adverse effect on surrounding properties.

b. Use Standards³⁴⁴

Allowed uses shall be consistent with the Master Campus Plan approved by the University of Alabama.

c. Intensity and Dimensional Standards

All development in the IU district shall comply with the standards in Table 4-32: IU Intensity and Dimensional Standards.

Table 4-32: IU Intensity and Dimensional Standards

STANDARD	ALL USES
Density (max)	Consistent with Master Campus Plan approved by the University of Alabama. ³⁴⁵
Lot width (min)	
Front setback (min)	
Side setback (min)	
Rear setback (min)	
Building height (max)	
<p>NOTES</p> <p>[1] max = maximum; min = minimum</p>	

³⁴³ The new IU district provides lands for the campus of the University of Alabama. It reflects the University Campus character type in the Comprehensive Plan.

³⁴⁴ Consistent with the district purpose statement, the allowed uses and use-specific standards in the IU district are intended to conform with the University of Alabama’s own campus plan.

³⁴⁵ Consistent with the district purpose statement, the IU district does not include any specific intensity and dimensional standards, but instead relies on the University of Alabama’s conformance with its own campus plan.

d. References to Other Standards³⁴⁶

Development in the IU district is not required to comply with the other standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-33: Cross-References to Other Standards.

Table 4-33: Cross-References to Other Standards

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

³⁴⁶ This section states that development on the University of Alabama campus is not required to comply with the standards in the Zoning Ordinance and Subdivision Regulations.

SEC. 24-4.4.3. INSTITUTIONAL PUBLIC ³⁴⁷

a. Purpose

The purpose of the Institutional Public (IP) District is to provide lands for governmental uses typically developed on larger sites such as City, county, state, and federal government offices, court buildings, and the Tuscaloosa National Airport. The district also accommodates accessory uses such as eating establishments that primarily serve these principal institutional uses. Standards are intended to protect surrounding residential uses from incompatible development.

b. Use Standards

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

c. Intensity and Dimensional Standards

All development in the IP district shall comply with the standards in Table 4-34: IP Intensity and Dimensional Standards.

Table 4-34: IP Intensity and Dimensional Standards

STANDARD	ALL USES
Lot width (min)	Not Applicable
Front setback (min)	
Side setback (min)	
Rear setback (min)	
Building height (max)	
NOTES	
[1] max = maximum; min = minimum	

d. References to Other Standards

Development in the IP district is not required to comply with the other applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-35: Cross-References to Other Standards.

Table 4-35: Cross-References to Other Standards

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

³⁴⁷ The new IP district provides lands for government building uses such as City, county, state, and federal buildings, courts, and the Tuscaloosa National Airport. It reflects the Civic/Institutional character type in the Comprehensive Plan.

SEC. 24-4.4.4. INSTITUTIONAL SEMI-PUBLIC ³⁴⁸

a. Purpose

The purpose of the Institutional Semi-Public (ISP) District is to provide lands for colleges and universities other than the University of Alabama campus, public and private secondary schools, cultural facilities like museums and libraries, and hospitals and hospital complexes. District standards support appropriate growth and development within the district, while ensuring development impacts will not have an adverse effect on surrounding properties.

b. Use Standards

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

c. Intensity and Dimensional Standards

All development in the ISP district shall comply with the standards in Table 4-36: ISP Intensity and Dimensional Standards.

Table 4-36: ISP Intensity and Dimensional Standards

STANDARD	ALL USES
Lot width (min)	Not Applicable
Front setback (min)	Not Applicable
Side setback (min)	Not Applicable
Rear setback (min)	Not Applicable
Building height (max)	Not Applicable
NOTES	
[1] max = maximum; min = minimum	

d. District-Specific Development Standards³⁴⁹

All hospital and hospital complexes in the ISP district shall comply with the standards in Table 4-36: ISP Intensity and Dimensional Standards, and the following general standards:

1. The development shall be compatible with existing development adjacent to the hospital complex, in terms of form, function, and building separation.
2. Anticipated traffic generation and circulation patterns shall be compatible with internal and external street capacities and configurations.
3. Pedestrian circulation within a hospital or hospital complex shall be properly integrated with buildings, parking areas, and open space, and all infrastructure supporting pedestrian circulation shall be designed and built in accordance with nationally accepted standards for such infrastructure.
4. The development shall be consistent with the Comprehensive Plan.

³⁴⁸ The new ISP district provides lands for colleges and universities other than the University of Alabama campus, public and private secondary schools, cultural facilities like museums and libraries, and hospitals and hospital complexes. It reflects the Civic/Institutional character type in the Comprehensive Plan.

³⁴⁹ District specific standards are included in this section for hospital complexes to ensure the hospital or hospital complex is designed and built in a way that is compatible with existing adjacent development, the development addresses traffic circulation issues, properly integrates pedestrian circulation, and is consistent with the Comprehensive Plan.

e. References to Other Standards

Development in the ISP district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-37: Cross-References to Other Standards.

Table 4-37: Cross-References to Other Standards

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

SEC. 24-4.5. BUSINESS DISTRICTS

SEC. 24-4.5.1. GENERAL PURPOSE³⁵⁰

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

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

³⁵⁰ This is a new general purpose statement.

SEC. 24-4.5.2. DOWNTOWN³⁵¹

a. Purpose³⁵²

The purpose of the Downtown (D) District is to provide lands that support a walkable, visually attractive, and economically vital mix of employment, entertainment, civic, and residential uses in the City’s historic downtown, consistent with the downtown’s historic character and with public and private investment in the area. District standards are intended to ensure the downtown is architecturally interesting and pedestrian-friendly, and supports vibrant street life.

b. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 24-5: Use Regulations. Additional limitations on ground floor uses are included in Sec. 24-4.5.2.d.3, Street Level Uses, below.

c. Intensity and Dimensional Standards

All development in the D district shall comply with the standards in Table 4-38: D District Intensity and Dimensional Standards.

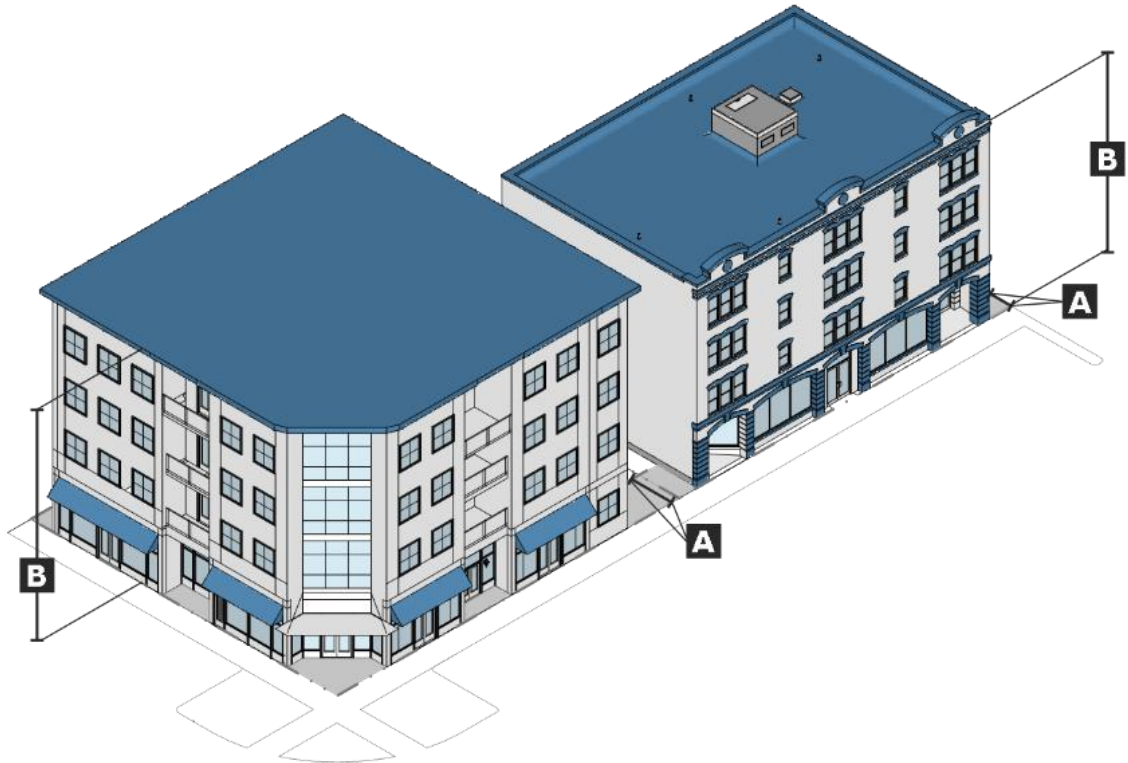
Table 4-38: D District Intensity and Dimensional Standards

	STANDARD	ALL USES
A	Front setback [2] ³⁵³	
	<i>Minimum</i>	0 ft
	<i>Maximum</i>	10 ft
	Side setback (min)	0 ft [3]
	Rear setback (min)	0 ft [3]
B	Building height (min)	2 stories (no maximum)
NOTES		
[1] max = maximum; min = minimum; ft = feet		
[2] The maximum front setback may be increased by 15 feet along 35 percent of the lot width for an outdoor dining area, plaza, or other area that is open to the public and that includes features such as a garden, fountain, and seating.		
[3] A buffer may be required along a side or rear lot line in accordance with Sec. 24-6.3.6, Buffers.		

³⁵¹ The D district carries forward and renames the BC district in the current Zoning Ordinance and incorporates and simplifies the form and design standards in the D/R overlay district. Administrative procedures in Sec. 24-232-233, and nonconformity regulations in Sec. 24-234 are relocated to those sections in the code. Similarly, the list of permitted uses and use-specific standards in Sec. 24-229 are relocated to the use regulations in Article 24-5. Floor area ratio (FAR) standards and incentives are deleted. New standards limit the use of some materials in buildings and encourage new multifamily development to use structured parking. The D district incorporates guidance from the Downtown Core character type in the Comprehensive Plan.

³⁵² This consolidates and builds on the BC district intent statement in Sec. 24-51 and the D/R overlay district intent statement in Sec. 24-225 of the current Zoning Ordinance.

³⁵³ This is a new standard that merges the no minimum setback in the BC district (Sec. 24-55) of the current Zoning Ordinance) with the 10-foot building line requirement in Sec. 24-230 that applies to the D/R overlay district.



d. Additional Development Standards³⁵⁴

1. Applicability³⁵⁵

- i. Unless otherwise provided in subsections ii through iv below, all development in the D district shall comply with the standards in this subsection d.
- ii. If there is a conflict between a standard in this section and the regulations and district standards under the purview of the Historic Preservation Commission, the regulations and standards of the Commission shall govern.
- iii. The following are exempt from all standards of this subsection d:
 - (a) Existing single-family homes used for residential purposes;
 - (b) Ordinary repairs and maintenance of buildings, signage, lighting, or other features;
 - (c) Construction within the interior of a structure that is not visible from the exterior of the building;
 - (d) Removal of existing signage without replacement;
 - (e) Emergency repairs ordered by the City’s code enforcement officials in order to protect health and safety; and
 - (f) All municipal, state, and federal buildings.

³⁵⁴ This generally carries forward the design standards in Sec. 24-230, Development standards and guidelines, of the current Zoning Ordinance, with refinements. Changes to existing design standards are noted in footnotes below. Non-regulatory guidelines have not been included except where made standards as discussed in footnotes below.

³⁵⁵ This section incorporates Sec. 24-228 of the current Zoning Ordinance and includes a new provision that identifies standards that do not need to be met for redevelopment of existing structures. This is intended to encourage redevelopment of sites on which it is infeasible to modify existing development to bring it into compliance and where it is financially infeasible or otherwise undesirable to clear the site for new development.

- iv. Any change of use of an existing structure that does not include an expansion of gross floor area shall be exempt from the standards in Sec. 24-4.5.2.d.4, Sidewalks.

2. Building Design Standards

i. Building Materials Allowed

(a) Primary Materials³⁵⁶

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

- (1) Brick masonry;
- (2) Natural stone (or synthetic equivalent), such as limestone, granite, and marble;
- (3) Cementitious siding, provided no single panel is larger than three feet by three feet; and
- (4) Stucco (panels with cementitious finish, not tiles or external insulation finishing system – EIFS).

(b) Accent materials³⁵⁷

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

- (1) Pre-cast masonry (for trim and cornice elements only);
- (2) Gypsum reinforced fiber concrete – GFRC (for trim elements only);
- (3) EIFS, only for trim;
- (4) Metal (for beams, lintels, trim elements, and ornamentation);
- (5) Glass curtain wall;
- (6) Split-faced block (only for piers, foundation walls and chimneys); and
- (7) Cementitious siding.

(c) Balconies³⁵⁸

(1) Balconies shall be constructed of the following materials:

- i. Brick and masonry;
- ii. Natural stone (or synthetic equivalent);
- iii. Metal; and
- iv. Stucco (panels with cementitious finish);

(2) Balconies shall not be constructed of wood.

(d) Alternative Materials

Alternative building materials not listed in subsections (a) through (c) above may be approved by the Director of Planning if the Director determines the alternative

³⁵⁶ Standards carried forward from Sec. 24-223(a)(2)(c)(1) of current Zoning Ordinance with changes: no longer allows brick “and tile” masonry, wood-clapboard or shingles, cementitious siding larger than the designated size, or stucco that could be EIFS.

³⁵⁷ Standards carried forward from Sec. 24-223(a)(2)(c)(2) of current Zoning Ordinance with changes: no longer allows EIFS, vinyl shakes or shingles, and vinyl clapboard. Cementitious siding is now only allowed as an accent material.

³⁵⁸ New standards for balconies.

building materials are equivalent or better than the listed materials. The use of regionally-available materials is preferred.

(e) Parking Structure Screening Materials

Where screening of parking areas within a structure is required, a metal or architectural panel shall be used, such as galvanized welded wire steel/mesh panels or an aluminum louver system. The following materials, and any material the Director of Planning determines closely mimics any of the following materials, shall not be used to screen parking areas:

- (1)** Chain link (including coated chain link);
- (2)** Vinyl or other fabrics; and
- (3)** Window screen material.

ii. Fenestration³⁵⁹

- (a)** Where the façade of a building abuts or faces a street or an adjoining public gathering space, at least 30 percent of the street-level façade area shall be comprised of transparent windows or door openings.
- (b)** For purposes of this subsection ii, the street-level façade area shall include the area of the façade between the ground level of the street or gathering space and eight feet in height.
- (c)** For purposes of this subsection ii, a window or door opening shall be considered transparent if it consists of glass that is clear and nonreflective.

iii. Building Massing and Scale³⁶⁰

If the street-facing façade of a building is more than 40 feet wide, at least one of the following design elements shall be incorporated into the façade at least once every 40 feet along the width of the façade:

- (a)** Changes in texture or color of wall surfaces;
- (b)** Ground level awnings, canopies, or similar overhangs;
- (c)** Recesses or projections in the wall plane at least one foot deep;
- (d)** Window bays;
- (e)** Second floor galleries or balconies;
- (f)** Primary pedestrian entrances; or
- (g)** Variations in roof lines, roof form, or parapet height.

iv. Building Entrances³⁶¹

All primary pedestrian entrances into principal buildings shall be clearly defined and emphasized using changes in the wall plane or façade material, lintels, pediments, pilasters, arches, awnings, canopies, porches, or other additional architectural elements.

³⁵⁹ This adapts the guidelines regarding fenestration from Sec. 24-230(b)(1)h of the current Zoning Ordinance and makes them mandatory, removing the maximum 50 percent transparency standard. Additional clarification is also provided regarding the types of glass that meets the standards.

³⁶⁰ This builds on the guideline for building entrances in Sec. 24-230(b)(1) of the current Zoning Ordinance.

³⁶¹ This builds on the guideline for building entrances in Sec. 24-230(b)(1) of the current Zoning Ordinance.

3. Street Level Uses³⁶²

- i. The following standards apply to all ground floor frontages of buildings other than a Parking Facility that face Commercial uses across the street and along the same block:
 - (a) Except as otherwise provided in subsection (b) below, on the ground floor the only uses allowed are nonresidential uses that are open to the public and are not limited for use only by occupants or guests of residential uses on the site
 - (b) The Zoning Board of Adjustment, in accordance with Sec. 24-3.4.5, Special Exception Use Permit, may waive the requirement in subsection (a) above if the Board determines that the applicant demonstrates the proposed alternative use will not fragment the commercial frontage in a way that impairs the commercial vitality of the D district.
- ii. A Parking Facility shall include uses that are not parking and not a use in the Residential use classification along 40 percent of the frontage that faces a street.

4. Sidewalks³⁶³

To the maximum extent practicable,³⁶⁴ and in coordination with the Office of the City Engineer, sidewalks along public streets shall be at least 15 feet wide and shall provide a clear path at least five feet wide that is maintained free of tables, seating, above-ground utilities, planters, and other obstructions to pedestrian movement.

5. Parking and Vehicular Access³⁶⁵

- i. All off-street parking shall be located within a parking structure or to the rear of the building(s) on the block, to the maximum extent practicable. Off-street parking shall not be located between the front of the principal structure and the public right-of-way.
- ii. Driveways shall be designed with the minimum pedestrian crossing area and turning radii allowed by the City’s Land Development Manual Technical Standards and Chapter 21 of the City Code in order to improve pedestrian safety and slow turning movements.³⁶⁶

³⁶² This consolidates and revises Sec. 24-58 and Sec. 24-230(b)(1)c in the current Zoning Ordinance. It replaces the reference to commercial and office uses Sec. 24-230(b)(1)c with a reference to non-residential uses that are open to the public, to allow for public, civic, and institutional uses such as a museum. It also updates and expands the list of uses in abutting buildings in Sec. 24-58. The current standard references “a retail, wholesale, service, or governmental use intended for the patronage of pedestrians.” The provisions have been simplified to require the street-level use to be neither parking nor a residential use; all other uses permitted in the district are allowed.

³⁶³ This incorporates the guidelines regarding utility connections and appurtenances in Sec. 24-230(b)(7)h of the current Zoning Ordinance and mandates that they not intrude into an seven-foot-wide unobstructed pedestrianway.

³⁶⁴ Maximum extent practicable is defined in Sec. 24-2.3, Definitions, as follows: “The degree to which a project meets an adopted standard in which all possible efforts to comply with the standard or to minimize harmful or adverse effects have been undertaken by the applicant, but full compliance cannot be achieved, and no feasible or practical alternative exists. Economic considerations may be taken into account but shall not be the overriding factor determining whether the standard can be met in full.”

³⁶⁵ Sec. 24-240(b)(6), Off-street parking and loading (new parking facility), of the current Zoning Ordinance includes guidelines regarding negotiations and reduction of parking requirements and parking lot design. In the updated Zoning Ordinance, there are no minimum vehicular parking requirements in the D district (see Sec. 24-6.2.6, Off-Street Parking Standards), and parking lot design standards are included in Sec. 24-6.2.5, General Parking and Loading Standards.

³⁶⁶ This is taken from a guideline in the current Zoning Ordinance and is modified to refer to the City’s existing driveway standards established by the City Engineer.

6. Screening³⁶⁷

- i. All loading areas and docks, outdoor storage areas, trash collection areas, delivery trucks, mechanical equipment, satellite dishes, and other service support equipment shall be located behind the building line and be fully screened from the view from the ground level of the right-of-way and of adjacent properties.
- ii. All rooftop mechanical equipment including HVAC units shall be fully screened from public view at street level, bridge level, and from adjoining buildings using parapet walls, screens, or similar features.
- iii. Areas for outdoor storage, trash collection areas, and loading areas shall be incorporated into the primary building design.
- iv. All screening shall use only materials of comparable quality and appearance as that of the primary building.

7. Lighting

- i. All lighting fixtures shall be located and directed to minimize spillover onto abutting properties, except as necessary to illuminate abutting parking areas.³⁶⁸
- ii. Neon lighting and neon-style LED lighting is prohibited except for use as an architectural accent.

8. Signs³⁶⁹

- i. Channel letter or logo signs may be internally lit or back lit, including with neon lighting. All other signs, if lighted, shall be externally lit. Internally lit, translucent box-type signs, and electronic message boards are prohibited
- ii. Painted window signs and backlit or illuminated awnings are prohibited.
- iii. Projecting signs shall comply with the following standards:
 - (a) For buildings less than 35 feet in height:
 - (1) The projecting sign shall not extend above the second floor.
 - (2) The projecting sign shall have no more than 12 square feet of copy area.
 - (b) For buildings 35 feet in height or taller, a projecting sign shall have no more than 50 square feet of copy area or one square foot of copy area for each linear foot of building frontage, whichever is greater, up to a maximum 100 square feet of copy area.
 - (c) A projecting sign may project up to six feet from the building.
 - (d) Projecting signs may encroach into a public right-of-way (other than an alley) only with the appropriate City permit.

³⁶⁷ This builds upon the existing screening standards in Sec. 24-230(b)(7)f-g of the current Zoning Ordinance, adds additional categories of items to be screened, and replaces “another appropriate building material as approved by the planning director” with “materials of comparable quality and appearance” to provide more measurable standards. It also incorporates the rooftop screening guideline at Sec. 24-230(b)(3)b and the site loading screening guideline at Sec. 24-230(b)(6)g and makes them standards. Reference to “truck parking” replaced with “delivery trucks” for clarity.

³⁶⁸ This provision may be revised or relocated when the exterior lighting standards in Article 24-6, Development Standards, are drafted.

³⁶⁹ The guideline regarding projecting signs in Sec. 24-230(b)(5)d has been included as a standard. These provisions may be relocated to the standards for billboards and signs in Article 24-6, Development Standards. A definition of channel letters is included in definitions. The provisions relating to projecting signs have been revised to allow for larger signs on taller buildings, to reduce the number of variances that have been required in the past for new development in downtown.

(e) Projecting signs shall not display messages on a digital display board.

9. Awnings and Canopies³⁷⁰

- i. Awnings and canopies shall not be lighted from their interior.
- ii. Awnings shall project at least 36 inches from the wall to which they are attached and shall not extend across multiple storefronts or multiple buildings.

10. Balconies³⁷¹

A balcony may encroach into a public right-of-way (other than an alley) only with the appropriate City permit.

11. Utilities³⁷²

All utilities serving individual buildings or developments shall be located underground.

e. References to Other Standards

Development in the D district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-39: Cross-References to Other Standards, to the extent they do not conflict with the standards of subsection d above.

Table 4-39: Cross-References to Other Standards

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

³⁷⁰ This incorporates the guideline in Sec. 24-230(b)(1)h of the current Zoning Ordinance and makes it a requirement.

³⁷¹ New provision: Balconies are permitted to encroach into a public ROW following issuance of an appropriate permit.

³⁷² This is a new standard.

SEC. 24-4.5.3. DOWNTOWN PERIMETER³⁷³

a. Purpose³⁷⁴

The purpose of the Downtown Perimeter (DP) District is to provide lands that support a variety of moderate-intensity office and commercial uses that may be mixed with medium-scale multifamily residential dwellings, single-family detached dwellings on small lots, and a range of attached residential uses, such as triplexes and townhouses. The district also allows a variety of civic and institutional uses. It is intended to serve as a pedestrian-friendly transition between the higher density and intensity of uses in the Downtown District and the lower-density development in adjacent residential and commercial districts.

b. Use Standards

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

c. Intensity and Dimensional Standards

All development in the DP district shall comply with the standards in Table 4-40: DP Intensity and Dimensional Standards.

Table 4-40: DP Intensity and Dimensional Standards³⁷⁵

	STANDARD	ALL USES
A	Front setback [2] ³⁷⁶	
	<i>Minimum</i>	0 ft
	<i>Maximum</i>	15 ft
	Side setback (min)	0 ft [3]
	Rear setback (min)	0 ft [3]
B	Building height, north of Paul W. Bryant Dr.	
	<i>Minimum</i> ³⁷⁷	2 stories [4]
	<i>Maximum</i>	7 stories
	Building height, south of Paul W. Bryant Dr.	
	<i>Maximum</i> ³⁷⁸	4 stories
NOTES		
[1] max = maximum; min = minimum; ft = feet		
[2] The front building façade must be located within the minimum and maximum front setbacks. The maximum front setback may be increased by 1) 15 feet along 35 percent of the lot width		

³⁷³ This new district incorporates guidance from the Downtown Edge character type in the Comprehensive Plan.

³⁷⁴ This updates the intent statement for the BGO district in Sec. 24-51 of the current Zoning Ordinance and reflects that the DP district will be limited to lands surrounding the D district and lower-intensity districts.

³⁷⁵ This carries forward the intensity and dimensional standards for the BGO district in Article IV of the current Zoning Ordinance, except where otherwise noted in the footnotes below.

³⁷⁶ Based on the Downtown Edge character type in the Framework Comprehensive Plan, the minimum front yard depth (now referred to throughout this draft as “minimum front setback”) is changed from 20 feet (except for areas in the original city survey, where there is no minimum currently) to zero feet, and a maximum front setback of 15 feet is established, whereas there is no maximum front setback in current Zoning Ordinance.

³⁷⁷ This standard is new. It is based on the Framework Comprehensive Plan direction for the Downtown Edge character type.

³⁷⁸ This standard is new. It is based on the Framework Comprehensive Plan direction for the Downtown Edge character type.

Table 4-40: DP Intensity and Dimensional Standards³⁷⁵

STANDARD	ALL USES
<p>for an outdoor dining area, plaza, or other area that is open to the public and that includes features such as a garden, fountain, and seating, or 2) up to the average alignment of existing buildings within 100 feet on either side of subject building and within the same block if such alignment is greater than 15 feet.</p> <p>[3] A minimum setback of eight feet is required from any lot line abutting a Residential district.</p> <p>[4] Applies to any lot containing a building.</p> <p>[5] The minimum building height for single-family detached and duplex dwellings is 1.5 stories.</p>	



d. Parking Location³⁷⁹

1. All off-street parking shall be located to the rear of the building(s) on the block, to the maximum extent practicable.
2. Except as provided in subsection 3 below, off-street parking shall not be located between the front of the principal structure and the public right-of-way.
3. Off-street parking may be located within the front of the principal structure and the public right-of-way in the area bounded one the east by Lurleen B. Wallace Boulevard North; on the north by 6th Street; on the west by Lurleen B. Wallace Boulevard South; and on the south by 15th Street.

e. Utilities³⁸⁰

All utilities serving individual buildings or developments shall be located underground.

³⁷⁹ This standard is new. It is based on the Framework Comprehensive Plan direction for the Downtown Edge character type. This standard may be moved to the parking standards in Article 24-6: Development Standards. An area where front yard parking is designated, which is the area where drive-through restaurants are allowed in the D/R overlay district in Sec. 24-239(d)(26) of the current Zoning Ordinance.

³⁸⁰ This is a new standard.

f. Building Materials³⁸¹

The building materials standards that apply in the D district, at Sec. 24-4.5.2.d.2.i, Building Materials Allowed, also apply in the DP district.

g. References to Other Standards

Development in the DP district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-41: Cross-References to Other Standards.

Table 4-41: Cross-References to Other Standards

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

³⁸¹ This makes clear that the building materials standards that apply downtown also apply in the DP district.

SEC. 24-4.5.4. DOWNTOWN HISTORIC EDGE³⁸²

a. Purpose

The purpose of the Downtown Historic Edge (DHE) District is to provide lands that protect the historic districts and support a limited mix of moderate-intensity office and commercial uses along with medium-scale multifamily residential dwellings, single-family detached dwellings on small lots, and a range of attached residential uses, such as triplexes and townhouses. The district also allows a variety of civic and institutional uses. The scale of the development is intended to complement existing development in the neighborhood and support a pedestrian-friendly transition between the higher density and intensity of uses in the Downtown District and the lower-density development in adjacent residential and commercial districts

b. Use Standards

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

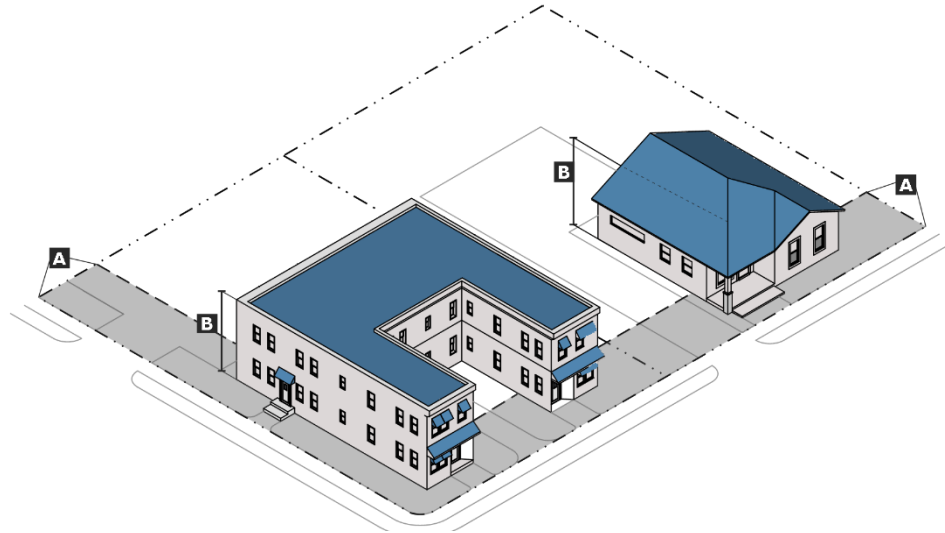
c. Intensity and Dimensional Standards

All development in the DHE district shall comply with the standards in Table 4-42: DHE Intensity and Dimensional Standards.

Table 4-42: DHE Intensity and Dimensional Standards

	STANDARD	ALL USES
A	Front setback [2] [3]	
	<i>Minimum</i>	0 ft
	<i>Maximum</i>	30 ft
	Side setback (min)	0 ft [4]
	Rear setback (min)	0 ft [4]
B	Building height (max)	3 stories
NOTES		
[1] max = maximum; min = minimum; ft = feet		
[2] The front building façade must be located within the minimum and maximum front setbacks. The maximum front setback may be increased by 1) 15 feet along 35 percent of the lot width for an outdoor dining area, plaza, or other area that is open to the public and that includes features such as a garden, fountain, and seating, or 2) up to the average alignment of existing buildings within 100 feet on either side of subject building and within the same block if such alignment is greater than 15 feet.		
[3] The Historic Preservation Commission may allow or require larger or smaller front setbacks if it determines that with such modification a development will better conform with nearby properties, or with the development patterns within the DHE district and any applicable historic district.		
[4] A minimum setback of eight feet is required from any lot line abutting a Residential district.		

³⁸² This is a new district that is similar to the new DP district but allows a slightly reduced mix of uses at somewhat lesser intensity than the DP district.



d. Parking Location³⁸³

The location and configuration of off-street parking in relation to the building(s) on the site, adjacent lots, and the street shall match the location and configuration of off-street parking on the majority of land with active uses within 500 feet on either side of the site along the front setback.

e. Utilities³⁸⁴

All utilities serving individual buildings or developments shall be located underground.

f. Building Materials³⁸⁵

The building materials standards that apply in the D district, at Sec. 24-4.5.2.d.2.i, Building Materials Allowed, also apply in the DHE district, except to the extent they are inconsistent with standards applied by the Historic Preservation Commission, including any design guidelines established by the Commission, to buildings in a historic district or to a property designated as historic in accordance with Ch. 20, Div.2 of the City Code.

g. References to Other Standards

Development in the DHE district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-43: Cross-References to Other Standards.

Table 4-43: Cross-References to Other Standards

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

³⁸³ This is a contextual standard to provide for consistency of off-street parking locations for nearby properties in the district.

³⁸⁴ This is a new standard.

³⁸⁵ This makes clear that the building materials standards that apply downtown also apply in DHE, except to the extent they conflict with the standards that apply in a historic district.

Table 4-43: Cross-References to Other Standards

Sec. 24-6.6	Exterior Lighting Standards		Subdivision Regulations
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SEC. 24-4.5.5. RIVERFRONT DISTRICT³⁸⁶

a. Purpose

The riverfront of the Black Warrior River is a unique natural, scenic, and historic resource of the City. The purpose of the Riverfront (R) District is to, as appropriate, provide lands that support pedestrian-friendly, high-quality development that takes advantage of the Black Warrior River's history and scenic beauty, protect against flooding, and preserves the natural features of the river and its floodplain. The district should include only nonresidential uses, or residential uses mixed with complimentary nonresidential uses. Streets, buildings, and open space should create synergy with the natural riverfront environment, preserving and/or enhancing environmentally sensitive areas while allowing people within and around the district to maintain a visual or actual connection with the riverfront through the Riverwalk.

b. Procedure

Development or redevelopment in the R district shall be subject to approval in one of two ways.

1. Small-Scale Development

- i. Small-scale development shall be treated as allowed development in the R district and is subject to all the applicable standards, procedures, and requirements of the district, this Zoning Ordinance, and the Subdivision Regulations, except for redevelopment identified in subsection 3 below, which is exempt from certain development standards.
- ii. For the purpose of the R district, except for certain redevelopment identified in subsection 3 below, small-scale development is proposed development that results in 20,000 square feet or less of nonresidential development, and/or 20 residential units, or development that is located on a lot that is 25,000 square feet or less.

2. Large-Scale Development

- i. Large-scale development shall be classified as a Riverfront Planned Development (RPD) district, in accordance with the procedures and standards of Sec. 24-3.4.3, Planned Development, Sec. 24-4.7.1, General Provisions, and Sec. 24-4.7.3, Riverfront Planned Development.
- ii. For the purpose of the R district, large-scale development is all proposed development in the district that is not small-scale development.

³⁸⁶ The new Riverfront (R) base district builds on the Riverfront Development District purpose and standards in Article XVIII of the current Zoning Ordinance, but modifies the structure of how development in the current Riverfront district is regulated. This is done in an effort to simplify the development review procedures for development/redevelopment in the district, and clarify the development standards – without sacrificing the goals and development outcomes of the old district. The new structure establishes a base R district, which identifies the boundaries of the lands subject to special riverfront regulations. The base district then sets out a two-tier structure for development review: small-scale development is treated as development is typically treated in a base district (permitted and special exception uses follow the typical development review procedures for those types of development). Large-scale development is required to be classified as a Riverfront Planned Development (RPD) before it can proceed. The uses allowed in each district are the same, but the PD district requires the specific uses permitted in the RPD district to be identified in the approved PD Plan. Basic dimensional standards are established for development in the base R district, while the RPD district allows development to vary the dimensional standards (except for maximum height). Additional form and design standards are added and apply to both districts. Most of the other development standards (parking, landscape, etc.), but not all, can be proposed for modification in the RPD (if approved as part of the PD Plan). These standards cannot be modified in the R base district for small-scale development (except through means allowed for all other base districts).

3. Exemptions³⁸⁷

The expansion or alteration of development existing prior to [insert effective date of this Ordinance] that increases the building's floor area by less than 50 percent or involves alterations that involve less than 50 percent of the building's gross floor area, shall also be considered small-scale development, but shall only be required to comply with the following development standards to the extent listed below:

i. Subsection e.1, Site Design Standards

- (a) Subsection e.1.i, View of River Preserved (comply);
- (b) Subsection e.1.ii, Supplemental Zone Adjacent to Riverwalk (comply to the maximum extent practicable);
- (c) Subsection e.1.iv, Pedestrian Circulation System (comply to the maximum extent practicable);
- (d) Subsection e.1.v, Parking (comply to the maximum extent practicable);
- (e) Subsection e.1.vii, Exterior Lighting (comply);
- (f) Subsection e.1.viii, Signs (comply to the maximum extent practicable); and
- (g) Subsection e.1.ix, Utilities (comply to the maximum extent practicable).

ii. Subsection e.2, Building Design

- (a) Subsection e.2.iv, Fenestration/Transparency (comply to the maximum extent practicable); and
- (b) Subsection e.2.vi, Loading, Service, and Equipment Areas (comply to the maximum extent practicable).

c. Use Standards

1. Small-Scale Development

Allowed uses and use-specific standards for principal, accessory, and temporary uses for small-scale development are the allowed uses for the R district that are established in Article 24-5: Use Regulations.

2. Large-Scale Development

Allowed uses and use-specific standards for principal, accessory, and temporary uses for large-scale development are those uses identified in Article 24-5: Use Regulations, as uses that may be allowed in the RPD district.³⁸⁸ However, only those uses identified as permitted in the approved PD Plan are permitted in an individual RPD district, subject to the conditions and requirements in the approved PD Plan and PD Agreement, (see Sec. 24-4.7.1.c, Classification of Land to a Planned Development District).

3. Use-Specific Standards³⁸⁹

The following use specific standards apply to both small-scale development and large-scale development, in addition to any additional applicable standards for specific uses in Article 24-5: Use Regulations.

³⁸⁷ This section is included to allow redevelopment of existing buildings in the R district without full compliance with the district's development standards, while at the same time, requiring compliance with some of the key district standards that define the district's character (or compliance with those standards to the maximum extent practicable).

³⁸⁸ The allowed uses for both small-scale and large-scale development in the R and RPD districts are the same, even though there are two use tables (one for the base R district and one for the RPD district).

³⁸⁹ This section carries forward use limitations in the notes of Sec. 24-239(a)(1) of the current Zoning Ordinance, unless it is noted that changes are made.

i. Multifamily

- (a) Multifamily dwellings are allowed only if 35 percent or more of the total floor area of all buildings in the proposed development is used for Commercial uses. (Townhomes are not subject to this requirement.)
- (b) The maximum residential density for multifamily and townhomes is 60 bedrooms per acre. There shall be a maximum of three bedrooms in a dwelling unit.
- (c) One off-street parking space shall be provided for each bedroom.

ii. Food and Beverage Services, Retail Sales and Services

Food and Beverage Services or Retail Sales and Services uses shall provide a minimum of one off-street parking space per 300 square feet of gross floor area, rounded up to the nearest increment of 300 square feet.

iii. Bar or Tavern, or Gastropub

Each bar or tavern, or gastropub shall be spaced at least 500 feet from any other bar or tavern, or gastropub, measured door-to-door.

d. Intensity and Dimensional Standards³⁹⁰

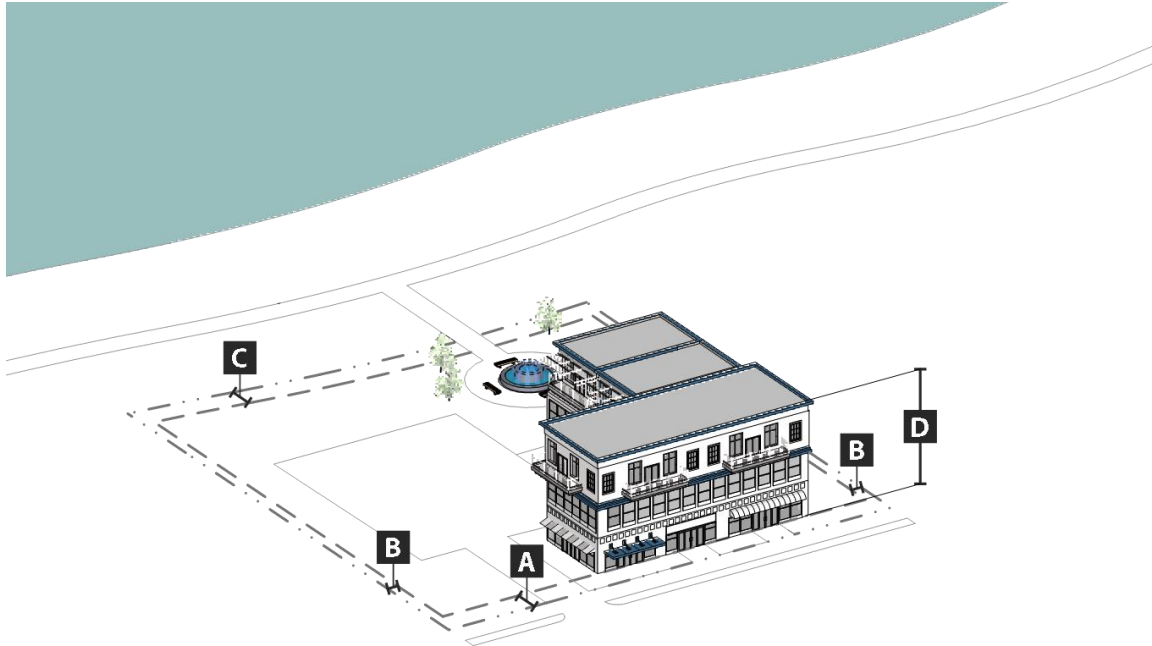
All small-scale development in the R district shall comply with the standards in Table 4-44: R Intensity and Dimensional Standards.

Table 4-44: R Intensity and Dimensional Standards

	STANDARD	ALL USES EXCEPT TOWNHOUSE UNITS ON SEPARATE LOTS	TOWNHOUSE UNITS ON SEPARATE LOTS
A	Front setback (min)	10 ft	10 ft [2]
B	Side setback (min)	4 ft	0 ft [3]
C	Rear setback (min)	10 ft	10 ft [2]
D	Building height (max) ³⁹¹	3 stories [4]	3 stories
NOTES:			
[1] max = maximum; min = minimum; ft = feet			
[2] A street-facing garage shall be set back at least 20 feet from the front lot line, and a garage facing a rear alley shall be set back at least 20 feet from the rear lot line.			
[3] There is no minimum side setback for townhouses, except a minimum side setback of seven feet is required at each end of a row of townhouse units.			
[4] The minimum floor to ceiling height for commercial space shall be 12 feet.			

³⁹⁰ Some basic but flexible dimensional standards are included for the Riverfront (R) base district. They only apply to small-scale development. The dimensional standards for large-scale development is established in the RPD (and PD Plan).

³⁹¹ A specific building height standard is used instead of a reference to “the treeline,” which is the standard in the current regulations. Townhouse regulations are added as townhouses are a permitted use in the district. Maximum building height for large-scale development will be set by Council through the planned development process,



e. Development Standards

All development in the R and RPD districts (both small-scale and large-scale development) shall comply with the following standards:

1. Site Design Standards

i. View of Riverfront Preserved

To the maximum extent practicable, streets, open space, and buildings shall be located, designed, and oriented to preserve the view of the Black Warrior River and the riverfront from adjacent streets and buildings in the district, and from development directly contiguous to the district located on public streets.

ii. Supplemental Zone Adjacent to Riverwalk

All sites adjacent to the Riverwalk shall establish a supplemental zone 25 feet in width adjacent to the Riverwalk, which serves as an outdoor transitional space between the Riverwalk and the development on the site. The supplemental zone may remain in its natural condition or be landscaped, and may include patios, benches, or gazebos. It shall include a pedestrianway that connects the Riverwalk to the primary building entrance facing the Riverwalk.³⁹²

iii. Blocks, Streets, and Alleys

Where streets are added or modified, they should be designed and laid out in blocks with sidewalks, or if that is impractical, with an alternative design that ensures the development provides sidewalks and a pedestrian-friendly environment that is well connected to adjacent streets and sidewalks, and the street and pedestrian system within the district.

iv. Pedestrian Circulation System

(a) Development shall:

³⁹²This is a new standard that provides for a transitional space between the Riverwalk and adjacent development.

- (1) Provide sidewalks on both sides of every street. Each sidewalk shall be a minimum of six feet in width, be separated from the street by a street tree planting area at least five feet in width, and have street trees that are located in the street tree planting area and are spaced between 40 and 50 feet on center;
- (2) Provide sidewalks from building entrances to other sidewalks on the site;
- (3) Clearly mark where sidewalks, trails, or other pedestrianways cross a street or driveway by using a change in paving material, color, or height, decorative bollards, or similar elements; and
- (4) When on a site adjacent to the Riverwalk, provide a connection to the Riverwalk in the form of a defined pedestrianway that is a minimum of eight feet in width, that connects the Riverwalk to the primary building entrance on the river-facing side of the building.

(b) All sidewalks shall be surfaced with pavers or imprinted concrete, except in the interior of parks or other less formal areas, where all-weather surfacing may be used.

v. Parking

All off-street parking, except for buildings on a site adjacent to the Riverwalk shall be located, to the maximum extent practicable, to the side or rear of principal building(s) as defined by the abutting street. Parking for a building on a site adjacent to the Riverwalk shall be located to the side of the building, to the maximum extent practicable, and if that is not possible because of site or other conditions, between the building and the street. Parking to the side of the building shall be screened from the Riverwalk by an opaque screen of shrubs that are at least four feet in height at maturity.

vi. Landscaping and Fencing

- (a) Transition landscaping shall be provided in the supplemental zone adjacent to the Riverwalk. To the maximum extent practicable, existing tree canopy and native vegetation shall be used.
- (b) Landscaping and hardscaping shall be designed so it does not interfere with accessibility for persons with disabilities.
- (c) Fences are allowed, where necessary for security or privacy reasons. However, the fences shall be designed to not block public access to the Riverwalk. Any wall or fence between a building adjacent to the Riverwalk and the Riverwalk shall not exceed four feet in height, shall have a minimum opacity of 50 percent, and shall be decorative (chain link fences are prohibited).

vii. Exterior Lighting

Light fixtures shall be of a standard ornamental type installed by Alabama Power Company, or a more ornate type of fixture approved by the Director of Planning to be owned and maintained by the developer or an owners association.

viii. Signs

- (a) Freestanding signs shall be limited to monument signs only.
- (b) The maximum allowable sign copy area for signs erected on a building (including on a canopy or awning) on a street frontage or river-facing shall not exceed one square foot per every linear foot of street or river-facing frontage, up to a maximum of 80 square feet per sign. The Director of Planning may increase the maximum allowable copy area by ten percent for any building with a building height that is greater than 40 feet, if it is demonstrated that the location of the sign and the increase in sign area is done in a way that is compatible with the character of surrounding development and the general purposes of the district.

- (c) Channel letter or logo signs placed on the building may be internally lit or back lit, but shall not be lit with neon lighting. All other signs, if lighted, shall be externally lit, internally lit, or translucent box-type signs. Electronic message boards are prohibited.
- (d) Painted window signs and backlit or illuminated awnings are prohibited.
- (e) Signs on canopies or awnings shall have at least one square foot and no more than three square feet of copy area.
- (f) Projecting signs shall comply with the following standards:³⁹³
 - (1) For buildings less than 40 feet in height:
 - i. The projecting sign shall not extend above the second floor.
 - ii. The projecting sign shall have no more than 12 square feet of copy area.
 - iii. The projecting sign shall not project more than two feet from the building façade, and may extend into a public right-of-way (other than an alley) only with the appropriate City permit.
 - (2) For buildings 40 feet in height or taller:
 - i. The projecting sign shall have copy area no larger than 50 square feet in area, or one square foot for each linear foot of building frontage, whichever is greater, up to a maximum 100 square feet of copy area.
 - ii. The projecting sign shall not project more than three feet from the building face, and may extend into a public right-of-way (other than an alley) only with the appropriate City permit.
 - (3) Projecting signs shall not display messages on a digital display.

ix. Utilities

All electrical, telephone, and other utility lines in the district shall be underground.

x. Design of Features in Flood Hazard Areas

In flood hazard areas, all structural, landscape, hardscape, and utility features installed at or below the base flood elevation shall be:

- (a) Designed to withstand repeated immersion and other predictable effects of flooding with minimum damage and with least maintenance expense;
- (b) Designed in a way that is compatible with the color, scale, and architectural elements of the building; and
- (c) Where appropriate, screened from view from all streets and the Riverwalk.

2. Building Design³⁹⁴

i. Building Orientation

- (a) The front façade of all new buildings, as defined by the primary entrance, shall be oriented and front onto a street, a courtyard, or plaza.
- (b) For a building on a site contiguous to the Riverwalk, there shall also be a primary entrance on the façade of the building facing the Riverwalk, unless topographical features make it infeasible.

³⁹³ The projecting sign standards build on the revisions to the projecting sign standards in the Downtown district.

³⁹⁴ The building design standards build on the current standards and add additional standards to provide more clarity and specificity to the appropriate physical features in the R and RPD districts. For example, building material standards are added, based on the standards in the downtown and university districts. In other instances, refinements to the existing standards are made based on best practices from other communities.

- (c) All single-building developments shall be configured with the long axis of the building parallel to the street it fronts, or be consistent with existing development patterns, rather than being sited at unconventional angles, to the maximum extent practicable.
- (d) The primary entrances of buildings in a multi-building development shall:
 - (1) Be oriented towards a street along the perimeter of a development, or towards streets or driveways interior to the development; and
 - (2) If appropriate, frame the corner of adjacent street intersections or entry points.

ii. Entrances

- (a) All buildings facing a primary street shall provide a primary pedestrian entrance from the primary street.
- (b) All buildings on a site contiguous to the Riverwalk shall provide a primary pedestrian entrance from the Riverwalk unless topographical features make it infeasible.
- (c) All primary pedestrian entrances into principal buildings from both the street and the Riverwalk (where applicable) shall be clearly defined and emphasized using changes in the wall plane or façade material, lintels, pediments, pilasters, arches, awnings, canopies, porches, or other architectural elements.
- (d) For all sites adjacent to the Riverwalk, a street address number shall be located directly above or beside the primary building entrance from the Riverwalk, and be visible from the Riverwalk.

iii. Façades

- (a) Building façades facing the Riverwalk shall provide views of the Riverwalk and riverfront through the use of windows, doors, terraces, balconies, or other architectural features.
- (b) Buildings of three or more stories shall include a clearly-recognizable and distinct base, middle, and top, with the base including one or more of the following features:
 - (1) Thicker walls, ledges, or sills;
 - (2) Integrally-textured materials such as stone or other masonry;
 - (3) Integrally-colored and patterned materials such as smooth-finished stone or tile; or
 - (4) Lighter or darker colored materials, mullions, or panels.
- (c) If the street-facing or river-facing façade of a building is more than 40 feet wide, at least one of the following design elements shall be incorporated into the façade at least once every 40 feet along the width of the façade:
 - (1) Distinct changes in texture or color of wall surfaces;
 - (2) Ground level awnings, canopies, or similar overhangs;
 - (3) Recesses or projections in the wall plane at least one foot deep;
 - (4) Window bays;
 - (5) Second floor galleries or balconies;
 - (6) Primary pedestrian entrances; or
 - (7) Variations in roof lines, roof form, or parapet height.
- (d) The street-facing and river-facing side of a building, where visible off-site along a street or the Riverwalk, shall be articulated with the same façade details as provided on the building's street-facing or river-facing façade.

- (e) Outbuildings located in front or behind other buildings within the same development shall include a consistent level of façade articulation and architectural detail on all sides of the building, as well as exterior materials and colors that are compatible with the primary building in the development.

iv. Fenestration/Transparency

- (a) A minimum of 35 percent of the street-facing façade area of the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways.
- (b) A minimum of 35 percent of the river-facing façade area of a building (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the top floor) shall be occupied by windows or doorways.

v. Roofs

Buildings shall use a common, unifying design for roofs in terms of roof type, pitch, color, and materials. The intent of this requirement is not to create a uniform appearance, but rather a distinct sense of place.

vi. Loading, Service, Dumpster, Mechanical and Other Equipment Areas

- (a) Loading, service, dumpster, and mechanical and other equipment areas shall be located in a manner that screens their visibility from adjacent streets and the Riverwalk.
- (b) Loading, service, dumpster, mechanical and other equipment areas, and other similar facilities shall not be oriented toward the Riverwalk.
- (c) Outdoor storage areas shall be fully screened from adjacent streets, the Riverwalk, and single-family detached dwellings.

3. Building Materials³⁹⁵

i. Primary Materials

- (a) The following building material shall be used for not less than 75 percent of the building wall surface area on each façade. Primary material changes may occur only at building corners where a maximum of one of the façades faces the street:
 - (1) Brick masonry.
 - (2) Natural stone (or synthetic equivalent), such as limestone, granite, and marble;
 - (3) Wood-clapboard or shingles;
 - (4) Glass curtain wall; or
 - (5) Stucco (panels with cementitious finish, not tiles or EIFS – external insulation finishing system).
- (b) The use of EIFS or aluminum siding is prohibited.

ii. Accent Materials

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

- (a) Pre-cast masonry (only for trim and cornice elements);
- (b) Gypsum reinforced fiber concrete – GFRC (for trim elements only);
- (c) EIFS only for trim;

³⁹⁵ Building materials standards are added; they build on the standards in the Downtown and University districts.

- (d) Metal (for beams, lintels, trim elements, and ornamentation);
- (e) Split-faced block (only for piers, foundation walls, and chimneys);
- (f) Glass block;
- (g) Cementitious siding;
- (h) Vinyl shakes or shingles; and
- (i) Vinyl clapboard (with a minimum thickness of 0.044 inches).

iii. Alternative Materials

Alternative building materials not listed in subsections i and ii above may be approved if the Director of Planning determines that the alternative materials are equivalent or better than the listed materials. The use of regionally-available materials is preferred.

4. Utilities³⁹⁶

All utilities serving individual buildings or developments shall be located underground.

f. References to Other Standards

Development in the R district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-45: Cross-References to Other Standards, unless they conflict with the standards of the R district. In case of conflict between the standards of the R district and the other applicable standards of the Zoning Ordinance or Subdivision Regulations, the standards of the R district shall control.

Table 4-45: Cross-References to Other Standards

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

³⁹⁶ This is a new standard.

SEC. 24-4.5.6. LAKE COMMERCIAL³⁹⁷

a. Purpose

The purpose of the Lake Commercial (LC) District is to provide lands near Lake Tuscaloosa for limited commercial development that supports the recreational use of the lake and/or residential uses in the immediate surrounding area. Uses are limited to small-scale restaurant, retail, and office uses, as well as marinas and ancillary development.

b. Use Standards

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

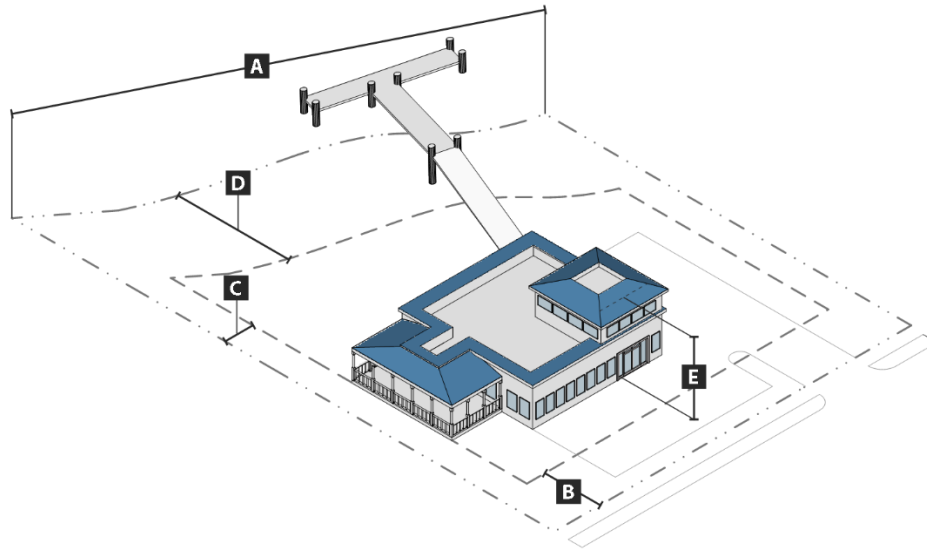
c. Intensity and Dimensional Standards

All development in the LC district shall comply with the standards in Table 4-46: LC Intensity and Dimensional Standards.

Table 4-46: LC Intensity and Dimensional Standards

	STANDARD	ALL USES
A	Lake frontage width (min)	75 ft [2]
B	Front setback (min)	20 ft
C	Side setback (min)	10 ft
D	Rear setback (min)	10 ft
	Lake setback (min)	See subsection d, Development Standards, below
E	Building height (max)	3 stories
	Gross floor area of non-marina uses (max) [3]	5,000 sf
<p>NOTES</p> <p>[1] max = maximum; min = minimum; ft = feet; sf = square feet</p> <p>[2] Lake frontage width minimum applies only to lots abutting the Acquisition Line.</p> <p>[3] Applies to all uses other than marinas, and to all restaurant and retail sales areas within a marina.</p>		

³⁹⁷ This is a new district intended for lake-supporting commercial development and marinas. Development standards are designed to implement the Lakeside Living character type from the Comprehensive Plan.



d. Development Standards

All development in the LC district shall comply with the following standards:

1. Screening

All off-street parking areas, waste and recycling storage areas, and ground-based HVAC equipment shall be screened from view from the lake and public street using a fence or wall and a combination of shrubs and trees planted along the lake-facing and public street-facing side of the fence or wall.

2. Parking

Any off-street parking spaces provided in excess of the number of parking spaces required by Sec. 24-6.2.6, Off-Street Parking Standards, shall be surfaced only with pervious surfacing. The permeability of all such surfacing shall be maintained through regular upkeep (e.g. sweeping, annual vacuuming, repair of surface damage) to ensure proper functioning.

3. Building Materials³⁹⁸

i. Primary Materials

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

- (1) Brick masonry.
- (2) Natural stone (or synthetic equivalent), such as limestone, granite, and marble;
- (3) Wood-clapboard or shingles;
- (4) Glass curtain wall; or
- (5) Stucco (panels with cementitious finish, not tiles or EIFS – external insulation finishing system).

(b) The use of EIFS or aluminum siding is prohibited.

³⁹⁸ Building materials standards are added; they build on the standards in the Riverfront district.

ii. Accent Materials

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

- (a) Pre-cast masonry (only for trim and cornice elements);
- (b) Gypsum reinforced fiber concrete – GFRC (for trim elements only);
- (c) EIFS only for trim;
- (d) Metal (for beams, lintels, trim elements, and ornamentation);
- (e) Split-faced block (only for piers, foundation walls, and chimneys);
- (f) Glass block;
- (g) Cementitious siding;
- (h) Vinyl shakes or shingles; and
- (i) Vinyl clapboard (with a minimum thickness of 0.044 inches).

iii. Alternative Materials

Alternative building materials not listed in subsections i and ii above may be approved if the Director of Planning determines that the alternative materials are equivalent or better than the listed materials. The use of regionally-available materials is preferred.

e. References to Other Standards

Development in the LC district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-47: Cross-References to Other Standards.

Table 4-47: Cross-References to Other Standards

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

SEC. 24-4.5.7. GENERAL COMMERCIAL³⁹⁹

a. Purpose

The purpose of the General Commercial (GC) District is to provide lands for the development of a wide range of nonresidential uses including office, commercial, employment and retail businesses, that may be developed in conjunction with residential uses, either in the same building or on the same development site.

b. Use Standards

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

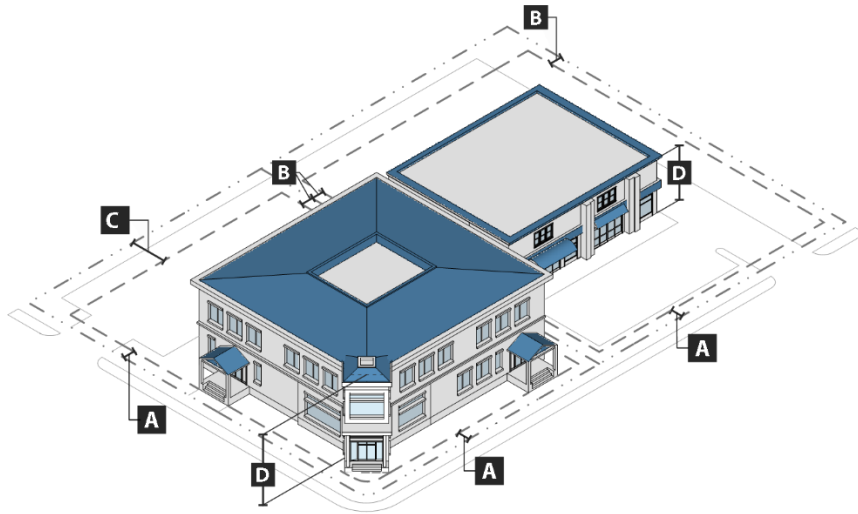
c. Intensity and Dimensional Standards

All development in the GC district shall comply with the standards in Table 4-48: GC Intensity and Dimensional Standards.

Table 4-48: GC Intensity and Dimensional Standards

	STANDARD	ALL USES
A	Front setback (min)	The average alignment of existing buildings within 200 ft on either side of subject building and within the same block
B	Side setback (min)	5 ft
C	Rear setback (min)	15 ft
D	Building height (max)	60 ft
NOTES		
[1] max = maximum; min = minimum; ft = feet		

³⁹⁹ This is a new district intended for general commercial uses, primarily stand-alone but also in certain circumstances included also residential uses, that is typically accessed by automobile. Development standards are designed to implement the Corridor Commercial character type from the Framework plan.



d. Residential Development⁴⁰⁰

Residential dwelling units in new development and redevelopment are permitted only above a single story of a building that has only non-residential uses on its ground floor.

e. References to Other Standards

Development in the GC district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-49: Cross-References to Other Standards, to the extent they do not conflict with the standards in subsection d above.

Table 4-49: Cross-References to Other Standards

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

⁴⁰⁰ This provision restricts residential development to a single story of a building, with no residential uses on the ground floor, to ensure that the development in the district is primarily commercial.

SEC. 24-4.5.8. UNIVERSITY COMMERCIAL⁴⁰¹

a. Purpose

The purpose of the University Commercial (UC) District is to provide lands adjacent to major colleges and universities within the City that are walkable and include a variety of retail, restaurant, entertainment, lodging, office, and residential uses.

b. Use Standards

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

c. Intensity and Dimensional Standards

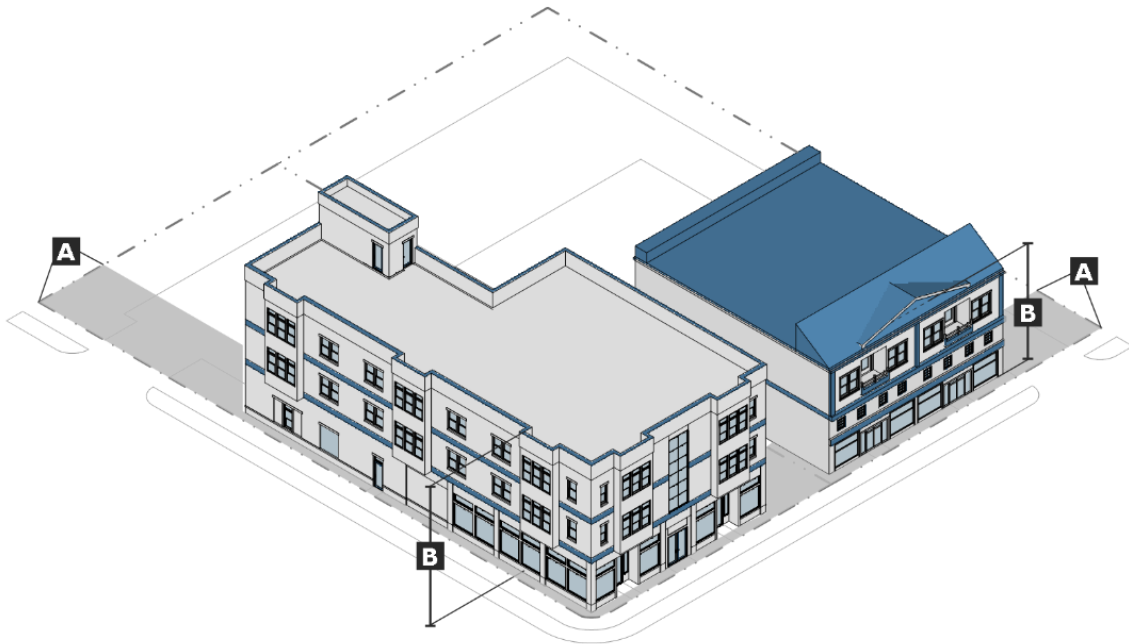
All development in the UC district shall comply with the standards in Table 4-50: UC Intensity and Dimensional Standards.

Table 4-50: UC Intensity and Dimensional Standards

	STANDARD	ALL USES
	Density (max)	6 du/acre
A	Front setback [2]	
	<i>Minimum</i>	0 ft
	<i>Maximum [3]</i>	20 ft
	Side setback (min)	0 ft [4]
	Rear setback (min)	0 ft [4]
B	Building height (max)	60 ft ⁴⁰²
<p>NOTES</p> <p>[1] max = maximum; min = minimum; du = dwelling units; ft = feet</p> <p>[2] The maximum front setback may be increased by 15 feet along 35 percent of the lot width for an outdoor dining area, plaza, or other area that is open to the public and that includes features such as a garden, fountain, and seating.</p> <p>[3] In the area bounded by Queen City Avenue (west), Jack Warner Parkway (north), Hackberry Lane (east), and 13th Street (south), the maximum front setback shall be 10 feet.</p> <p>[4] A buffer may be required along a side or rear lot line in accordance with Sec. 24-6.3.6, Buffers.</p>		

⁴⁰¹ This is a new district intended for commercial uses adjacent to the University of Alabama campus and other neighborhoods near higher education institutions that support the types of uses associated with the campus population and workforce. Development standards are new and are designed to implement the Campus Services character type from the Framework plan.

⁴⁰² Reduced to 60 feet in this draft.



d. Development Standards

All development in the UC district shall comply with the following standards:

1. Residential Development

Residential dwelling units in new development and redevelopment are permitted only on or above the second story of the building.

2. Parking Location⁴⁰³

In the area bounded on the west by Queen City Avenue, on the north by Jack Warner Parkway, on the east by Hackberry Lane, and on the south by 13th Street, off-street parking shall be located to the side or rear of the principal structure, and not between the front of the principal structure and the public right-of-way.

3. Mechanical Equipment and Utilities⁴⁰⁴

- i. Mechanical equipment, such as HVAC units and security lighting, may encroach into a required rear or side setback, provided that such extension is at least five feet from the vertical plane of any lot line. The mechanical equipment shall be screened from rights-of-way with a wall or fence. All such screens shall be constructed from the primary building material or opaque landscaping and be at least 30 inches in height at installation and maintained at that minimum height in a healthy condition.
- ii. All utilities shall be installed underground, except where such utilities are not visible from any right-of-way.

⁴⁰³ This standard is new. It is based on the Framework Comprehensive Plan direction for the Campus Services character type. Applicable street boundaries provided by staff.

⁴⁰⁴ This carries forward standards in Ord. 8185, An Ordinance Establishing Temporary Building Standards for BNU Zones.

4. Sidewalks⁴⁰⁵

- i. In order to establish safe and efficient pedestrian circulation, new development shall include sidewalks that directly connect the main entrances of buildings on the site with each other and with available access points including parking areas, streets, sidewalks, and transit stops. Where such sidewalks traverse parking areas, the sidewalk shall be clearly identifiable through changes in material or elevation.
- ii. New development shall install sidewalks along all street frontages as needed for pedestrian mobility or safety and as appropriate to the location. Installation of such sidewalks is not required where the Director of Planning determines a sidewalk is impractical or unfeasible.
- iii. Except as otherwise provided by subsection Sec. 24-4.3.13.d.3.ii above, a landscaped strip at least five feet wide shall be provided between the street and the sidewalk along all street frontages. The landscaped strip shall consist of grass, landscaping, or trees, and shall incorporate the provisions of the right-of-way landscape requirements in subsection Sec. 24-4.3.13.d.4 above.

5. Landscaping⁴⁰⁶

- i. Where development occurs adjacent to an existing street, one canopy tree having a minimum three-inch base caliper shall be planted or preserved on the street frontage for every 50 feet of lot width. All efforts should be made to retain existing healthy canopy trees.
- ii. Trees planted to comply with the requirements of this section shall be installed with an irrigation bag or be watered by an irrigation system operated by the developer to ensure healthy growth. The irrigation bag or system shall be maintained for a minimum of two summer growing seasons.
- iii. Except as otherwise provided in this section, all trees required by this section shall be maintained in landscape islands. Each landscape island shall be sodded, seeded, mulched, or planted with shrubs and/or groundcover, and may incorporate low impact development best management practices, such as rain gardens and bioswales, to promote infiltration of stormwater.

6. Building Materials Allowed⁴⁰⁷

i. Primary Materials

Primary material changes shall occur only at inside corners. The following materials are required for not less than 75 percent of the building wall surface area on each façade:

- (a) Brick and tile masonry;
- (b) Natural stone (or synthetic equivalent), such as limestone, granite, and marble;
- (c) Wood-clapboard or shingles;
- (d) Glass curtain wall;
- (e) Cementitious siding; and
- (f) Stucco (cementitious finish).

⁴⁰⁵ This builds on standards from the MRU district and standards in Ord. 8185, An Ordinance Establishing Temporary Building Standards for BNU Zones.

⁴⁰⁶ This builds on standards from the MRU district and standards in Ord. 8185, An Ordinance Establishing Temporary Building Standards for BNU Zones.

⁴⁰⁷ This builds on standards in Ord. 8185, An Ordinance Establishing Temporary Building Standards for BNU Zones.

ii. Accent Materials

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

- (a) Pre-cast masonry (for trim and cornice elements only);
- (b) External insulation finishing system – EIFS (for trim and cornice elements only);
- (c) Gypsum reinforced fiber concrete – GFRC (for trim elements only);
- (d) Metal (for beams, lintels, trim elements, and ornamentation);
- (e) Split-faced block (for piers, foundation walls and chimneys only);
- (f) Glass block;
- (g) Vinyl shakes or shingles; and
- (h) Vinyl clapboard (with a minimum thickness of 0.044 inches).

iii. Alternative Materials

Alternative building materials not listed in subsections Sec. 24-4.3.13.e.6.i or Sec. 24-4.3.13.e.6.ii above may be approved by the Director of Planning if it is demonstrated the alternative building materials are equivalent or better than the listed materials. The use of regionally-available materials is preferred.

e. References to Other Standards

Development in the UC district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-51: Cross-References to Other Standards, to the extent they do not conflict with the standards in subsections d.1 and d.2 above.

Table 4-51: Cross-References to Other Standards

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

SEC. 24-4.5.9. NEIGHBORHOOD COMMERCIAL⁴⁰⁸

a. Purpose

The purpose of the Neighborhood Commercial (NC) District is to provide lands for a limited range of small-scale commercial uses within or at the edge of residential neighborhoods and along roadways. The district may apply to portions of a block, consisting of a few storefronts with limited on-site parking, and is intended for neighborhood-serving uses that are primarily pedestrian-oriented. The district regulations are intended to ensure that uses, development intensities, and development forms are consistent with this pedestrian-friendly and neighborhood scale. Second-floor residential development over ground floor commercial uses is also permitted at a scale and form that is consistent with district character.

b. Use Standards

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

c. Intensity and Dimensional Standards

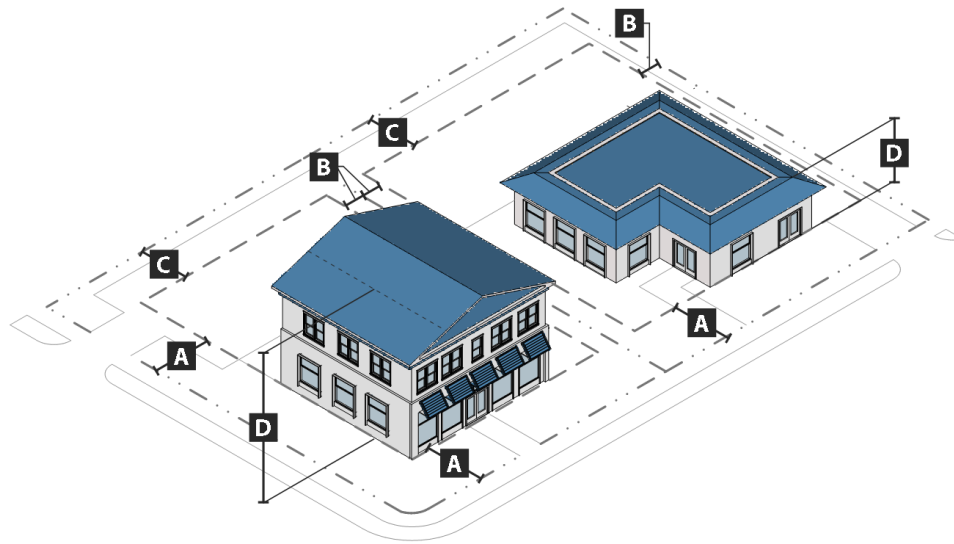
All development in the NC district shall comply with the standards in Table 4-52: NC Intensity and Dimensional Standards.

Table 4-52: NC Intensity and Dimensional Standards

	STANDARD	COMMERCIAL USE OR MULTIFAMILY DWELLING	ALL OTHER USES
A	Front setback (min)	[2] ⁴⁰⁹	[2]
B	Side setback (min)	5 ft [3]	5 ft [3]
C	Rear setback (min)	15 ft [3]	15 ft [3]
D	Building height (max)	35 ft (maximum 2 stories)	35 ft (maximum 2 stories)
	Building footprint (max)	7,000 sf	No maximum
NOTES			
[1] max = maximum; min = minimum; ft = feet; sf = square feet			
[2] The maximum setback shall be 20 feet along a street classified as a collector street or greater in the Major Street Plan of Tuscaloosa. The minimum setback shall be 20 feet along all other streets.			
[3] A wider buffer may be required along a side or rear lot line in accordance with Sec. 24-6.3.6, Buffers.			

⁴⁰⁸ This is a new district that supports human-scale, neighborhood-serving commercial development that is appropriate within the context of existing residential neighborhoods. Development standards are new and are designed to implement the Limited Commercial character type from the Framework plan. The purpose statement builds on the BNS intent statement in Sec. 24-51 of the Current Zoning Ordinance.

⁴⁰⁹ Revised in this draft from 15 foot minimum setback to 20 foot minimum along a local street, 20 feet maximum along a collector or greater.



d. Parking Location⁴¹⁰

All off-street parking shall be located to the side or rear of the principal structure, to the maximum extent practicable.

e. References to Other Standards

Development in the NC district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-53: Cross-References to Other Standards, to the extent they do not conflict with the standards in subsection d above.

Table 4-53: Cross-References to Other Standards

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

⁴¹⁰ This standard is new. It is based on the Framework Comprehensive Plan direction for the Limited Commercial character type. In this draft, revised to prefer but not require parking to the side or rear; previously this provision prohibited parking between the front of the principal structure and the public right-of-way.

SEC. 24-4.5.10. HIGHWAY COMMERCIAL⁴¹¹

a. Purpose⁴¹²

The purpose of the Highway Commercial (HC) District is to provide lands for commercial uses serving the needs of people traveling on major roadways and for other auto-oriented, community- or region-serving commercial development located along major roadway corridors.

b. Use Standards

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

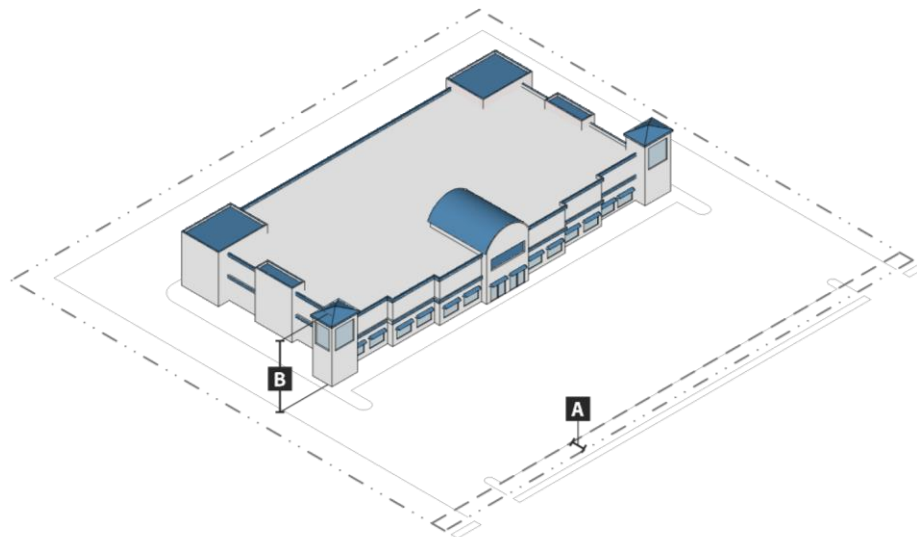
c. Intensity and Dimensional Standards

All development in the HC district shall comply with the standards in Table 4-54: HC Intensity and Dimensional Standards.

Table 4-54: HC Intensity and Dimensional Standards

	STANDARD	ALL USES
A	Front setback (min)	20 ft
	Side setback (min)	0 ft
	Rear setback (min)	0 ft
B	Building height (max)	60 ft

NOTES
 [1] max = maximum; min = minimum; ft = feet



⁴¹¹ This carries forward, renames, and refines the Highway-Related Commercial Districts (BH) in the current Zoning Ordinance.

⁴¹² This builds on the intent statement for the BH district in Sec. 24-51 of the Current Zoning Ordinance with revisions to reference community-serving and region-serving commercial development, whereas the current intent statement references “auto-related businesses serving mainly the local market.” It incorporates guidance from the Corridor Commercial character type in the Comprehensive Plan.

d. References to Other Standards

Development in the HC district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-55: Cross-References to Other Standards.

Table 4-55: Cross-References to Other Standards

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

SEC. 24-4.6. INDUSTRIAL DISTRICTS⁴¹³

SEC. 24-4.6.1. GENERAL PURPOSE

The purpose of the Industrial districts is to:

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

⁴¹³ The industrial districts in the current Zoning Ordinance are carried forward, renamed to be more consistent with their character, modernized, where appropriate, to allow for modern industrial uses, and refined to conform with the structure of the updated Zoning Ordinance. The Industrial Light(IL) district carries forward, modernizes, and refines the ML: Light Industrial District. The Industrial General (IG) district carries forward and refines the MG: General Industry district. The Industrial Heavy (IH) district carries forward and refines the MH: Heavy Industry district. In this draft, the performance standards from Sec. 24-73 in the current Zoning Ordinance have been removed at staff's request.

SEC. 24-4.6.2. INDUSTRIAL LIGHT ⁴¹⁴

a. Purpose

The purpose of the Industrial Light (IL) District is to provide lands for research and development, light industrial, assembly, flex space and other business support uses in an attractive and high-quality form and setting, which minimizes impacts to adjacent lands. Uses allowed include research and development, other light industrial uses that are compatible with a general office environment (e.g., establishments primarily engaged in the transformation of previously prepared materials into new products, including the assembly of component parts), offices, warehousing and wholesale uses, compatible multifamily development, and limited retail, institutional, and service uses, and eating and drinking establishments that serve those employed at the light industrial and office development.

b. Use Standards

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

c. Intensity and Dimensional Standards

All development in the IL district shall comply with the standards in Table 4-56: IL Intensity and Dimensional Standards.

Table 4-56: IL Intensity and Dimensional Standards

	STANDARD	ALL USES
A	Front setback (min)	30 ft [2]
B	Side setback (min)	10 ft [4]
C	Rear setback (min)	15 ft [3] [4]
D	Building height (max)	45 ft ⁴¹⁵

NOTES:

[1] max = maximum; min = minimum; ft = feet

[2] If there is an existing structure on the lot on [insert effective date of this Ordinance] that does not comply with the front setback standard of this table, the minimum front setback of any new structure shall be no greater than the average of the front setback of any existing structures within 100 feet on either side.⁴¹⁶

[3] If lot abuts a lot in an industrial district.⁴¹⁷

[4] If lot abuts a lot in a Residential district, development shall comply with Sec. 24-6.7, Neighborhood Compatibility Standards.⁴¹⁸

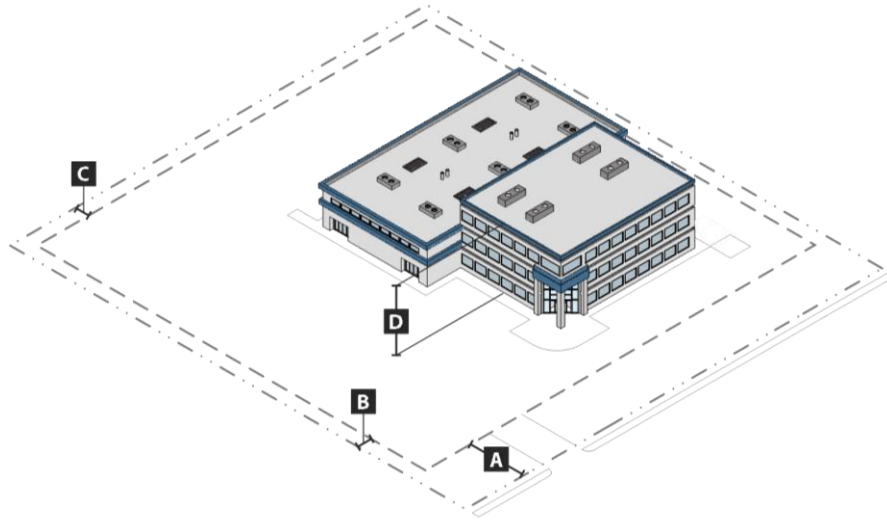
⁴¹⁴ The Industrial Light (IL) district carries forward, modernizes, and refines the ML: Light Industrial District in the current Zoning Ordinance. The modifications better align the revised district with the type of light industry, assembly, flex space, and research uses the City wants to allow, encourage, and support.

⁴¹⁵ This carries forward the standard for the ML district in Sec. 24-74(d).

⁴¹⁶ This carries forward the rule established in Sec. 24-74(b).

⁴¹⁷ This carries forward the rule established in Sec. 24-74(c)(1) .

⁴¹⁸ This is a new standard.



d. References to Other Standards

Development in the IL district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-57: Cross-References to Other Standards.

Table 4-57: Cross-References to Other Standards

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

SEC. 24-4.6.3. INDUSTRIAL GENERAL⁴¹⁹

a. Purpose

The purpose of the Industrial General (IG) district is to provide lands for a range of indoor and outdoor industrial uses such as fabrication, extraction, manufacturing, assembly, processing, major utility uses, and bulk storage. District standards are intended to minimize impacts to adjacent residential land uses.

b. Use Standards

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

c. Intensity and Dimensional Standards

All development in the IG district shall comply with the standards in Table 4-58: IG Intensity and Dimensional Standards.

Table 4-58: IG Intensity and Dimensional Standards

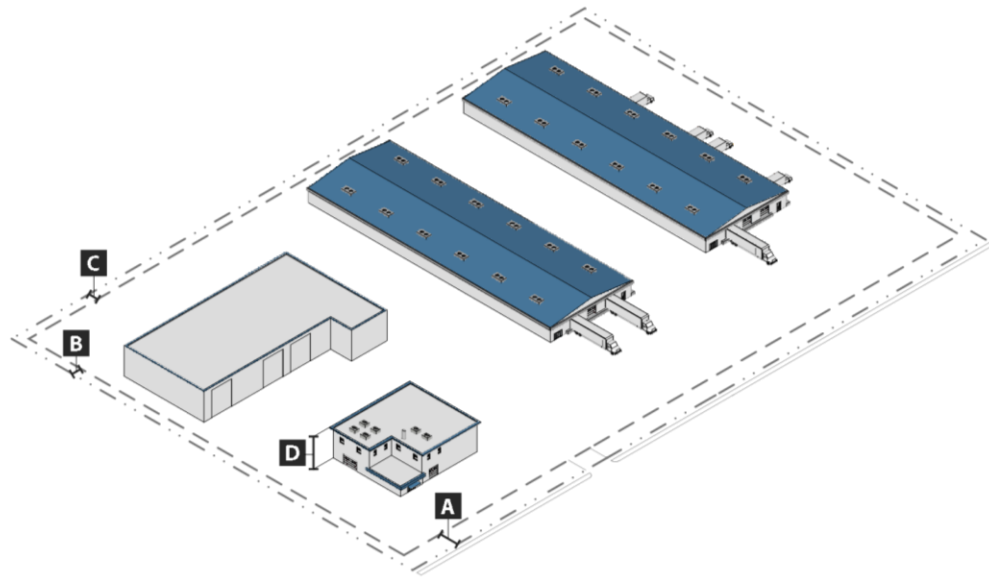
	STANDARD	ALL USES
A	Front setback (min)	20 ft [2]
B	Side setback (min)	15 ft [3]
C	Rear setback (min)	15 ft
D	Building height (max)	60 ft ⁴²⁰
<p>NOTES:</p> <p>[1] max = maximum; min = minimum; ft = feet</p> <p>[2] If there is an existing structure on the lot on [] [insert effective date of this Ordinance] that does not comply with the front setback standard of this table, the minimum front setback of any new structure shall be no greater than the average of the front setback of any existing structures within 100 feet on either side.⁴²¹</p> <p>[3] If lot abuts a lot in a Residential district, development shall also comply with Sec. 24-6.7, Neighborhood Compatibility Standards.⁴²²</p>		

⁴¹⁹ The Industrial General (IG) district carries forward and refines the MG: General Industry district in the current Zoning Ordinance. Generally, the dimensional standards and uses in the current MG district are carried forward, unless otherwise noted.

⁴²⁰ This carries forward the standard established in Sec. 24-74(d).

⁴²¹ This carries forward the rule established in Sec. 24-74(b).

⁴²² This changes the rule established in Sec. 24-74(c)(1), and establishes a setback of 15 feet, and notes that if the industrial development is adjacent to a lot in a Residential district, it must also comply with the Neighborhood Compatibility Standards.



d. References to Other Standards

Development in the IG district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-59: Cross-References to Other Standards.

Table 4-59: Cross-References to Other Standards

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

SEC. 24-4.6.4. INDUSTRIAL HEAVY⁴²³

a. Purpose

The purpose of the Heavy Industrial (IH) District is to provide lands for intense industrial development that generally requires large sites, as well as industrial uses that are important to the City’s economic growth but may impact adjacent lands. The uses generally involve greater potential for adverse off-site impacts on the environment and surrounding development (e.g. from dust, fumes, smoke, odor, noise, or vibration, or due to extensive movement of vehicles, materials, and goods). Allowed uses include heavy manufacturing, production, extraction, warehouse distribution, waste disposal, wholesale sales, major utility facilities, and research laboratories. District regulations are intended to encourage the reuse of existing industrial development. District development is intended to include buffers and the use of mitigation techniques to ensure heavy industrial development mitigates potential impacts to surrounding development.

b. Use Standards

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

c. Intensity and Dimensional Standards

All development in the IH district shall comply with the standards in Table 4-60: IH Intensity and Dimensional Standards.

Table 4-60: IH Intensity and Dimensional Standards

	STANDARD	ALL USES
A	Front setback (min)	30 ft [2]
B	Side setback (min)	10 ft [3] / 40 ft [4]
C	Rear setback (min)	10 ft [3] / 40 ft [4]
D	Building height (max)	100 ft ⁴²⁴
<p>NOTES:</p> <p>[1] max = maximum; min = minimum; ft = feet</p> <p>[2] If there is an existing structure on the lot on [insert effective date of this Ordinance] that does not comply with the front setback standard of this table, the minimum front setback of any new structure shall be no greater than the average of the front setback of any existing structures within 100 feet on either side.⁴²⁵</p> <p>[3] If lot abuts a lot in the IH or IG district.</p> <p>[4] If lot abuts a lot in the IL or a Business district, the side and rear setback shall be 40 feet.⁴²⁶ If lot abuts a lot in a Residential district, the side and rear setback shall be at least 40 feet and shall also comply with Sec. 24-6.7, Neighborhood Compatibility Standards.⁴²⁷</p>		

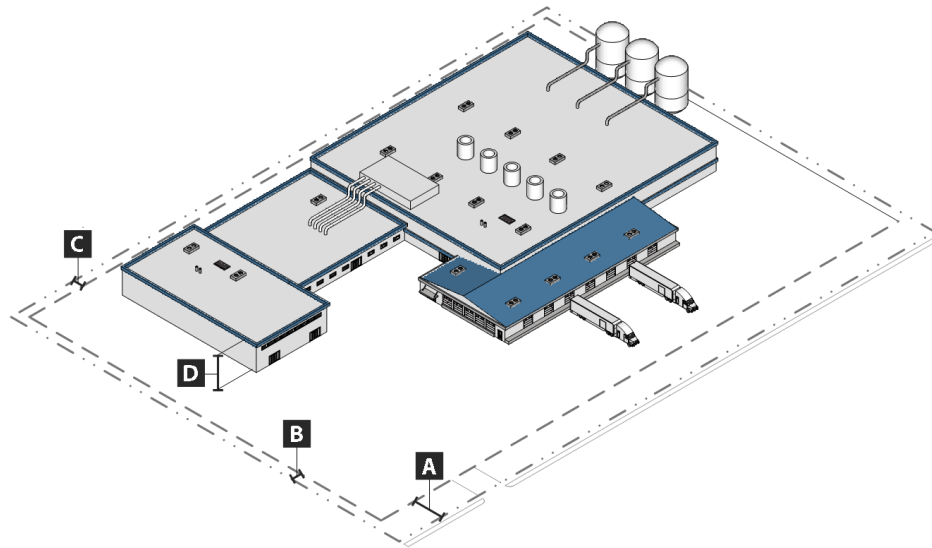
⁴²³ The Industrial Heavy (IH) district carries forward and refines the MH: Heavy Industry district in the current Zoning Ordinance. Generally, the dimensional standards and uses in the current MH district are carried forward, unless otherwise noted.

⁴²⁴ The current Zoning Ordinance does not have a maximum height for the MH district. A maximum height standard of 100 feet is added here.

⁴²⁵ This carries forward the rule established in Sec. 24-74 (b).

⁴²⁶ In this draft, the rule established in Sec. 24-74 (c)(2)(b) of the current Zoning Ordinance has been modified to remove the extra 2 feet setback requirement for every 15 feet of building height.

⁴²⁷ This is a new requirement that applies if development in the IH district abuts a Residential district.



d. References to Other Standards

Development in the IH district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-61: Cross-References to Other Standards.

Table 4-61: Cross-References to Other Standards

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

SEC. 24-4.7. PLANNED DEVELOPMENT DISTRICTS

SEC. 24-4.7.1. GENERAL PROVISIONS⁴²⁸

a. General Purpose of Planned Development Districts

The purpose of planned development (PD) districts is to encourage innovative and efficient land planning and physical design concepts. Planned development districts are intended to:

1. Achieve a high quality of development, environmental sensitivity, and energy efficiency, and adequate provision of public services;
2. Reduce the inflexibility of zoning district standards that sometimes results from strict application of the base district regulations and development standards established in this Ordinance;
3. Provide greater freedom and flexibility in selecting:
 - i. The form and design of development;
 - ii. The mix of uses;
 - iii. The ways by which pedestrians and vehicular traffic circulate;
 - iv. How the development will be located and designed to respect the natural features of the land and protect the environment;
 - v. The location and integration of open space and civic space into the development; and
 - vi. Design amenities.
4. Allow more efficient use of land, with coordinated and right-sized networks of streets and utilities;
5. Provide pedestrian connections within the same development, and to the public right-of way;
6. Encourage the provision of centrally-located open space amenities within the development;
7. Promote development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses;
8. Promote development form that respects and takes advantage of a site's natural and man-made features, such as rivers, lakes, wetlands, floodplains, trees, and historic resources.
9. Include a narrative of the proposed planned development describing the concept of the planned development, its general character, its uses, its development parameters and plan of development including but not limited to the number and size of dwelling units and the size of nonresidential development, whether the dwelling units are planned for sale or rental, the expected total population of the planned development, the market it is intended to serve, a clear description of arrangements for the ownership and maintenance of any common open

⁴²⁸ This new section builds on Sec. 24-161, General, and Sec. 2-163, Application procedure, of the current Zoning Ordinance. Those sections state the purpose of planned unit Developments (PUDs) and the procedure for approving a PUD. A general purpose is included in this section and more specific purposes are identified in the sections for the two types of planned development (PD) districts (replacing the PUD terminology) in the new Zoning Ordinance: the General Planned Development (GPD) and the Riverfront Planned Development (RPD). While the procedure for establishing a PD is located in Article 24-3: Administration, this section establishes requirements for each Planned Development Plan and Planned Development (PD) Agreement that must be approved when land is classified to a GPD or RPD district. This general PD district section and the following sections for the GPD and RPD districts simplify and streamline the current PUD provisions. Whereas the current provisions link PUDs to a base zoning district (such as R-3), the new PD districts in this section, the GPD and RPD districts, are not as closely linked to base districts. Instead, the approved PD Plan and PD Agreement specify the development parameters and standards that apply in each district. These changes are consistent with modern best practices for planned developments.

space, and a copy of any covenants and restrictions to apply to property sold to homeowners and other controls that are included to ensure it accomplishes its objectives.

b. Relationship to Existing Planned Unit Developments and RDD District

Lands designated in a Planned Unit Development (PUD) or the Riverfront Development District (RDD) on [redacted] [insert effective date of this Ordinance] are recognized as valid, and shall be carried out in accordance with the terms and conditions of their approval, so long as they remain valid and have not expired or been revoked, or been substantially modified with respect to the character of the development or the intent of the approval. If the development approval or permit expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), or is substantially modified with respect to the character of the development or the intent of the approval, all subsequent development of the site shall comply with the procedures and standards of this Ordinance.⁴²⁹ (See also Sec. 24-1.8, Transitional Provisions). Substantial modifications may include but are not limited to modifications to the plan of development that result in:

1. An increase in the density or intensity of development by more than two percent;
2. A decrease in the amount of open space;
3. An increase of more than two percent in the number of external vehicular trips generated by the project, as determined by comparing the amount of external trip generation created by the approved planned development or phase, versus the external trip generation created by the proposed modification, using trip generation data and analysis from the most recent edition of the Trip Generation Manual or other publications of the Institute of Traffic Engineers (ITE), or comparable information;
4. Loss of environmentally sensitive lands or identified and preserved wildlife habitat;
5. Modifications to the internal traffic circulation system that result in an increase in the number of internal vehicular trips within the project by more than five percent, as determined by comparing the internal trip generation created by the approved planned development or phase, versus the internal trip generation created by the proposed modification, using trip generation data and analysis from the most recent edition of the Trip Generation Manual or other publications of the Institute of Traffic Engineers (ITE), or comparable information;
6. A reduction in the land or facilities provided for active and passive recreation; or
7. A reduction in accessibility provided by the pedestrian circulation system.

c. Classification of Land to a Planned Development District

Land shall be classified to a PD district only in accordance with the procedure in Sec. 24-3.4.3, Planned Development. Approval of a Planned Development (PD) Plan and a Planned Development (PD) Agreement that comply with the requirements in subsections 1 and 2 below are required for the establishment of each PD district. Each approved PD Plan and PD Agreement shall comply with the purposes and requirements of the specific type of planned development district set forth in Sec. 24-4.7.2 and Sec. 24-4.7.3 below.

1. Planned Development (PD) Plan and Narrative

- i. A PD Plan shall at a minimum identify the following, through the submission of plans, elevations, narrative (see subsection ii below), and similar materials:
 - (a) The planning and development goals for the PD district;
 - (b) The principal, accessory, and temporary uses permitted in the PD district and any standards that apply to specific uses in the district, in accordance with Article 24-5: Use Regulations;

⁴²⁹ Changes have been made to clarify that substantial modifications to approved PUDs or RDDs on the effective date of the updated Ordinance will require compliance with the updated Ordinance. Examples of what constitutes a substantial modification are identified to assist in interpretation of that term.

- (c) The general location of each development area in the PD district, its acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;
- (d) The dimensional standards that apply in the PD district;
- (e) Where relevant, the standards and requirements that ensure development on the perimeter of the PD district is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, building materials, hours of operation, exterior lighting, and siting of service areas;
- (f) The general location, amount, and type (whether designated for active or passive recreation) of open space;
- (g) The location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and measures to ensure protection of these lands consistent with the requirements of this section and this Ordinance;
- (h) The on-site sidewalks and pedestrian circulation system and how it will connect to off-site sidewalks and pedestrian systems, consistent with the requirements of this Ordinance;
- (i) The general design and layout of the on-site streets and transportation circulation system, including the general location of all public streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system (sidewalks and pedestrian and bicycle pathways and trails), and connect to existing and planned City and regional systems, consistent with the requirements of this Ordinance;
- (j) The general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned City and regional systems, consistent with the requirements of this Ordinance;
- (k) The general location of on-site storm drainage facilities, and how they will connect to existing and planned City systems, consistent with the requirements of this Ordinance;
- (l) The general location and layout of all other on-site and off-site public facilities serving the development, including but not limited to: parks, schools, and facilities for fire protection, police protection, emergency management, stormwater management, and solid waste management;
- (m) The ways in which transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development; and
- (n) Any modifications to the development standards in Article 24-6: Development Standards, that will be applied in the PD district, in accordance with Table 4-62: Development Standards That May Be Modified. Any modifications to development standards shall be documented in the PD Plan and the PD Agreement, with a clear basis for why the change is needed, how it supports the purpose of the PD district, and how it supports high-quality development.

Table 4-62: Development Standards That May Be Modified

STANDARD	MEANS TO MODIFY
Sec. 24-6.1, Mobility and Connectivity Standards	PD Plan and PD Agreement
Sec. 24-6.2, Off-Street Parking, Bicycle Parking, and Loading Standards	PD Plan and PD Agreement [1]
Sec. 24-6.3, Landscape and Buffer Standards	PD Plan and PD Agreement

Table 4-62: Development Standards That May Be Modified

STANDARD	MEANS TO MODIFY
Sec. 24-6.4, Open Space Standards	Modification Prohibited
Sec. 24-6.5, Fence and Wall Standards	PD Plan and PD Agreement
Sec. 24-6.6, Exterior Lighting Standards	PD Plan and PD Agreement
Sec. 24-6.7, Neighborhood Compatibility Standards	PD Plan and PD Agreement, except modification is prohibited at the periphery of the district
Sec. 24-6.8, Form and Design Standards	PD Plan and PD Agreement
Sec. 24-6.9, Green Building Incentives	PD Plan and PD Agreement
Sec. 24-6.10, Signs and Billboards	PD Plan and PD Agreement (Only Signs) Modifications Prohibited for Billboards
<p>[1] The proposed development shall include adequate off-street parking to serve the development. If the proposed planned development provides lands for single-family detached lots, the applicant shall provide a detailed graphic depiction of the proposed off-street parking arrangements for the dwelling units with, and for units without, enclosed garages. The applicant shall also provide proposed covenant provisions or other safeguards in regard to future yard and house modifications which ensures the permanent maintenance of a minimum of two off-street parking spaces for the single-family detached units.⁴³⁰</p>	

- ii. A PD Plan shall include a narrative of the proposed planned development, describing the concept of the planned development, its general character, its uses, and its development parameters and plan of development. The narrative shall identify the number and size of dwelling units and whether the dwelling units are planned for sale or rental, the size of nonresidential development, the expected total population of the planned development, the market it is intended to serve, arrangements for the ownership and maintenance of any common open space to include a copy of any covenants and restrictions to apply to property sold to homeowners, and other controls that are included to ensure the planned development accomplishes its objectives.
- iii. If development in a PD district is proposed to be phased, the PD Plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space and other amenities will be provided and timed, how development will be coordinated with the City’s capital improvements program, and how environmentally sensitive lands will be protected and monitored.
- iv. The PD Plan may include a conversion schedule that identifies the extent to which one type of use may be converted to another type of use.

2. Planned Development (PD) Agreement

- i. A PD Agreement shall at a minimum include the following:
 - (a) Conditions related to approval of the application for the individual PD district classification;
 - (b) Conditions related to the approval of the PD Plan, including any conditions related to the form and design of development shown in the PD Plan;
 - (c) Provisions addressing how public facilities (transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development. This shall include but not be limited to:

⁴³⁰ This carries for requirements related to off-street parking from Sec. 4-62(d) of the current Zoning Ordinance.

- (1) Recognition that the applicant/landowner will be responsible to design and construct or install required and proposed on-site public facilities in compliance with applicable City, state, and federal regulations; and
 - (2) The responsibility of the applicant/landowner to dedicate to the public, where appropriate, the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable City, state, and federal regulations;
 - (d) Provisions related to environmental protection and monitoring (e.g., restoration or mitigation measures, annual inspection reports);
 - (e) Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the individual PD district; and
 - (f) Any other provisions the City Council determines are relevant and necessary to development of the planned development.
- ii. All conditions shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

SEC. 24-4.7.2. GENERAL PLANNED DEVELOPMENT⁴³¹

a. Purpose

The General Planned Development (GPD) district is intended to allow for integrated, high-quality master planned development within certain base zoning districts in the City. A range of residential and nonresidential uses are allowed, and substantial flexibility is provided with respect to district dimensional and intensity standards, with an expectation that development in the district will be of a quality that surpasses what is otherwise achievable through the base zoning district, and will support the efficient use of land and resources, protect natural features and the environment, promote greater efficiency in providing public facilities and infrastructure, and mitigate potential adverse impacts on surrounding development.

b. Classification of Land to General Planned Development District (GPD)

Land shall be classified to a GPD district only in accordance with the procedure in Sec. 24-3.4.3, Planned Development. Approval of a Planned Development (PD) Plan and a Planned Development (PD) Agreement that comply with the requirements in Sec. 24-4.7.1, General Provisions, and the other provisions of that section, are required for the establishment of an individual GPD district. Each approved PD Plan and PD Agreement shall also comply with the purposes and requirements of this section.

c. Base Districts Where GPD May be Established

Lands in the following base zoning districts may be classified to a GPD district:

- 1. Any Residential base district except the OS, CN, SFR-E, MRU, MFRU, or MHR districts; and
- 2. Any Business base district except the D district.

d. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses in the GPD district are identified in Article 24-5: Use Regulations. In accordance with Sec. 24-4.7.1.c, Classification of Land to a Planned Development District, only those uses identified as permitted

⁴³¹ This new district attempts to simplify, streamline, and carry forward (as appropriate) the standards for a Planned Unit Development (PUD) in Sec. 24-162 of the current Zoning Ordinance. Unlike PUDs in the current ordinance, the GPD district is not tethered as closely to the underlying base zoning district. It therefore does not carry forward the minimum tract area and density requirements that currently apply to PUDs based on the corresponding base district (R-1, R-2, etc.).

in the approved PD Plan are permitted in the individual GPD district established, subject to the conditions and requirements in the approved PD Plan and PD Agreement.

e. Dimensional Standards

All development in the GPD district shall comply with the standards in Table 4-63: GPD Dimensional Standards.

Table 4-63: GPD Dimensional Standards

STANDARD	ALL USES [2]
Intensity (max)	To be established in PD Plan and PD Agreement
Lot width (min) [3]	
Front setback (min) [3]	
Side setback (min) [3]	
Rear setback (min)	
Building height (max)	
<p>NOTES</p> <p>[1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet</p> <p>[2] The tract should consist of a single contiguous area of land, except the land may be bisected by local service streets only.</p> <p>[3] Except the lot width for a lot for single-family detached dwellings shall be a minimum of 45 feet at the building line, have a minimum front setback of 20 feet, and a minimum side setback of four feet. All lots designed for duplex units shall meet the same standards as those for single family detached dwellings, except that a zero setback along the common wall between units is allowed. All townhouse or other similar attached units shall provide a minimum front setback of 20 feet.⁴³²</p>	

f. Density

Residential density in a GPD district shall not exceed the maximum density established in Table 4-64: Maximum Density of GPD in Specific Districts, based on the base zoning district(s) in which the lands proposed to be included in the GPD are classified. Lands classified to districts not listed in Table 4-64 are not subject to a maximum residential density in the GPD.

Table 4-64: Maximum Density of GPD in Specific Districts

DISTRICT ZONING CLASSIFICATION	DWELLING UNITS PER ACRE OF GROSS SITE AREA [1][2]
LR	4
LMF	7
SFR-1	4
SFR-2	5
SFR-3	6
SFR-4	7
SFR-5	9
MR-1	15
MR-2	18

⁴³² This carries forward provisions in Sec. 24-162(d) of the current Zoning Ordinance.

Table 4-64: Maximum Density of GPD in Specific Districts

DISTRICT ZONING CLASSIFICATION	DWELLING UNITS PER ACRE OF GROSS SITE AREA [1][2]
<p>NOTES</p> <p>[1] The land on which nonresidential uses are placed in a GPD shall not be included in the land area calculation for gross site area.</p> <p>[2] If major recreation amenities such as swimming pools, tennis courts, walking trails, bikeways, or similar recreation facilities are provided for the residents of the GPD, an increase of two dwelling units an acre may be allowed. The open space shall have a minimum of 20 feet of frontage on a public street, and satisfactory access to fire equipment. Equipment for maintenance of the open space shall also be provided. The construction of the open space shall be in place before a final plat is signed for any phase of a development in which the open space is located. A homeowners association shall own and assume ultimate responsibility for maintenance of the open space. The articles of incorporation of the homeowners association shall state that the association shall not be dissolved nor shall it dispose of the open space, by sale or otherwise, without first offering to dedicate the same to the public. Maintenance of the open space shall be addressed with a bond until such time that the homeowners association assumes control.⁴³³</p>	

g. Periphery

Land on the periphery of the GPD shall comply with Sec. 24-6.7, Neighborhood Compatibility Standards, and the lot area, setback, and height standards of the base district that is adjacent to the GPD.⁴³⁴

h. Development Standards⁴³⁵

Each GPD district shall comply with the following standards:

1. Uses shall be generally compact and well-integrated, rather than widely separated and buffered. Where appropriate, compatibility between different uses shall be achieved through site planning and architectural design.
2. If dwelling units are proposed, the district’s intensity and dimensional standards shall ensure appropriate privacy, light, air, access, and off-street parking are provided to each dwelling unit.
3. Streets serving development in the district shall be capable of accommodating projected traffic needs of the proposed development. Proposed streets and alleys in the district:
 - i. Shall be designed for the safe and efficient movement of automobiles, bicycles, and pedestrians;
 - ii. Should be designed to discourage through traffic from traversing the development; and
 - iii. Should, where appropriate, be connected in a way that encourages walking and minimizes the number and length of automobile trips.
4. Streets and drainage features shall comply with the Subdivision Regulations for a conventional subdivision, except valley type gutters and cul-de-sacs in excess of 600 feet in length are allowed.
5. At a minimum, sidewalks and other pedestrian amenities shall be provided as required by Sec. 24-6.1, Mobility and Connectivity Standards, and the Subdivision Regulations.

⁴³³ This carries forward the requirements for open space in Sec. 24-162(d) of the current Zoning Ordinance.

⁴³⁴ This modifies Sec. 24-162(e) of the current Zoning Ordinance to state that land on the periphery of the GPD will comply with the new neighborhood compatibility standards, and the lot area, setback, and height requirements of the base district adjacent to the GPD. This should ensure the GPD is compatible with surrounding lands and development.

⁴³⁵ This section builds on Sec. 24-162(f) of the current Zoning Ordinance, and adds several requirements based on best practices.

- 6.** All electrical, telephone, and other utility lines shall be underground, unless such requirements are waived by the Planning and Zoning Commission due to undue hardship or severe practical difficulties.

SEC. 24-4.7.3. RIVERFRONT PLANNED DEVELOPMENT⁴³⁶**a. Purpose**

The riverfront of the Black Warrior River is a unique natural, scenic, and historic resource of the City. The purpose of the Riverfront Planned Development (RPD) district is to ensure large scale development in the Riverfront (R) district along and in the vicinity of the Black Warrior River supports pedestrian-friendly, high-quality planned development and takes advantage of the river's historic and scenic beauty while protecting against flooding and preserving the natural features of the river and its floodplain. The district may include nonresidential uses or residential uses mixed with nonresidential uses or residential uses, but shall not include student-oriented dwellings. Streets, buildings, and open space should create synergy with the natural riverfront environment, preserving and/or enhancing environmentally sensitive areas while allowing people within and around the district to maintain a visual or actual connection through the Riverwalk with the riverfront.

b. Large-Scale Development

1. Only proposed large-scale development in the R district shall be classified as a Riverfront Planned Development (RPD) district.
2. For the purpose of the RPD and R districts, large-scale development is proposed development that results in over 20,000 square feet of nonresidential development, and/or over 20 residential units, or development that is located on a lot that is over 25,000 square feet in area.
3. The development shall maintain views to the river and/or provide physical access to the riverfront through the Riverwalk as set forth in the adopted PD Plan and PD Agreement.

c. Classification of Land to Riverfront Planned Development District (RPD)

Land shall be classified to a RPD district only in accordance with the procedure in Sec. 24-3.4.3, Planned Development. Approval of a Planned Development (PD) Plan and a Planned Development (PD) Agreement that comply with the requirements in Sec. 24-4.7.1, General Provisions, and the other provisions of that section, are required for the establishment of an individual RPD district. Each approved PD Plan and PD Agreement shall also comply with the purposes and requirements of this section.

d. Use Standards**1. Allowed Uses**

Allowed uses and use-specific standards for principal, accessory, and temporary uses for development in the RPD district are those uses identified in Article 24-5: Use Regulations as

⁴³⁶ As noted in the introductory footnote to the new Riverfront (R) base district, this is a new Riverfront Planned Development District (RPD). It builds on the Riverfront Development District purpose and standards in Article XVIII of the current Zoning Ordinance, but modifies the structure of how development in the old Riverfront district is regulated. This is done in an effort to simplify the development review procedures for development/redevelopment in the district, and clarify the development standards – without sacrificing the goals and development outcomes of the old district. The new structure establishes a base R district, which identifies the boundaries of the lands subject to special riverfront regulations. The base district then sets out a two-tier structure for development review: small-scale development is treated as development is typically treated in a base district (permitted and special exception uses follow the typical development review procedures for those types of development). Large-scale development is required to be classified as a Riverfront Planned Development (RPD) before it can proceed. The uses allowed in each district are the same, but the RPD district requires the specific uses permitted in the RPD district to be identified in the approved PD Plan. Basic dimensional standards are established for development in the base R district, while the RPD district allows development to vary the dimensional standards (except for maximum height). Additional form and design standards are added and apply to both districts. Most of the other development standards (parking, landscape, etc.), but not all, can be proposed for modification in the RPD (if approved as part of the PD Plan), but not all. These standards cannot be modified in the R base district for small-scale development (except through means allowed for all other base districts).

allowed in the R district. In accordance with Sec. 24-4.7.1.c, Classification of Land to a Planned Development District, only those uses identified as permitted in the approved PD Plan are permitted in an approved RPD district, subject to the conditions and requirements in the approved PD Plan and PD Agreement.

2. Use-Specific Standards⁴³⁷

In addition to the applicable standards for specific uses in Article 24-5: Use Regulations, uses in the RPD shall also be subject to the use specific standards that apply to uses in the R district in Sec. 24-4.5.5.c.3, Use-Specific Standards, and any conditions or limitations on uses in the approved PD Plan and PD Agreement.

e. Dimensional Standards

All development in an RPD district shall comply with the standards in Table 4-65: RPD Intensity and Dimensional Standards.

Table 4-65: RPD Intensity and Dimensional Standards

STANDARD	ALL USES
Density (max)	To be established in PD Plan and PD Agreement
Lot width (min ft) [2]	
Front setback (min ft) [3]	
Side setback (min ft)	
Rear setback (min ft)	
Building height (min ft/stories)	
Building height (max ft/stories)	
<p>NOTES</p> <p>[1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet</p> <p>[2] The tract should consist of a single contiguous area of land, except the land may be bisected by local service streets only.</p> <p>[3] To the maximum extent practicable, buildings shall define the street edge and the distinction between the public domain of the street and the private space of individual lots. To this end, buildings should avoid substantial variations in setback alignment along the street frontage on each block face.</p>	

f. Development Standards

In addition to the requirements of this section, development in the RPD district shall comply with the standards in Sec. 24-4.5.5.e, Development Standards, except as modified in the PD Plan and PD Agreement.⁴³⁸

⁴³⁷ This section carries forward use limitation in the notes of Sec. 24-239(a)(1) of the current Zoning Ordinance.

⁴³⁸ This provision applies the development standards established in the R district to the development in the RPD district.

SEC. 24-4.8. OVERLAY DISTRICT

SEC. 24-4.8.1. GENERAL PROVISIONS

a. Purpose

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

b. Relationship to Other Districts

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

SEC. 24-4.8.2. HISTORIC BUFFER OVERLAY

a. Purpose

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

b. District Boundaries

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

c. District Requirements

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

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 TABLE⁴³⁹

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,

⁴³⁹ 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 consecutive 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 Uses⁴⁶²

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 Restrictions⁴⁶³

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 Detached⁴⁶⁴

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-Triplex⁴⁶⁵

A single dwelling unit shall contain no more than five bedrooms.

⁴⁶² 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.”

⁴⁶³ This carries forward the residential occupancy restrictions in Sec. 24-43(a) of the current Zoning Ordinance. Sec. 24-43(b), Violations unlawful, has been 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.

⁴⁶⁴ 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.

⁴⁶⁵ 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, Townhouse⁴⁶⁶

- (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 shall contain no more than five bedrooms.

v. Dwelling, Duplex; Dwelling, Triplex; Dwelling, Quadplex⁴⁶⁷

- (a) Duplex, triplex, and quadplex dwellings shall comply with applicable standards in Sec. 24-6.8.1, Multifamily Development.
- (b) In the MRU district, a single dwelling unit shall contain no more than 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 that are open to the general public and not limited to use by tenants or residents of the building.⁴⁶⁸
- (d) In the MFRU district, the following standards apply:⁴⁶⁹
 - (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 a driveway that provides direct access from the site to a street classified as a collector street or greater in the Major Street Plan of Tuscaloosa.⁴⁷⁰

⁴⁶⁶ 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.

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. The limitation on certain uses within cluster developments is new.

⁴⁶⁸ New standards based on guidance in the Comprehensive Plan.

⁴⁶⁹ This is carried forward from the standards that apply to the RMF-2U district in Sec. 24-223(c) of the current Zoning Ordinance

⁴⁷⁰ 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.

vii. Dwelling, Multifamily Student

- (a) The multifamily dwelling standards in subsection vi above apply to a Multifamily Student Dwelling use.
- (b) A multifamily dwelling located south of Jack Warner Parkway, east of Gene Stallings Ave., west of McFarland Blvd., and north of 15th St. shall contain a maximum of 200 bedrooms per net site acre.

viii. Dwelling, Mobile Home⁴⁷¹

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/Work⁴⁷²

- (a) The nonresidential portion of the building shall be located on the ground floor.
- (b) Drive-through service is prohibited as an accessory use.
- (c) Hours of operation are limited to 8 am to 8 pm.
- (d) No more than three parking spaces for customers are permitted.
- (e) Outdoor storage, outdoor display, or outdoor seating that is associated with the nonresidential use is prohibited.
- (f) The following nonresidential use types are the only uses permitted in the non-dwelling portion of the live/work unit:
 - (1) Office; and
 - (2) The following personal services uses: beauty shops, barber shops, nail salons, blow dry bars, lash bars, shoe repair, personal copying/shipping services, daytime non-medical pet care, bicycle and sports equipment repair, and small appliance repair.

2. Group Living**i. Group Home⁴⁷³**

- (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.

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.

⁴⁷¹ 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.

⁴⁷² These standards are new, except where otherwise noted in the footnote below. Uses are limited to a small-scale commercial or professional office uses.

⁴⁷³ 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.

public transportation services, which are categorized in the Utilities, Transportation, and Communication category. Accessory uses may include offices, meeting areas, food preparation and dining areas, and for certain uses indoor and outdoor recreational facilities.

2. Education Uses

The Education category includes use types such as public schools and private schools (including charter schools) at the elementary, middle, and high school levels that provide education meeting state requirements for curriculum, instruction, and assessment. This use category also includes college and university uses, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification, and research facilities (operated by government or educational institutions). Accessory uses at schools may include offices, play areas, recreational and sport facilities, cafeterias, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities may include offices, dormitories, food service, laboratories, health care facilities, recreational and sports facilities, theaters, meeting areas, maintenance facilities, and supporting commercial uses (e.g., eating or drinking establishments, bookstores).

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. Day Care Center⁵⁰⁵

- (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 a driveway that provides direct access from the site to a street classified as a collector or arterial street in the Major Street Plan of Tuscaloosa.
- (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.

ii. Government Facility

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

iii. Private Club or Lodge⁵⁰⁶

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.

2. Education

i. School, K-12⁵⁰⁷

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.

⁵⁰⁵ 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.

⁵⁰⁶ 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.

⁵⁰⁷ 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.

- (c) All outdoor seating areas for spectators at athletic events shall set back at least 200 feet from all property in an SFR district or with a single-family dwelling 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 School**⁵⁰⁸

- (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.

3. Health Care

i. **Nursing Home**⁵⁰⁹

- (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 Home**⁵¹⁰

- (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 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.

⁵⁰⁸ 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.

⁵⁰⁹ 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

⁵¹⁰ 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

4. Utilities, Transportation, and Communication

i. Aerodrome⁵¹¹

- (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.

ii. Parking Facility⁵¹²

In the D district, a parking facility as a principal use on a site may not include a parking structure and shall only consist of surface parking.

iii. Railroad Terminal⁵¹³

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

iv. Solar Energy Conversion System, Large-Scale⁵¹⁴

- (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.

v. Truck Terminal⁵¹⁵

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

vi. Utility Major

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

⁵¹¹ 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.

⁵¹²

⁵¹³ This carries forward a standard from the footnote to the industrial district use table at Sec. 24-72 of the current Zoning Ordinance.

⁵¹⁴ These are basic standards for a new use, large-scale solar energy systems.

⁵¹⁵ This carries forward a standard from the footnote to the industrial district use table at Sec. 24-72 of the current Zoning Ordinance.

vii. Utility, Minor⁵¹⁶

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

viii. Wireless Telecommunication Tower⁵¹⁷**(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 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 Review⁵¹⁸

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.

⁵¹⁶ 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.

⁵¹⁷ 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.

⁵¹⁸ This section is new.

(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.
- (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.⁵¹⁹

(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 and all structures housing a

⁵¹⁹ 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.

Residential use, and at least 25 percent of the height of the tower from all lands not classified in a Residential district and without a Residential use.⁵²⁰

- (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.⁵²¹
- (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.

(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 with 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 slats⁵²² 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.⁵²³

(k) Landscaping

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

⁵²⁰ 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.

⁵²¹ Revised to include the height of the tower as a minimum setback.

⁵²² The current standard requires a wall or a “missing link fence.”

⁵²³ 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.

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, and theaters (drive-in). 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, tattoo establishments, tobacco or vape shops, and vehicle-mounted or tent-sheltered retail. 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 Care⁵⁷⁵

i. Kennel

- (a)** Animal pens and cages are only permitted inside a building which is fully enclosed.

⁵⁷⁵ These are new standards for a new use.

- (b) Outdoor areas used for occasional exercise and recreation by animals are permitted if the areas are:
 - (1) Used only during daylight hours;
 - (2) Set back at least 250 feet from all property in a Residential district or used for a single-family dwelling; and
 - (3) Surrounded by an opaque fence or wall at least six feet in height.

ii. **Veterinary Clinic**⁵⁷⁶

- (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 [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 Office**⁵⁷⁷

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:⁵⁷⁸
 - (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:⁵⁷⁹
 - (1) No bar or tavern shall be located on property with Queen City Avenue frontage.

⁵⁷⁶ 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.

⁵⁷⁷ 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.”

⁵⁷⁸ 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.

⁵⁷⁹ This carries forward current standards that apply in the D/R overlay district, modified to reference the revised zoning districts.

- (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:⁵⁸⁰

- (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.

iii. Restaurant, Quick-service⁵⁸¹

Drive-through as an accessory use to a quick-service restaurant is prohibited in in the LC district.

iv. Restaurant, Sit-down⁵⁸²

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 Breakfast⁵⁸³

- (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.

⁵⁸⁰ 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.

⁵⁸¹ New standard which prohibits drive-throughs in LC, which is a district where the drive-through accessory use is generally allowed. Drive-throughs to quick-service restaurants otherwise are permitted or not in accordance with the accessory use table.

⁵⁸² The formerly separate use of *Restaurant, bistro* has been consolidated with the *Restaurant, Sit-down use* and incorporated as a use-specific standard.

⁵⁸³ This incorporates standards from Sec. 24-91(3) of the current Zoning Ordinance. Parking requirements are in 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.

- (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. Natural stone (or synthetic equivalent), such as limestone, granite, and marble;
 - iii. Glass curtain wall; and
 - 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) Freestanding signs are prohibited in the D, DHE, and R districts. In other districts, freestanding signs are limited to monument signs.

iii. Recreational Vehicle (RV) Park⁵⁸⁴

- (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 Rental⁵⁸⁵

A short-term rental is permitted only in accordance with the following standards:

(a) Applicability

All dwelling units in the Household Living use category, except for a mobile home dwelling, are eligible to be used as a short-term rental.

(b) Use Permissions

A dwelling unit within the City's corporate limits may be used as a short-term rental in accordance with the following:

- (1) Within a historic district, all of the dwelling unit types listed in subsection (a) above may be used as a short-term rental if approved by special exception use permit.
- (2) Within the Tourist Overlay Boundary but outside a historic district, all of the dwelling unit types listed in subsection (a) above may be used as a short-term rental. They may be used as a short-term rental by right for up to 45 days in a year, and as a special exception for more than 45 days in a year.
- (3) Outside the Tourist Overlay Boundary and outside a historic district, a multifamily dwelling may be used as a short-term rental by right for up to 45 days in a year, and all other dwelling unit types listed in subsection (a) above may be used as a short-term rental if approved by a special exception use permit.

(c) License Requirement and Limitation

- (1) A short-term rental shall have a short-term rental business license in accordance with Ch. 7, Art. XII of the City Code, Sec. 7-198 *et. seq.*
- (2) For a short-term rental in a multifamily dwelling unit, the applicant shall submit documentation from the condominium association or property manager authorizing the short-term rental use.
- (3) The City may issue no more than 150 business licenses for short-term rentals located in multifamily dwellings within the Tourist Overlay Boundary, and 100

⁵⁸⁴ This carries forward the standards in Sec. 24-91(30) of the current Zoning Ordinance.

⁵⁸⁵ 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, as well as the amendments in Ordinance No. 9345, adopted February 28, 2023. The provisions have been significantly reorganized. 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, along with the audit requirements, have been included as well. Restrictions on signage based on the content of the sign are deleted.

business licenses for short-term rentals located in multifamily dwellings outside historic districts and outside the Tourist Overlay Boundary. These short term rentals are allowed by-right in accordance with this section. Notwithstanding this limitation, the City may issue additional business licenses for short-term rental units in multifamily dwellings outside historic districts if the short-term rental use receives a special exception use permit in accordance with this section and Sec. 24-3.4.5, Special Exception Use Permit.

(d) General Standards

- (1)** Short-term rentals shall comply with 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.
- (2)** Short-term rentals shall comply with the standards in Sec. 10.8-13, Noise in residential districts, of the City Code.
- (3)** Off-street parking spaces may be provided on driveways or within a parking area on the property.
- (4)** The property shall contain a dwelling able to be occupied.
- (5)** Commercial events or other large events such as concerts or weddings are prohibited on the property.
- (6)** The rental of units for a period of less than 24 hours is prohibited.

(e) Parking and Occupancy

The maximum occupancy of a short-term rental shall be calculated in accordance with the fire code, and shall not exceed two adult occupants per off-street parking space that is provided for the use of a short-term rental unit tenant's vehicle. For purposes of this paragraph, the number of off-street parking spaces provided for the use of the short-term rental unit shall include only those parking spaces that exceed the number of parking spaces that are required to be provided in accordance with this Zoning Ordinance at the time the building that contains the short-term rental unit was constructed or substantially reconstructed.

(f) Time Limitations

- (1)** When the use of a dwelling as a short-term rental is permitted by right, the dwelling may be used as a short-term rental for no more than 45 days in a calendar year, provided that the owner of the dwelling unit may apply for a special exception use permit to allow the use of a short-term rental for more than 45 days in a calendar year.
- (2)** When the use of a dwelling as a short-term rental is permitted as a special exception, the dwelling may be used as a short-term rental for no more than 30 days in the first calendar year and 45 days in each calendar year thereafter, 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 the use of the dwelling unit as a short-term rental higher or lower number of days the first calendar year or subsequent calendar years is appropriate.

(g) Decision Criteria

When deciding on an application for a special exception use permit to operate a short-term rental use, the Zoning Board of Adjustment shall consider the following factors, in addition to the general decision-making standards in Sec. 24-3.4.5.d:

- (1)** Whether the property is permanently occupied and leased in its entirety to one party for periods of at least 30 consecutive nights;

- (2) Whether the short-term rental use is proposed to be or will be the primary or accessory use of the dwelling;
- (3) If a short-term rental is proposed for a site that has been previously used for a short-term rental, 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
- (4) As part of its evaluation on the character of surrounding development and the neighborhood and other potentially adverse impacts of the use, the characteristics of the neighborhood and surrounding properties including the underlying zone district, surrounding land uses, the number of nearby short-term rental uses, the topography, access, and similar factors.

(h) Annual Renewal of Business License

Following initial application for and issuance of a short-term rental business license by the City, the operator of a short-term rental shall be required to renew the annual business license and submit to an annual audit by the City before renewal of the business license, and, if applicable, to confirm the continued validity of the special exception use permit, in accordance with the following:

- (1) The applicant shall provide the City with information regarding the number of nights which the premises was used as a short-term rental. If the City determines that the applicant has not rented the premises as a short-term rental in accordance with the spirit of this section, the City shall notify the applicant that the business license will not be renewed and, if the short-term rental was subject to a special exception use permit, that the special exception use permit shall be deemed null and void. In addition, the City shall not issue a new business license for short-term rental of the dwelling unit for at least one year from the date of notification of the decision to not renew the business license and void the special exception use permit.
- (2) In addition, if the use was permitted in accordance with a special exception use permit, the City shall determine whether there have been any verified complaints or violations. If there have been no verified complaints or violations, the City may renew the business license for one year if the business license has not been renewed and the special exception use permit has not been voided in accordance with subsection (1) above. If the City determines there have been verified complaints and violations, the City shall notify the applicant that the business license will not be renewed and that the special exception use permit shall be deemed cancelled.
- (3) Following cancellation of a special exception use permit for a short-term rental, an applicant may apply for a new special exception use permit for a short-term rental in accordance with Sec. 24-3.4.5, Special Exception Use Permit, subject to the restrictions of this subsection.

5. Recreation and Entertainment

i. Marina⁵⁸⁶

- (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.

⁵⁸⁶ These are new basic standards that apply to the marina use.

- (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 applicable federal, state, and City laws and regulations, and, where applicable, any requirements established by the Army Corps of Engineers.

6. Retail Sales and Personal Services

i. Check Cashing⁵⁸⁷

No check cashing use shall be located within 1,000 feet of another check cashing use, a sexually-oriented business, a tobacco or vape shop, a liquor store, or a Residential use in a Residential district.

ii. Funeral Home⁵⁸⁸

- (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 Facility⁵⁸⁹

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

iv. Liquor Store⁵⁹⁰

No liquor store use shall be located within 1,000 feet of another liquor store use, a check cashing establishment, a tobacco or vape shop, a sexually-oriented business, or a Residential use in a Residential district.

v. Plant Nursery/Greenhouse⁵⁹¹

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.⁵⁹²

⁵⁸⁷ New standards.

⁵⁸⁸ 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.

⁵⁸⁹ 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

⁵⁹⁰ New standards, revised in this draft.

⁵⁹¹ New standards.

⁵⁹² 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.

vii. Self-Service Storage⁵⁹³

- (a) Each individual rentable storage space shall be no larger than 300 square feet in floor area.
- (b) The use of 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. Sexually-oriented Business

No sexually-oriented business use shall be located within 1,000 feet of another sexually-oriented business use, a check cashing establishment, a tobacco or vape shop, a liquor store, or a Residential use in a Residential district.

ix. Tobacco or Vape Shop

No tobacco or vape shop use shall be located within 1,000 feet of another tobacco or vape shop use, a check cashing establishment, a sexually-oriented business, a liquor store, or a Residential use in a Residential district.

x. Vehicle-Mounted or Tent-Sheltered Retail⁵⁹⁴

- (a) All vendors 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 vendor shall provide garbage receptacles and other facilities to prevent nuisances.
- (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 and shall not be permanently affixed to the ground.

⁵⁹³ 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.

⁵⁹⁴ 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.

- (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 Rental⁵⁹⁵

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) Equipment and parts that cannot reasonably be used to repair vehicles and farm equipment may not be stored outside an enclosed building.

ii. Light Vehicle Fuel Station⁵⁹⁶

- (a) Gasoline pumps and other service appliances shall be set back at least 25 feet from a public 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 Repair⁵⁹⁷

- (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 Rental⁵⁹⁸

- (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 feet in height, and shall shield all lighting fixtures or deflect the fixtures so as to avoid

⁵⁹⁵ This carries forward the standards in Sec. 24-91(10) of the current Zoning Ordinance.

⁵⁹⁶ These are new standards. The spacing requirement is added in this draft at staff's request.

⁵⁹⁷ 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.

⁵⁹⁸ 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.

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, DHE, and UC 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. Use types 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
 blank cell = Prohibited use
 = use more permissive than in current Ordinance
 = use more restrictive than in current Ordinance

Use Classification/ Use Category/ Use	RESIDENTIAL													INST	BUSINESS							INDUS.	PD	Use Specific Standards (Sec. 24-5.2.6.)								
	OS	CN	SFR-E	LMF	SFR-1	SFR-2	SFR-3	SFR-4	SFR-5	MR-1	MR-2	MRU	MFRU	MFR	MHR	I-P	I-SP	D	DP	DHE	R	LC	GC		UC	NC	HC	IL	IG	IH	GPD	RPD
Extraction or Production																																
Artisanal Production ⁵⁹⁹																		P	P	P	P			P	P	P	P			A	A	c.1.i
Brewery ⁶⁰⁰																										P	P	P	P			
Distillery ⁶⁰¹																										P	P	P	P			
Extractive Operations ⁶⁰²																												P	P			
Manufacturing, Heavy ⁶⁰³																													P			
Manufacturing, Light ⁶⁰⁴																										P	P	P	P	A		

⁵⁹⁹ Incorporates and expands on *Artisanal (welding, glass-blowing)*, Sec. 24-304, permitted in MX-8, MX-5, MX-3.

⁶⁰⁰ Carries forward *Brewery*, Sec. 24-72, permitted in ML, MG, MH.

⁶⁰¹ New use.

⁶⁰² Carries forward and renames *Quarrying; mining; sand and gravel extraction*, Sec. 24-72, permitted in MG, MH.

⁶⁰³ 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.

⁶⁰⁴ New use that incorporates *Printing plant employing a web-fed press*, Sec. 24-53, permitted as a special exception in BC, BGO, *Printing plant (nonretail)*, Sec. 24-229, prohibited in D/R overlay, Sec. 24-239, prohibited in RDD, *Manufacturing, assembling, and fabricating operations*, Sec. 24-72, permitted in ML, MG, MH, *Printing and binding*, Sec. 24-72, permitted in ML, MG, MH, and includes additional, more modern light industrial uses.

b. Description of Industrial Use Categories

1. Extraction or Production Uses

The Extraction or Production category is characterized by activities related to the extraction of naturally occurring materials and the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, made for transfer to other plants, or made to order for firms or consumers. This use category includes artisanal production, breweries, extraction operations, light and heavy manufacturing uses, and slaughterhouses and stockyards. Uses may include the display or sale of goods on-site if they are a subordinate part of total sales. Relatively few customers come to the site. Accessory uses may include limited retail sales and wholesale sales, offices, eating or drinking establishments, employee recreational facilities, storage areas, repair facilities, truck fleets, and security and caretaker's quarters.

2. Industrial Services

The Industrial Services use category includes use types involving the repair or servicing of industrial or business machinery equipment, products, or by-products, and firms that service consumer goods for separate retail outlets. Few customers, especially the general public, come to the site. This use category includes Laundry and Dry-Cleaning Plant.

3. Warehousing, Freight Movement, and Wholesale Sales Uses

The Warehousing, Freight Movement, and Wholesale Sales category includes uses involving the storage, movement, and distribution of goods. Goods are generally delivered to other firms or the final consumer. There is little on-site sales activity with the customer present. Use types include barge terminals, food storage processing, warehouse distribution and storage, and wholesale sales. Accessory uses may include offices, truck fleet parking, outdoor storage, maintenance areas, greenhouses (for plant nurseries), and repackaging of goods.

4. Waste-Related Uses

The Waste-Related category includes use types receiving solid or liquid wastes from others for on-site disposal, storage, processing, or transfer to another location for processing or disposal, or uses that manufacture or produce goods or energy from the composting of organic material or reuse, recycling, or processing of scrap or waste material. Use types include composting facilities, recycling processing centers, salvage or junkyards, and sewage 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. Extraction or Production

i. Artisanal Production

In the D, DP, DHE, R, and UC districts, all fabrication, preparation, or production activities shall take place within an enclosed building.

ii. Distillery

A distillery shall comply with the regulations of the state Alcoholic Beverage Control Board.

iii. Slaughterhouse or Stockyards

(a) The use shall be at least one mile from a Residential use or a Residential zoning district.

(b) The facility must have all required federal, state, county, and City licenses and permits.

(c) All byproducts from the operation of the use shall be disposed of in accordance with applicable federal, state, county, and City regulations.

- (d) The use shall comply with the standards of Chapter 10.8, Article II, Noise, of the City's Code of Ordinances.
- (e) The owner and operator of the use are responsible for the installation and maintenance of an odor control system that mitigates the impact of the use from nearby properties.

2. Warehousing, Freight Movement, and Wholesale

i. Wholesale Sales

The wholesale sale of alcoholic beverages or perishable food is not permitted.⁶¹⁵

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;
8. Customer type for each activity;
9. How the use is advertised, including signage;

⁶¹⁵ 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.

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 **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.

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).

S **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.

[blank cell] **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.

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	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-P	I-SP	D	DP	DHE	R	LC	GC	UC	NC	HC	IL		IG	IH	GPD	RPD
Accessory Dwelling Unit ⁶¹⁶		P						P	P	P	P							P	P	P											P	P	a
Antenna ⁶¹⁷	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

⁶¹⁶ 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.

⁶¹⁷ Carries forward the use regulated in Sec. 24-110(b) 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	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	MIR-1	MIR-2	MRU	MFRU	MFR	MHR	I-P	I-SP	D	DP	DHE	R	LC	GC	UC	NC	HC		IL	IG	IH	GPD	RPD		
Automated Teller Machine ⁶¹⁸																	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	c	
Auxiliary Security or Utility Structure ⁶¹⁹																												S	S	S					d
Bicycle Parking Facility ⁶²⁰	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 ⁶²¹	P			P	P												P	P									P					P	P		e
Carport or Garage ⁶²²		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P											P	P		
Composting, Small-Scale ⁶²³	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	f
Day Care Facility ⁶²⁴				S	S		S	S	S	S	S								S	S	S					S	S	S	S	P	P				g
Dock ⁶²⁵	P			P	P												P	P									P					P	P		h
Donation Box																											P	P							i
Drive-Through Facility ⁶²⁶																										P		P				P	P		j
Electric Vehicle Charging Station ⁶²⁷	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	k
Group Day Care Home ⁶²⁸							S	S	S		S																					P			l
Home Garden ⁶²⁹		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P											P	P		m
Home Occupation ⁶³⁰		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	n
Ice Vending Machine																										P	P	P							o

⁶¹⁸ This is a new use.

⁶¹⁹ 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.

⁶²⁰ This is a new use.

⁶²¹ This is a new use.

⁶²² Carried forward from multiple locations in the current Zoning Ordinance.

⁶²³ This is a new use.

⁶²⁴ This use carries forward and broadens the use *Day care home* in Sec. 24-5 of the current Zoning Ordinance

⁶²⁵ This is a new use.

⁶²⁶ 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.

⁶²⁷ This is a new use.

⁶²⁸ Carries forward *Group day care home* in Sec. 24-5 of the current Zoning Ordinance.

⁶²⁹ This is a new use.

⁶³⁰ 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.

2. Be taller than the principal structure on the site; or
 3. Exceed the larger of 600 square feet of gross floor area, or 40 percent of the principal structure's building floor area, whichever is larger.
- f. 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.⁶⁴⁴
- g. 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 Unit⁶⁴⁵

1. In all districts, one additional off-street vehicular parking space shall be provided for the accessory dwelling unit, in addition to any off-street parking required for the principal use or uses on the site in accordance with Sec. 24-6.2, Off-Street Parking, Bicycle Parking, and Loading Standards.
2. An accessory dwelling unit may not be used as a short-term rental use.
3. The owner of the lot may not reside in the accessory dwelling unit and use the principal dwelling as a short-term rental use.
4. In the D, DHE, and DP districts, the principal dwelling unit shall be used by the owner of the lot as a legal and permanent residence. For purposes of this paragraph, the owner's legal and permanent residence shall be evidenced by voter registration, vehicle registration, or in a similar way.
5. In the MR-2, MR-1, GPD, and CN districts, an accessory dwelling unit shall additionally comply with the following standards:
 - i. The maximum building footprint is 650 square feet.
 - ii. The accessory dwelling unit shall be separated by at least five feet from any other building on the site.
 - iii. The accessory dwelling unit shall comply with the minimum setback requirements that apply in the zoning district.

b. Antenna⁶⁴⁶

1. The standards in this section apply to all accessory antennas, except as otherwise provided by state or federal law.

⁶⁴⁴ 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.

⁶⁴⁵ This carries forward the existing regulations that apply in the RA-1 and RA-2 districts.

⁶⁴⁶ This carries forward the standards for antennas in Sec. 24-110(b) of the current Zoning Ordinance, with modifications as noted below.

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;
 - 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; or
 - (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.⁶⁴⁷
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.⁶⁴⁸

⁶⁴⁷ 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.

⁶⁴⁸ 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.

6. Antennas shall not be placed in City rights-of-way without the written approval of the City.⁶⁴⁹

c. Automated Teller Machine⁶⁵⁰

An automated teller machine may be physically attached to another structure such as a principal building.

d. Auxiliary Security or Utility Structure⁶⁵¹

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.

e. Boat Ramp⁶⁵²

A boat ramp shall comply with all applicable federal, state, and City laws and regulations, and, where applicable, any requirements established by the Army Corps of Engineers.

f. Composting, small-scale⁶⁵³

All composting areas shall be located behind the principal structure on the lot and shall occupy no more than 15 percent of the rear yard.

g. 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.i, 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.

h. Dock

A dock shall comply with all applicable federal, state, and City laws and regulations, and, where applicable, any requirements established by the Army Corps of Engineers.

i. Donation Box

1. A donation box shall include a maximum of two donation containers.

⁶⁴⁹ This carries forward Sec. 24-113(c) of the current Zoning Ordinance as it applies to antennas.

⁶⁵⁰

⁶⁵¹ This carries forward the required yard exception in Sec. 24-74(a) of the current Zoning Ordinance.

⁶⁵² These are new standards.

⁶⁵³ 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.

2. Donation containers shall be emptied before reaching capacity.
3. The owner of the property hosting the donation box and the organization that is responsible for the collection of the contents of the donation box shall be jointly responsible for maintaining the donation box and surrounding areas in a clean and orderly fashion. Any garbage, trash, debris, excess collected items, and other refuse material shall be promptly removed.

j. Drive-Through Facility⁶⁵⁴

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.

k. Electric Vehicle Charging Station⁶⁵⁵

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.
3. No equipment associated with an EV charging station, such as an electrical cabinet or the EV charging receptacle or stand, shall be located within a parking lot perimeter landscaping area in accordance with Sec. 24-6.3.5.c, Parking Lot Perimeter Landscaping Standards, or a buffer required in accordance with Sec. 24-6.3.6, Buffers.
4. No sign associated with the charging station shall be larger than four square feet in area.

l. 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.

m. Home Garden

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

n. Home Occupation⁶⁵⁶

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.

⁶⁵⁴ These are new standards.

⁶⁵⁵ These are new standards.

⁶⁵⁶ This carries forward the standards included in the definition of *Home occupation* in Sec. 24-5 of the current Zoning Ordinance.

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 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.

o. Ice Vending Machine⁶⁵⁷

1. The ice vending machine shall be located at least 25 feet from any lot line or public right-of-way.
2. In the LC and UC districts, the ice vending machine shall be screened with landscaping on any side facing a public street or Residential district. Plantings must be at least 36 inches in height at the time of planting.
3. The ice vending machine shall not obstruct pedestrian movement along sidewalks, public use areas, parking spaces, or building entrances.
4. The ice vending machine shall not obstruct accessways in parking lots or any required off-street parking spaces.

p. Modular Structure as Accessory Use⁶⁵⁸

1. Except for public K-12 school uses, a modular structure is allowed to be used as an office, storeroom, or a residence for an on-site security guard or employee, if the modular unit is approved as a special exception use permit in accordance with Sec. 24-3.4.5, Special Exception Use Permit, provided the 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 for maximum of one year. A public K-12 school may apply to the Director of Planning for additional extensions of up to one year if the Director of Planning

⁶⁵⁷ These are new standards for a new use.

⁶⁵⁸ 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.

determines the modular structures continue to be needed to further the school’s educational mission

3. A private K-12 school may use modular structures only following issuance of a special exception use permit in accordance with Sec. 24-3.4.5, Special Exception Use Permit, for a maximum of one year. Any extensions of the use require a new special exception use permit.

q. Outdoor Seating⁶⁵⁹

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.

r. 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.⁶⁶⁰
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, or if the requirements of the fire code are not met. If 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.⁶⁶¹
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

⁶⁵⁹ 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.

⁶⁶⁰ This carries forward Sec. 24-73(b)(6) of the current Zoning Ordinance

⁶⁶¹ 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.

subsection 6 below. Outdoor storage for a use in the Retail Sales and Services category that sells building supplies is prohibited elsewhere.⁶⁶²

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.

s. Outdoor Video Display⁶⁶³

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.

t. Personal Service Shops as Accessory to Housing for Older Adults⁶⁶⁴

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.

u. Recycling Collection Area⁶⁶⁵

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.
3. The recycling collection area shall be maintained in a clean and orderly fashion. Any garbage, trash, debris, excess items, and other refuse material shall be promptly removed.

v. Sale of Motor Vehicle on Private Property⁶⁶⁶

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.

⁶⁶² This carries forward a standard from Sec. 24-91(4) of the current Zoning Ordinance.

⁶⁶³ These are new standards for a new use.

⁶⁶⁴ 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.

⁶⁶⁵ These are new standards for a new accessory use.

⁶⁶⁶ This carries forward Sec. 24-115 of the current Zoning Ordinance.

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.

w. Solar Energy Conversion Systems, Small-Scale⁶⁶⁷

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.

x. Swimming Pool⁶⁶⁸

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.⁶⁶⁹
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.

⁶⁶⁷ These are new standards for a new accessory use.

⁶⁶⁸ This carries forward and revises for clarity Sec. 24-107 of the current Zoning Ordinance.

⁶⁶⁹ 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 Permit.⁶⁷⁰ Uses requiring a temporary 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 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>

⁶⁷⁰ The specifics of the temporary use permit procedure are under discussion with staff.

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 Table

Table 5-6: Temporary Uses and Structure Table

P = Permitted by right

T = Temporary use permit required

S = Special exception use permit required

blank cell = Prohibited use

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-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	b
Mobile Food Vending Unit ⁶⁷¹															P	P	P	P	P	P	P	P	P	P	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	d
Portable Toilet	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	
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	f
Temporary Dwelling		S	S	S	S	S	S	S	S	S	S	S	S	S	S																			g
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	S		h
Temporary Mobile or Modular Structure						S	S	S	S	S	S			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	i
Temporary Off-Street Parking Facility for Recreational Vehicles																P	P							P			P	P						j
Temporary Parking of Trailers, Construction Equipment, and Major Recreational Equipment in a Residential District	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P																	P	P	k
Temporary Vehicle Mounted or Tent-Sheltered Sales																	T	T	T	T		T		T	T	T	T	T	T	T	T	T	T	l
Tent Event	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	P	m

⁶⁷¹ Carries forward *Mobile food vending unit*, Sec. 24-229(c), permitted within parts of the D/R overlay district.

SEC. 24-5.4.3. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

All temporary uses and structures shall, unless otherwise specified in this Ordinance: ⁶⁷²

- a. Obtain any other applicable City, state, or federal permits;
- b. Be compatible with the principal uses taking place on the site;
- c. Not include permanent alterations to the site;
- d. Not interfere with the normal operations of any permanent use located on the property;
- e. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- f. Not have adverse health, safety, noise, or nuisance impacts on any adjoining permanent uses or nearby residential neighborhoods;
- g. Not involve the retail sales or display of goods, products, or services within a public right-of-way, except as part of a City-authorized event;
- h. Not violate the applicable conditions of approval that apply to the site or a use on the site; and
- i. Be located on a site containing sufficient land area to allow the temporary use or structure to occur and accommodate associated pedestrian, parking, and traffic movement without adversely impacting surrounding lands, public facilities, and environmentally sensitive lands.

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

a. Automobile Sales Event⁶⁷³

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. No outdoor loudspeaker or public address system shall be used.

b. Construction-Related Temporary Structure⁶⁷⁴

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.

⁶⁷² These are new standards.

⁶⁷³ 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.

⁶⁷⁴ 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.

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 Unit⁶⁷⁵

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 shall 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. Except as part of an event organized by the City for which the City authorizes the use of mobile food vending units, 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. In the D district, mobile food vending units may operate between 6 am and 11 pm. In all other districts, mobile food vending units may operate between 7 am and 9 pm.
4. Signage shall comply with Sec. 24-6.10, Signs and Billboards, and the following:
 - i. 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 i may be placed adjacent to the unit.
 - ii. Banners and flags are prohibited.⁶⁷⁶
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:
 - i. Two hundred (200) feet of the primary entrance of any existing restaurant without the explicit authorization of the owner or manager of the existing restaurant;
 - ii. One hundred and fifty (150) feet of a lot with a residential use other than a multifamily dwelling; or
 - iii. Fifty (50) feet of another mobile food vending unit, except that mobile food vending unit operators may agree to have seating, tables, or garbage receptacles closer than 50 feet from each unit;

⁶⁷⁵ This substantially revises the standards in Sec. 24-229(c)(1) of the current Zoning Ordinance and allows mobile food vending units in all commercial districts and the MFR district, with distance restrictions from non-multifamily residential dwellings, new hour of operations standards, and other minor revisions.

⁶⁷⁶ 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.

8. All garbage, trash, and other waste shall be contained in receptacles with adequate capacity and that are positioned in locations accessible to patrons at all times. All garbage, trash, and other waste shall be removed from the vending site at the close of operations.
9. 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.
10. 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.
11. Recorded or broadcast music may be played, provided sound does not exceed 75 dbA 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.
12. The mobile food vending unit shall be removed from the property at the close of operations.

d. Portable Storage Container⁶⁷⁷

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. Portable Toilet⁶⁷⁸

A portable toilet is permitted on a site only in conjunction with the following:

1. Ongoing construction activity taking place on the same site; or
2. A special event authorized in accordance with this Ordinance, including special events that do not require a temporary use permit and are exempted from the standards of subsection f below.

⁶⁷⁷ This carries forward and revies for clarity Sec. 24-118 of the current Zoning Ordinance and adds new standards about placement of the container on the site.

⁶⁷⁸ This is a new standard for a new use.

f. Special Event⁶⁷⁹**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:
 - (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 Shelton State Community College, Stillman College, the University of Alabama, the state, or the City;
 - (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;

⁶⁷⁹ 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.

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, including portable toilets;
- 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

On a single site, 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 calendar year.

g. Temporary Dwelling⁶⁸⁰

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.

h. Temporary Extractive Operations⁶⁸¹

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.x, 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.

⁶⁸⁰ 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.

⁶⁸¹ This carries forward standards in Sec. 24-108 of the current Zoning Ordinance.

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 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.

i. Temporary Mobile or Modular Structure⁶⁸²

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.

⁶⁸² This adds special provisions regarding temporary structures used for classrooms for schools.

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.

j. Temporary Off-Street Parking Facility for Recreational Vehicles⁶⁸³

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 District⁶⁸⁴

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 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.

⁶⁸³ 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.”

⁶⁸⁴ This carries forward Sec. 24-44 of the current Zoning Ordinance.

I. Temporary Vehicle Mounted or Tent-Sheltered Sales⁶⁸⁵

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.f, 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.x.

m. Tent Event⁶⁸⁶

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 consecutive 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.

⁶⁸⁵ 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.*

⁶⁸⁶ This carries forward the standards that apply to the *Tent evangelistic services* use in Sec. 24-32 of the current Zoning Ordinance.

ARTICLE 24-6. DEVELOPMENT STANDARDS

Commentary on Draft:

This article consolidates the development standards in the zoning ordinance related to the physical layout of development. It includes 10 sections, which are outlined below.

Section 24-6.1, Mobility and Connectivity Standards, includes standards for the built transportation network (streets, sidewalks, bicycle lanes, etc.) to ensure it is well connected and serves a variety of modes of travel.

Section 24-6.2, Off-Street Parking, Bicycle Parking, and Loading Standards, establishes standards for parking areas for automobiles, and for loading areas. It also includes new standards for bicycle parking.

Section 24-6.3, Landscape and Buffer Standards, sets out standards for landscaping and buffers and screening standards.

Section 24-6.4, Open Space Standards, establishes a comprehensive set of standards for open space to be set aside for the occupants and users of new developments. The standards apply generally to all new development (residential, mixed-use, and nonresidential).

Section 24-6.5, Fence and Wall Standards, includes basic standards for fence and wall location, height, materials and design, and maintenance.

Section 24-6.6, Exterior Lighting Standards, establishes a comprehensive set of exterior lighting standards to minimize light pollution in the night sky, reduce glare and other light trespass, and improve safety.

Section 24-6.7, Neighborhood Compatibility Standards, includes standards to protect single-family development and land in certain residential districts from impacts of new nonresidential, mixed-use, and multi-family development.

Section 24-6.8, Form and Design Standards, includes standards to ensure that new multifamily, commercial, mixed-use, and industrial development has a minimum quality of development and greater livability.

Section 24-6.9, Green Building Incentives, provides incentives for the inclusion of green building features in new development beyond the minimum required by the green building standards.

Section 24-6.10, Signs and Billboards, establishes standards for signage, including standards governing billboards.

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. 24-6.1. MOBILITY AND CONNECTIVITY STANDARDS⁶⁸⁷

SEC. 24-6.1.1. PURPOSE AND INTENT⁶⁸⁸

The purpose of these mobility and connectivity standards is to ensure that developments are served by a coordinated multimodal transportation system that permits the safe and efficient movement of motor vehicles, emergency vehicles, bicyclists, pedestrians, and transit within each development and between a development and the external transportation network, neighboring development, and local destinations such as places of employment, schools, parks, and shopping areas. In particular, the intent of these standards is to support a transportation system that:

- a. Provides transportation options;
- b. Maximizes the safety of all users;
- c. Reduces emergency response times;
- d. Contributes to the attractiveness of development in the community;
- e. Connects neighbors and increases opportunities for interaction between neighbors;
- f. Promotes walking and bicycling;
- g. Facilitates use of public transportation;
- h. Reduces vehicle miles of travel and travel time;
- i. Minimizes congestion and traffic conflicts; and
- j. Preserves the capacity of the City's transportation system.

SEC. 24-6.1.2. APPLICABILITY⁶⁸⁹

The standards in this section shall apply to development outside the IU and IP districts as follows:

- a. Except for development on an individual lot of a single-family detached dwelling, U-single dwelling, duplex dwelling, or U-duplex dwelling, all new development shall comply with all standards.
- b. Any expansion or alteration of development that existed on [REDACTED] [insert the effective date of this Ordinance] shall comply with the standards of this section to the maximum extent practicable, if the expansion increases the floor area of all buildings in the development by 50 percent or more, or involves 50 percent or more of the floor area of all buildings in the development.
- c.

⁶⁸⁷ This section establishes standards for the transportation network within and connecting to new development or expansions of existing development over a specified threshold. The standards are intended to result in a transportation system that supports multiple modes of transportation and provides connectivity to other development, where appropriate, and to the City's existing transportation network, taking into consideration the constraints of existing development and the City's transportation priorities. Additional standards relating to the transportation system (e.g. sidewalk requirements) that are included in the subdivision regulations are cross-referenced in this section. These standards generally implement Framework plan action CO 2.1, Improve opportunities for alternative modes of transportation, specifically pedestrians and bicycles.

⁶⁸⁸ These purpose statements are new.

⁶⁸⁹ These applicability provisions are new.

SEC. 24-6.1.3. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a development application for a planned development (Sec. 24-3.4.3), a conditional use permit (Sec. 24-3.4.4), a special exception use permit (Sec. 24-3.4.5), or a land development permit (Sec. 21-218), as appropriate.

SEC. 24-6.1.4. DEVELOPER RESPONSIBLE FOR IMPROVEMENTS⁶⁹⁰

- a. The developer shall provide all street, bikeway, sidewalk, pedestrianway, and other access and circulation improvements, both on the development site and, where applicable, off the site, in accordance with the standards in this section, applicable development approvals and permits, and the following:
 - 1. The City's Land Development Manual Technical Standards;
 - 2. The Tuscaloosa Subdivision Regulations;
 - 3. The Major Streets Plan of Tuscaloosa;
 - 4. The Tuscaloosa Transportation Standards; and
 - 5. The Comprehensive Plan.
- b. The developer shall set aside land on the development site for improvements that are identified in the Comprehensive Plan or in any transportation plan adopted by the City, such as the Riverwalk Master Plan, a greenway plan, or a bicycle/pedestrian plan, subject to any changes from the adopted plan that are mutually agreed to by the developer and the City.
- c. All improvements dedicated to the City shall be constructed according to the City's standards for the type of facility being constructed, subject to the standards in Sec. 26-7.2, Acceptance and Bonding Improvements, or the Land Development Permit regulations in Ch. 21, Art. XII of the City Code, as applicable.

SEC. 24-6.1.5. CIRCULATION PLAN REQUIRED⁶⁹¹

All development applications subject to the requirements of this section shall include a circulation plan that demonstrates how the development complies with the requirements of this section. In addition, the plan shall address safety considerations relevant to the proposed vehicular, bicycle, and pedestrian facilities, including details about how conflict points between different road users will be managed to ensure the safety of all users.

⁶⁹⁰ This new provision establishes the developer's responsibility to complete the requisite improvements, and cross-references other relevant standards that apply to the design of a development's transportation network, including the relevant regulations in the subdivision standards and the City's technical standards. A reference to the Riverwalk Master Plan has also been included.

⁶⁹¹ This is a new provision which requires that development applications include plans with sufficient information to demonstrate that each development complies with the standards of this section.

SEC. 24-6.1.6. MULTIMODAL ACCESS AND CIRCULATION SYSTEM⁶⁹²**a. General⁶⁹³**

1. To the maximum extent practicable, all development subject to the requirements of this section shall be served by a system of sidewalks, paths, streets, accessways, and other facilities designed to provide for multiple travel modes (vehicular, transit, bicycle, and pedestrian), as appropriate to (i) the development's size, character, and relationship to surrounding development, (ii) surrounding development patterns, and (iii) existing and planned community transportation systems.
2. Vehicular, transit, bicycle, and pedestrian access and circulation systems shall be coordinated and integrated to provide transportation choices within, and to and from, the proposed development, as appropriate.
3. Streets shall encourage safe use by all users through the use of context-sensitive designs, consistent with the Tuscaloosa Transportation Standards, which serve to slow traffic and improve pedestrian safety.

b. Street Design and Layout⁶⁹⁴

All streets in a proposed development shall be designed and laid out in accordance with the standards in the Subdivision Regulations.

c. Bicycle Facilities⁶⁹⁵

As appropriate, and in coordination with Sec. 24-6.2.9, Bicycle Parking Standards, development shall provide safe and convenient bicycle facilities that connect all bicycle parking provided on the site with existing and planned on-street and off-street bicycle facilities both within and outside the development.

d. Sidewalks

Sidewalks are required along streets in accordance with the standards in the Subdivision Regulations.

e. Pedestrian Circulation System⁶⁹⁶

1. All multifamily, mixed-use, and commercial development shall be served by an internal pedestrian circulation system (including sidewalks, pedestrian paths, and trails) that permits safe, convenient, efficient, and orderly movement of pedestrians within the development and to destinations outside the development, and that connects with an existing or planned external, community-wide pedestrian circulation system.

⁶⁹² This section establishes the standards for a development's internal transportation system and how it connects to external transportation facilities. While most standards are new, some are derived from sections of the current Zoning Ordinance, such as Sec. 24-312, Pedestrian access (regarding Mixed Use Districts) and Sec. 24-363 (Mixed Residential Districts). The standards in this section are general standards which are superseded in some instances by standards that apply to specific zoning districts (such as the D district).

⁶⁹³ This is a new section which establishes the general requirement that all development include facilities that support multiple modes of travel.

⁶⁹⁴ This incorporates standards in the Subdivision Regulations, including the new connectivity index standards, limits on cul-de-sac length, alley standards, and stub streets.

⁶⁹⁵ This is a new standard. The type of bicycle facilities required is contextual; in some cases, the streets or drive aisles used for cars may be "safe and acceptable," or pedestrianways may be adequate. Efforts are underway to update the City's street engineering standards in accordance with the Comprehensive Plan's new street design guidelines (see CO 1.3 on page 95 of Framework), and so specific standards have not been included.

⁶⁹⁶ This new provision requires that all new multifamily, mixed-use, and commercial development provide a pedestrian network that connects major destinations within the development and that also connects to destinations outside the development.

2. The pedestrian circulation system shall connect to the following destinations on the site or within 250 feet of the site:
 - i. The primary entrance(s) of principal buildings, including any outparcels;
 - ii. Off-street parking areas;
 - iii. Nearby shopping areas;
 - iv. Schools;
 - v. Bus stops and shelters; and
 - vi. Recreation facilities and other common use areas and amenities.
3. All pedestrianways required by this section shall be a minimum of five feet in width and shall be ADA accessible.
4. Where pedestrianways cross an internal drive or a street within the development, the crossing shall be perpendicular to the internal drive or street, to the maximum extent practicable, and shall be marked by a change in paving material, color, or height; decorative bollards; or similar elements.⁶⁹⁷

f. Cross-Access Requirement⁶⁹⁸

1. The internal circulation system in nonresidential and mixed-use development shall be designed and constructed to provide cross-access between any parking lots and pedestrianways within the development and any parking lots and pedestrianways on adjoining parcels containing nonresidential or mixed-use development, and to the boundary of adjoining vacant land, if the adjoining vacant land is not in a Residential district.
2. Cross-access facilities shall consist of the following:
 - i. A driveway or drive aisle for vehicles that is at least 22 feet wide or two one-way driveways or aisles for vehicles that are each at least 14 feet wide; and
 - ii. A pedestrianway that is at least five feet wide, except that the Director of Planning may waive this requirement if cross-access is available using a pedestrianway such as a sidewalk that is in close proximity to the proposed cross-access location.
3. The driveway or aisle and the pedestrianway do not need to be adjacent to each other.
4. Easements allowing cross-access to and from lands served by a cross-access required by this subsection f, along with agreements defining maintenance responsibilities of land owners pertaining to the cross-access, shall be recorded in the office of the Probate Judge of Tuscaloosa County.
5. The Director of Planning may waive or modify the requirement for cross-access in this subsection f on determining that such cross-access is impractical or undesirable due to the presence of topographic conditions or natural features.

⁶⁹⁷ A similar requirement is included in the standards that apply in the new Riverfront district.

⁶⁹⁸ This section requires vehicular and pedestrian cross-access between adjacent developments and permits the Director of Planning to exempt development where such connections are impractical. Because the cross-access involves private accesses, the developer is required to record cross-access agreements to ensure the cross-access remains open. These are similar to the cross-access standards that apply to development in the mixed-use districts in Sec. 24-314 of the current Zoning Ordinance.

SEC. 24-6.2. OFF-STREET PARKING, BICYCLE PARKING, AND LOADING STANDARDS⁶⁹⁹

SEC. 24-6.2.1. PURPOSE AND INTENT⁷⁰⁰

The purpose of these off-street parking, bicycle parking, and loading standards is to ensure that development provides adequate facilities to accommodate the vehicular and bicycle parking needs and loading activities on the development site. In particular, the intent of these standards is to:

- a. Ensure adequate facilities for off-street vehicular parking and loading and bicycle parking in proportion to the generalized parking and loading demand of the different zoning districts and different uses allowed by this Ordinance;
- b. Allow flexibility in how developments meet minimum parking requirements;
- c. Avoid requiring that excessive amounts of space be devoted for parking, thereby making development more efficient, preserving existing buildings, reducing the amount of unneeded impervious surfaces, and supporting more pedestrian-friendly development;
- d. Minimize the visual impact of off-street parking and loading facilities by regulating the permitted location of parking spaces and loading bays and requiring screening in appropriate locations;
- e. Ensure that off-street parking and loading areas do not encroach on or interfere with the public use of streets and alleys by pedestrians and that such parking and loading areas provide for safe crossings by pedestrians; and
- f. Improve the quality of development design in the City.

SEC. 24-6.2.2. APPLICABILITY⁷⁰¹

The standards in this section shall apply to development outside the IU and IP districts as follows:

- a. All new development shall provide off-street vehicular and bicycle parking spaces and off-street loading areas in accordance with the standards of this section.
- b. If an existing structure or use is expanded or enlarged (in terms of the number of dwelling units or floor area), any additional off-street vehicular and bicycle parking spaces and off-street loading areas that are required shall be provided in accordance with the requirements of this section as applied only to the expanded or enlarged part of the structure or use.
- c. If an existing use in the Residential or Industrial use classifications is changed to a use in the Commercial use classification, off-street vehicular and bicycle parking spaces and off-street loading areas shall be provided in accordance with the requirements of this section.

⁶⁹⁹ This section establishes standards for the off-street motor vehicle parking, off-street bicycle parking, and loading facilities provided in development. The off-street vehicle parking standards include general rules for surfacing, lot design, dimensions, and other parking lot development standards. They also include minimum off-street parking requirements for most districts, along with a number of options that allow applicants to reduce the minimum parking requirement by demonstrating through a parking study that additional parking is unnecessary or by taking advantage of a menu of specific parking-reduction options. Standards for vehicle stacking lanes for parking lots and drive-throughs are also included to reduce conflicts between vehicles and pedestrians, and to minimize the impact of lengthy vehicle queues on the public street network. The off-street bicycle parking standards establish minimum requirements in certain zoning districts and standards bicycle parking spaces. Finally, off-street loading standards are included to ensure adequate space and facilities for the loading and unloading of goods. These standards generally implement Framework action CO 2.1, Improve opportunities for alternative modes of transportation, specifically pedestrians and bicycles.

⁷⁰⁰ These purpose statements are new.

⁷⁰¹ The applicability provisions are new.

SEC. 24-6.2.3. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a development application for a planned development (Sec. 24-3.4.3), a conditional use permit (Sec. 24-3.4.4), a special exception use permit (Sec. 24-3.4.5), or a land development permit (Sec. 21-218), as appropriate.

SEC. 24-6.2.4. PARKING PLAN REQUIRED⁷⁰²

All development applications subject to review for compliance with the standards of this section which propose more than ten off-street parking spaces shall include a parking and loading plan. The plan shall accurately designate the number and location of required vehicular parking spaces, accessible parking spaces, delivery/pick-up/rideshare spaces, access aisles, driveways, bicycle parking spaces, and loading facilities, as applicable. The plan shall also illustrate how the vehicular and bicycle parking and loading facilities relate to the uses or structures they are designed to serve, including how they coordinate with the vehicular, pedestrian, bicycle, and transit circulation systems within and adjacent to the development.

SEC. 24-6.2.5. GENERAL PARKING AND LOADING STANDARDS

a. Use of Parking or Loading Area⁷⁰³

Parking lots required by this section shall be used solely for the parking of registered motorized vehicles in good operating condition. At all times, adequate parking shall be made available to accommodate the uses on the site. Required parking spaces and loading berths shall not be utilized for any activities other than parking or loading, including any accessory or temporary use identified in this Ordinance, unless otherwise authorized by this Ordinance.

b. Parking Site

Except as otherwise provided by Sec. 24-6.2.7.c, Off-Site Parking, all off-street parking required by this section shall be provided on the site of the principal use that the parking serves.

c. Surfacing

All parking areas shall be surfaced with hard, dustless, and bonded surface materials such as asphalt cement concrete, Portland cement, brick, stone, or pavers that are approved by the City Engineer.⁷⁰⁴

d. Location, Arrangement, and Design⁷⁰⁵

1. Safe and Convenient Access

- i. Off-street parking lots and loading areas shall be arranged for convenient access between an adjacent street and all parking spaces and loading berths to facilitate ease of access, provide ample clearance, and support the safety of vehicles and pedestrians. Each off-street parking space and loading berth shall have adequate, unobstructed means for the ingress and egress of vehicles using the space or berth.
- ii. Parking lots shall be arranged so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk unless approved by the Office of City Engineer.

⁷⁰² This is a new provision which requires that development applications include plans with sufficient information to demonstrate that each development complies with the standards of this section.

⁷⁰³ This includes new provisions and also carries forward the prohibition on reduction of parking spaces in Sec. 24-121(c) of the current Zoning Ordinance.

⁷⁰⁴ This builds on the surfacing standards in the first half of the second sentence of Sec. 24-121(c). Previous pavement is allowed with City Engineer approval, consistent with current practice. The current code allows the use of crushed stone, gravel, or dirt for certain driveways in single-family districts only if the driveways used similar materials prior to May 27, 2008. That allowance has been removed and such surfaces will be considered nonconforming uses.

⁷⁰⁵ This builds on the standards in Sec. 24-121(c) of the current Zoning Ordinance and includes new guidance regarding design, circulation, and parking lot markings.

- iii. Except for off-street parking lots accommodating four or fewer vehicles, parking lots shall be arranged so an automobile may be parked or un-parked without moving another and so that no vehicle is required or encouraged to back out from the lot directly onto the street.⁷⁰⁶ In single-family, duplex, and multifamily dwellings only (but not student multifamily dwellings), tandem parking may be used when two back-to-back parking spaces are assigned to or owned by the lessee or owner of a single dwelling unit.

2. Design⁷⁰⁷

- i. Parking lots, drive aisles, pedestrian walks, landscaping, and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.
- ii. All off-street parking and loading spaces shall provide curbs, wheel stops, or similar devices that prevent vehicles from overhanging on or into public right-of-way, walkways, adjacent land, or required landscaping areas.

3. Circulation⁷⁰⁸

Buildings, parking lots, loading areas, landscaping, and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are minimally exposed to vehicular traffic.

4. Parking Lot Access and Egress⁷⁰⁹

- i. All driveways or drive aisles used for vehicles to access and exit a parking area from a public or private street shall be constructed in accordance with the location requirements and geometric standards established by the Office of the City Engineer.
- ii. Drive aisles and driveways shall not be used to meet the minimum off-street parking requirements in Sec. 24-6.2.6, Off-Street Parking Standards, except that the driveway of a single-family detached, or duplex, dwelling may be counted as one or more parking spaces for a dwelling unit if the Director of Planning determines the size and configuration of the driveway is adequate to support both parking and site access uses.
- iii. Cross access shall be provided in accordance with Sec. 24-6.1.6.f, Cross-Access Requirement.

e. Dimensional Standards

The following standards apply to all off-street parking lots serving four or more vehicles, except for parking lots serving single-family detached or duplex uses.

1. General⁷¹⁰

Standard vehicle parking spaces and aisles shall comply with the minimum dimensional standards established in Table 6-1: Minimal Dimensional Standards for Parking. The

⁷⁰⁶ The first half of this provision is carried forward from the first sentence in Sec. 24-121(c) of the current Zoning Ordinance.

⁷⁰⁷ The first provision is new. The second provision builds on the two-foot distance requirement for back-of-curb in Sec. 24-121(c) of the current Zoning Ordinance and requires facilities to prevent cars from overhanging pedestrian facilities as well.

⁷⁰⁸ This incorporates the general purpose of Sec. 24-312, Pedestrian access, of the mixed-use districts in the current Zoning Ordinance. Other provisions relating to safe pedestrian access through a development site are included in Sec. 24-6-1 and elsewhere in this section.

⁷⁰⁹ This carries forward Sec. 24-121(d) of the current Zoning Ordinance.

⁷¹⁰ This builds on the standards in Sec. 24-122(b) and Figure I of the current Zoning Ordinance. The dimensional graphic has been updated and minimum dimensional standards increased in accordance with best practice to accommodate the larger size of modern vehicles. For example, minimum stall width for non-parallel parked spaces is 9 feet, up from 8.5 feet, and two-way aisle width is now 24 feet. We have clarified that the dimensional standards apply to all parking lots, although, like the current ordinance, this code does not prescribe a specific design. The aisle length maximums have been removed and replaced with the new design standards for large parking lots.

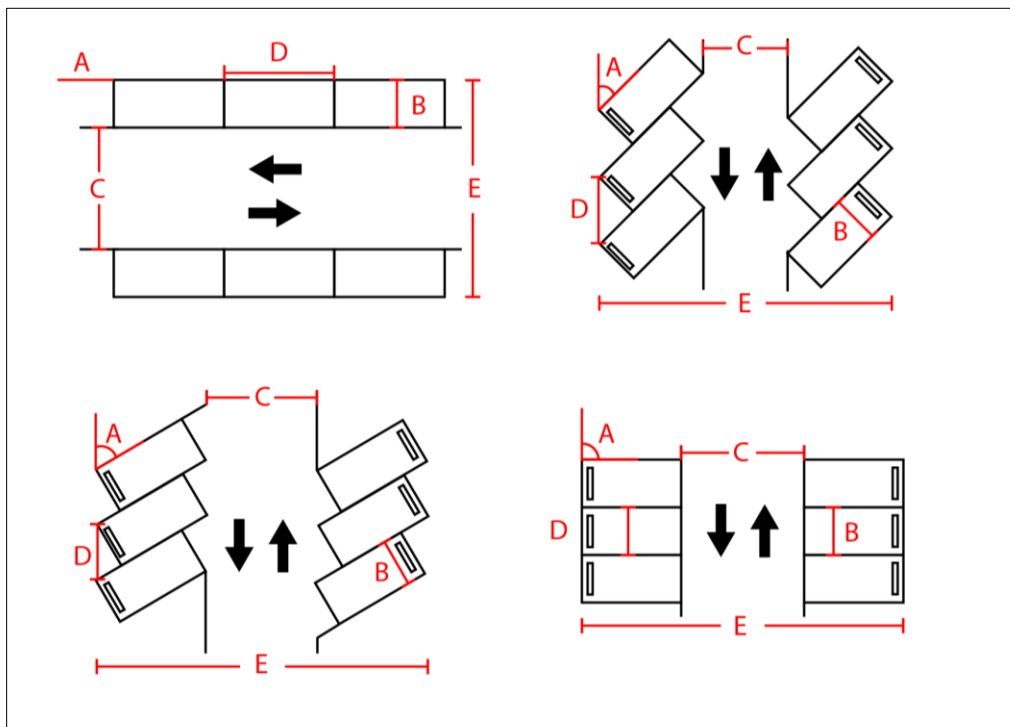
minimum dimensional standards are illustrated in Figure 6-1: Measurement of Parking Space and Aisle Dimensions.

Table 6-1: Minimal Dimensional Standards for Parking

PARKING ANGLE (DEGREE)	STALL WIDTH (FT)	AISLE WIDTH (FT) TWO WAY / ONE WAY	STALL LENGTH ALONG CURB (FT)	DOUBLE ROW + AISLE, CURB TO CURB (FT) TWO WAY / ONE WAY
A	B	C	D	E
0 (parallel)	8	22 / 11	22	38 / 27
45	9	24 / 12 [1]	13	62 / 50
60	9	24 / 15 [1]	10	59 / 50
90	9	24 / 24 [1]	9	64 / 64

NOTES
 [1] The Director of Planning may reduce to 22 feet the width of two-way aisles that are not the primary access into the site if the Director determines that there will be adequate space for safe maneuverability of vehicles.

Figure 6-1: Measurement of Parking Space and Aisle Dimensions



2. Marking⁷¹¹

Except where gravel or similar surfacing is used, each required parking lot and space, and each off-street loading area and berth, shall be identified by surface markings that are arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Such markings shall include striping, directional arrows, and lettering on signs and in

⁷¹¹ New standard requiring that parking spaces be marked except where gravel or similar loose materials are used.

handicapped-designated areas. All such surface markings shall be maintained to be readily visible at all times.

f. Exterior Lighting

Lighting in parking lots and loading areas shall comply with the standards of Sec. 24-6.6, Exterior Lighting Standards.

g. Landscaping

Parking lots and loading areas shall be landscaped in accordance with the standards of Sec. 24-6.3, Landscape and Buffer Standards.

h. Drainage⁷¹²

Parking lots and loading areas shall be graded and drained in accordance with applicable City standards.

i. Large Parking Lots⁷¹³

Parking lots that contain 200 or more spaces shall comply with the following additional standards:

1. Primary Drive Aisle

Primary drive aisles within parking lots shall be designed to appear as an extension of the public street network extending from the public right-of-way along the full length of the primary façades of structures being served by the drive. Each primary drive aisle shall comply with the following standards

- i. Have a cross section that can accommodate two travel lanes;
- ii. Include a sidewalk or curb-delineated pedestrian passageway along the front façade of a building when the drive aisle is aligned parallel to that building façade; and
- iii. Provide street trees along both sides of the primary drive aisle with a maximum spacing of 50 feet on-center. Small-maturing trees may be used adjacent to the building façade within 40 feet of building entrances.

2. Pedestrian Pathways

The parking lot shall be visually and functionally segmented into smaller lots with landscape islands and strips through the use of fully-separated, improved pedestrian pathways that (see Figure 6-2: Example of Pedestrian Pathways):

- i. Are provided, at a minimum, every six parallel parking rows (every three sets of back-to-back parking stalls) or every 200 feet, whichever is the lesser dimension;
- ii. Are enhanced with planted landscaping strips;
- iii. Include, to the maximum extent practicable, a pathway aligned with and perpendicular to the primary entrance into the building served by the parking lot;
- iv. Are paved with asphalt, cement, or other comparable material;
- v. Are of contrasting color or materials and are adequately illuminated when crossing drive aisles;
- vi. Follow applicable state and federal requirements and at a minimum are at least five feet wide when located within planting strips, and ten feet wide when crossing drive aisles; and
- vii. Connect to all existing or planned adjacent transit and pedestrian facilities.

⁷¹² This builds on the drainage standards for driveways in certain residential districts in Sec. 24-125(d) of the current Zoning Ordinance and applies them to all parking facilities.

⁷¹³ These are new standards that establish design requirements for larger parking lots to reduce their visual impact and improve safety for pedestrians within the parking lot, including those accessing the site from their parked cars.

Figure 6-2: Example of Pedestrian Pathways

3. Pick-up and Drop-Off Areas⁷¹⁴

The parking lot shall include designated areas for pick-up and drop-off by visitors, taxis, or other mobility service providers. The designated pick-up and drop-off area shall not interfere with or block the movement of vehicles, pedestrians, or bicycles within the parking lot.

j. Special Provisions in Specific Zoning Districts⁷¹⁵

1. Limitations on Surfacing in the Front Yard

In the front yard of a lot with a single-family detached dwelling, the surfacing of any area used for parking shall comply with the following standards:

- i. The surfacing shall consist of any permeable or non-permeable material that complies with subsection c above and the City's Land Development Manual Technical Standards, and shall not consist of grass or other vegetation.
- ii. The maximum width of the surfaced area shall be 20 feet, beginning at the property line or curb up to a distance into the site that allows for safe and adequate access and egress from the site.
- iii. The maximum area of the front yard that may be surfaced in accordance with this subsection is as follows:
 - (a) 45 percent in the SFR-4 and SFR-5 districts;
 - (b) 50 percent in all other districts, or on as lot in the SFR-4 or SFR-5 districts with less than 45 feet of lot width.

2. Parking Restrictions

The parking of vehicles or trailers in the front yard of a lot is permitted only in areas surfaced in accordance with subsection 1 above, except as follows:

- i. Authorized emergency vehicles are permitted to park anywhere in the front yard while responding to an emergency;

⁷¹⁴ These are new standards that are intended to provide for safe accommodations for the variety of take-out, delivery, and rideshare services offered today. As this is a rapidly changing topic in mobility, specific standards regarding the number of such areas, stacking distances, and the like, have not been included.

⁷¹⁵ This generally carries forward Sec. 24-125 of the current Zoning Ordinance with restructuring for clarity. The purpose statement has not been carried forward and any necessary definitions have been incorporated into the definitions section. The regulation declaring that paved parking areas that existed before a certain date shall be deemed nonconforming uses has been removed as surplusage.

- ii. Delivery, contractor, and similar vehicles are permitted to park anywhere in the front yard while work is taking place on the site; and
- iii. On properties that have no rear yard access for parking because of a narrow side yard or lack of a rear alley or street, parking is permitted anywhere between the principal building and the front lot line if the property has less than 40 feet of street frontage or has a dwelling that is set back less than 30 feet from the street.

k. Special Provisions in Residential Districts⁷¹⁶

In a residential district, parking of recreational vehicles, construction equipment, boats, boat trailers, utility trailers, other types of 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, is permitted only in accordance with Sec. 24-5.4.4.k, Temporary Parking of Trailers, Construction Equipment, and Major Recreational Equipment in a Residential District.

l. Special Provisions in Historic Districts⁷¹⁷

- 1. Except as provided in subsection 2 below, in historic districts, neither vehicular parking nor surfacing with any material other than grass or other vegetation is permitted in the front yard of a property or on the public right-of-way adjacent to a front yard, unless a variance permit is granted in accordance with Sec. 24-3.4.8, Variance. If a variance permit is granted, the parking area may be accessed with a driveway up to ten feet in width.
- 2. The following vehicles may park in the front yard of a property in the historic district:
 - i. Authorized emergency vehicles; and
 - ii. Delivery, contractor, and similar vehicles while work is taking place on the site, when necessary to facilitate the work.

SEC. 24-6.2.6. OFF-STREET PARKING STANDARDS

a. Applicability⁷¹⁸

- 1. Except for development in the D, DP, DHE, R, IU, and IP districts, all development shall provide off-street vehicular parking in accordance with this section.
- 2. All Group Living uses, and all development in the D, DP, DHE, and R districts are subject to the maximum parking standards in this section.

⁷¹⁶ This references the limitation in Sec. 24-44 of the current Zoning Ordinance that has been carried forward as a temporary use.

⁷¹⁷ This carries forward the prohibition on parking in the front yard of historic districts in Sec. 24-124 of the current Zoning Ordinance. Sec. 24-124(e) authorizes the city historic preservation commission to grant the variance, which has been changed in this draft to the ZBA for consistency with other variance procedures.

⁷¹⁸ This carries forward the parking exemptions in the current Zoning Ordinance for the BC and I districts in Sec. 24-122(b) and (c) of the current Zoning Ordinance. The elimination of minimum parking requirements for additional districts around downtown is intended to help foster redevelopment of existing sites and encourage development patterns which encourage walkability and support transit. This provision as included in this draft is intended to foster discussion around parking requirements in these districts. The statements in the current Zoning Ordinance that property owners are “encouraged” to provide the amount of parking required in other districts (in Sec. 24-122(b) with respect to the BC district, and Sec. 24-224(b) with respect to the BNU district) have not been carried forward.

b. Minimum Number of Off-Street Parking Spaces Required⁷¹⁹**1. General⁷²⁰**

- i. The minimum number of off-street parking spaces required by each development is established as follows. First, the Minimum Off-Street Parking Tables—Table 6-2: Minimum Off-Street Parking for Agricultural and Residential Uses, Table 6-3: Minimum Off-Street Parking for Institutional Uses, Table 6-4: Minimum Off-Street Parking for Commercial Uses, and Table 6-5: Minimum Off-Street Parking for Industrial Uses—establish the minimum number of off-street parking spaces based on the principal use(s) involved and the extent of development. If a site includes more than one principal use (e.g., a restaurant and residential dwellings), the minimum number of off-street parking spaces shall be calculated by adding the minimum parking required for each use.
- ii. Second, reductions in the number of required off-street parking spaces authorized through other provisions in this section and Ordinance (see Sec. 24-6.2.7, Off-Street Parking Alternatives) are calculated and applied.
- iii. Interpretation of the off-street vehicular parking space standards for principal uses with variable parking demands or for unlisted principal uses shall be in accordance with subsection e below.

2. Minimum Off-Street Parking for Agricultural and Residential Uses

For uses within the Agricultural Use Classification or the Residential Use Classification, the required minimum number of off-street parking spaces is set forth in Table 6-2: Minimum Off-Street Parking for Agricultural and Residential Uses.

⁷¹⁹ Off-street parking requirements have been consolidated into five unified parking tables. Each parking table follows the same hierarchy of principal uses in the principal use tables in Sec. 24-5.2, Principal Uses, and lists parking requirements for all of the principal uses listed in the principal use tables. The tables update the minimum off-street parking standards in Sec. 24-122 of the current Zoning Ordinance and the standards that apply to special exception uses in Sec. 24-91. The second column of each parking table, labeled “Current Standards,” identifies the minimum parking standards in the current Zoning Ordinance for the land use that most corresponds to the land use in this Ordinance. This information is provided only to facilitate staff and public review of this draft and will not be included in the adopted version of the Ordinance.

In the current Zoning Ordinance, uses that are not specifically listed in the minimum parking standards table are assigned a minimum of one parking space per 120 square feet of building floor area. Those parking requirements are listed in the current column of the tables as “other.” Uses that are new in this draft and not derived from current uses are listed as “new use.” Footnotes indicate the parking ratios required for mixed-use districts in Sec. 24-306 of the current Zoning Ordinance; the catch-all parking ratio required for uses not specifically listed in the mixed-use district standards is one parking space per 300 square feet of gross floor area.

Two sets of minimum parking standards are provided: one set for districts where the development standards call for walkable and mixed-use development, and another set for all other districts.

⁷²⁰ The updated ordinance includes a more robust selection of parking reduction options than the current Zoning Ordinance.

Table 6-2: Minimum Off-Street Parking for Agricultural and Residential Uses

PRINCIPAL USE CATEGORY/TYPE	PROPOSED STANDARDS
Agricultural	
Farm and Agricultural Operations	No minimum
Residential	
Household Living⁷²¹	
Dwelling, Single-Family Detached	MRU and MFRU districts: 1/bedroom All other districts: 2/du
Dwelling, U-Single	1/bedroom
Dwelling, Townhouse	MRU and MFRU districts: 1/bedroom, plus 1 guest space for every 5 du All other districts: 2/du, plus 1 guest space for every 5 du
Dwelling, U-Rowhouse	1/bedroom
Dwelling, Duplex	MRU and MFRU districts: 1/bedroom All other districts: 2/du
Dwelling, U-Duplex	1/bedroom
Dwelling, Triplex	MRU and MFRU districts: 1/bedroom All other districts: 2/du
Dwelling, U-Triplex	1/bedroom
Dwelling, Quadplex	MRU and MFRU districts: 1/bedroom All other districts: 2/du
Dwelling, Multifamily	1/du (up to 1 bedroom) 2/du (2+ bedrooms)
Dwelling, Multifamily Student	1/bedroom
Dwelling, Mobile Home	2/du
Group Living⁷²²	
Assisted Living Facility	1/4 residents
Continuing Care Retirement Development	1/4 residents
Drug Rehabilitation Facility	1/4 residents
Fraternity or Sorority House	No minimum ⁷²³
Group Home	0.5/bedroom
Group Housing, Supportive	0.5/bedroom + 2
Sober Living Facility	0.5/bedroom
NOTES: sf = square feet. Measured as square feet of gross floor area, unless otherwise specified du = dwelling unit Measurements per bedrooms, residents, etc. based on design capacity	

⁷²¹ In the mixed-use districts, at Sec. 24-306 of the current Zoning Ordinance, and the mixed residential districts, at Sec. 24-360, single-family and two-family dwellings require 2 parking spaces per dwelling unit, while other household living types require 1 parking space per bedroom. In the RDD district, 1 parking space per bedroom is required for multifamily and multifamily student development.

⁷²² In the mixed-use districts, at Sec. 24-306 of the current Zoning Ordinance, and the mixed residential districts, at Sec. 24-360, group living uses require 1 parking space per bedroom.

⁷²³ There is no minimum off-street parking requirement for this use because it is only permitted in the IU district, which has no minimum parking requirements.

3. Minimum Off-Street Parking for Institutional Uses

For uses within the Institutional Use Classification, the required minimum number of off-street parking spaces is set forth in Table 6-3: Minimum Off-Street Parking for Institutional Uses.

Table 6-3: Minimum Off-Street Parking for Institutional Uses⁷²⁴

PRINCIPAL USE CATEGORY/TYPE	CURRENT STANDARDS	PROPOSED STANDARDS
Community Services⁷²⁵		
Animal Shelter	new use	2/1,000 sf
Community Facility	other	3/1,000 sf
Correctional Facility	new use	1 per 6 inmates, design capacity
Day Care Center ⁷²⁶	other	2/1,000 sf
Government Facility	other	Variable
Private Club or Lodge	1/120 sf BFA	3/1,000 sf
Public Safety Facility	new use	Variable
Religious Institution	1/5 seats or 1/100 lineal inches of pew space	1/5 seats, or 3/1,000 sf interior area if no seats
Education		
College or University	other	Variable
School, K-12	Private school: 2/classroom for elementary school, 3/classroom for junior high, 8/classroom for senior high (Sec. 24-91(29))	Based on design capacity: 1/6 students (Grades K-9) 1/2 students (Grades 10-12)
School, Vocational	1/120 sf gross BFA	4/1,000 sf
Health Care		
Hospice	new use	1/3 patients
Hospital	2/bed	3.5/1,000 sf
Medical or Dental Clinic	6/doctor or dentist	2.5/1,000 sf
Nursing Home	0.6/bed	1/4 beds
Personal Care Home	0.6/bed	1/4 beds
Parks and Open Space		
Cemetery/Graveyard	other	No minimum
Community Garden	new use	No minimum
Greenway	new use	No minimum
Park	other	No minimum

⁷²⁴ In the mixed-use districts, at Sec. 24-306 of the current Zoning Ordinance, and the mixed residential districts, at Sec. 24-360, places of worship require 1 parking space per 4 seats in the main assembly room, while all other public or institutional uses require 1 parking space per 300 square feet of gross floor area.

⁷²⁵ In the mixed residential districts, at Sec. 24-360 of the current Zoning Ordinance, neighborhood services require 1 parking space per 500 square feet of gross floor area. Neighborhood services are defined in Sec 24-357(b) as “to day care center, laundry or dry cleaning, personal service, restaurant without lounge, retail sales or service, artisanal business, and professional or real estate office.”

⁷²⁶ In the mixed-use districts, at Sec. 24-306 of the current Zoning Ordinance, and the mixed residential districts, at Sec. 24-360, child care centers require 1 parking space per employees plus 1 per 12 children.

Table 6-3: Minimum Off-Street Parking for Institutional Uses⁷²⁴

PRINCIPAL USE CATEGORY/TYPE	CURRENT STANDARDS	PROPOSED STANDARDS
Utilities, Transportation, and Communication		
Aerodrome	other	Variable
Parking Facility	other	No minimum
Passenger Station, Rail or Bus	1/100 sf BFA	2/1,000 sf office area
Railroad Facility	other	2/1,000 sf office area
Railroad Terminal	other	2/1,000 sf office area
Truck Terminal	other	2/1,000 sf office area
Utility, Major	other	2/1,000 sf office area
Utility, Minor	other	2/1,000 sf office area
NOTES:		
sf = square feet. Measured as square feet of gross floor area, unless otherwise specified		
du = dwelling unit		
Measurements per room, bedrooms, residents, etc. based on design capacity		

4. Minimum Off-Street Parking for Commercial Uses

For uses within the Commercial Use Classification, the required minimum number of off-street parking spaces is set forth in Table 6-4: Minimum Off-Street Parking for Commercial Uses.

Table 6-4: Minimum Off-Street Parking for Commercial Uses

PRINCIPAL USE CATEGORY/TYPE	CURRENT STANDARDS	PROPOSED STANDARDS
Animal Care		
Kennel	other	4/1,000 sf
Pet Grooming	new use	3/1,000 sf
Veterinary Clinic	other	3/1,000 sf
Business Services		
Broadcasting Studio	other	3/1,000 sf
Catering	other	3/1,000 sf
Conference or Training Center	new use	2.5/1,000 sf
Contractors Office	3, in addition to any truck parking or 1/employee on the maximum shift, plus 1 per company vehicle stored overnight on the premises, whichever is greater	2.5/1,000 sf office area
Data Center	new use	2/1,000 sf office area
Office	1/250 sf BFA ⁷²⁷	3/1,000 sf
Research and Development	other	3/1,000 sf
Food and Beverage Services		
Bar or Tavern	1/100 sf gross BFA, 1/300 sf in RDD (Sec 24-239)	3.5/1,000 sf

⁷²⁷ Standard for Bank, business or professional office (except where otherwise specified).

Table 6-4: Minimum Off-Street Parking for Commercial Uses

PRINCIPAL USE CATEGORY/TYPE	CURRENT STANDARDS	PROPOSED STANDARDS
Brewpub	1/300 sf in RDD (Sec 24-239)	3.5/1,000 sf
Coffee House	other	3.5/1,000 sf
Gastropub	other	3.5/1,000 sf
Restaurant, Quick-service	1/120 sf BFA	3.5/1,000 sf
Restaurant, Sit-down	1/100 sf gross BFA, 1/300 sf in RDD (Sec 24-239)	3.5/1,000 sf
Wine Bar	1/300 sf in RDD (Sec 24-239)	3.5/1,000 sf
Lodging⁷²⁸		
Bed and Breakfast	1 per guest room, plus 2 per proprietor, discretionary (Sec. 24-91(3))	1/guest room + 2
Hotel	1/room, plus 2, plus 1/120 sf of customer service area in restaurant, bar, or meeting rooms. Extended stay motel: 1/unit, plus 3 for staff (Sec. 24-91(9.1))	1/guest room, plus 1/250 sf restaurant space or meeting area
Recreational Vehicle (RV) Park	other	No minimum
Short-Term Rental	1/2 adults counting towards occupancy limit, on driveway or within parking area (Sec. 24-91(39.5, 39.7, 39.8))	See Sec. 24-5.2.4.c.4.iv, Short-Term Rental ⁷²⁹
Recreation and Entertainment		
Event Space	other	4/1,000 sf
Marina	1/boat docking space, plus 1/employee, plus parking for any restaurant	1/boat slip, plus parking for accessory use (e.g. restaurant)
Recreation, Indoor	Bowling alley: 4/alley, plus parking for any restaurant, etc.	2/1,000 sf
Recreation, Outdoor	other	1/5 seats
Theater or Auditorium	1/4 persons, based upon facility design capacity	1/4 seats
Theater, Drive-in	other	2.5/1,000 sf enclosed area
Retail Sales and Services		
Check Cashing	1/120 sf BFA (other retail)	3/1,000 sf
Convenience Store	1/120 sf BFA (other retail)	3/1,000 sf
Financial Institution	1/250 sf BFA	3/1,000 sf
Funeral Home	20/chapel or parlor, plus 1/funeral vehicle, plus 1/employee	1/4 persons capacity
Laundromat	1/2 washing machines and/or dry-cleaning machines, discretionary (Sec. 24-91(16))	3/1,000 sf
Laundry and Dry-cleaning Retail Facility	1/120 sf BFA	3/1,000 sf
Liquor Store	1/120 sf BFA (other retail)	3.5/1,000 sf
Personal Services ⁷³⁰	1/120 sf BFA (other pers. Svc.)	2.5/1,000 sf

⁷²⁸ In the mixed-use districts, at Sec. 24-306 of the current Zoning Ordinance, lodging uses require 1 parking space per guest room

⁷²⁹

⁷³⁰ Sec. 24-91(25) of the current Zoning Ordinance adds as a discretionary standard “In addition to the parking spaces intended for tenants, parking spaces should be provided for cooks, waitresses, hairdressers, or other employees as applicable. Any truck loading berths needed for the delivery of supplies should also be provided.”

Table 6-4: Minimum Off-Street Parking for Commercial Uses

PRINCIPAL USE CATEGORY/TYPE	CURRENT STANDARDS	PROPOSED STANDARDS
Pharmacy	1/120 sf BFA	3/1,000 sf
Plant Nursery/Greenhouse	1/120 sf BFA (other retail)	3/1,000 sf
Retail Sales	1/120 sf BFA (other retail); 1/240 sf customer service area plus 1/employee on most numerous shift (furniture and major appliance store), 1/300 sf in RDD (Sec 24-239)	3/1,000 sf
Self-Service Storage	3 for leasing office	3 per leasing office
Sexually-oriented Business	1/120 sf BFA (other pers. Svc.)	3/1,000 sf
Tattoo Establishment	1/120 sf BFA (other pers. Svc.)	2.5/1,000 sf
Tobacco or Vape Shop	1/120 sf BFA (other retail)	3/1,000 sf
Vehicle-Mounted or Tent-Sheltered Retail	1/120 sf BFA (other retail)	3.5/1,000 sf only as a principal use; no minimum as an accessory use
Vehicle Sales and Service		
Automobile Wash	other	2 stacking or drying spaces/stall
Heavy Vehicle and Farm Equipment Sales and Rental	1/240 sf customer service area plus 1/employee on most numerous shift (motor vehicle sales)	4/1,000 sf
Heavy Vehicle Fuel Station	new use	2/1,000 sf
Heavy Vehicle Repair	new use	4/1,000 sf
Light Vehicle Fuel Station	1/employee plus 1/auto service bay	2/1,000 sf
Light Vehicle Repair	1/employee plus 1/auto service bay	4/1,000 sf
Light Vehicle Sales and Rental	1/240 sf customer service area plus 1/employee on most numerous shift (motor vehicle sales)	2.5/1,000 sf
Mobile Home Sales	other	3/1,000 sf
Ride-hailing or Taxi Service	new use	No minimum
NOTES: sf = square feet. Measured as square feet of gross floor area, unless otherwise specified. Measurements per room, bedrooms, residents, etc. based on design capacity Variable = minimum off-street parking determined in accordance with subsection e below.		

5. Minimum Off-Street Parking for Industrial Uses

For uses within the Industrial Use Classification, the required minimum number of off-street parking spaces is set forth in Table 6-5: Minimum Off-Street Parking for Industrial Uses.

Table 6-5: Minimum Off-Street Parking for Industrial Uses

PRINCIPAL USE CATEGORY/TYPE	CURRENT STANDARDS	PROPOSED STANDARDS
Extraction or Production		
Artisanal Production	Industrial other ⁷³¹	

⁷³¹ In the current Zoning Ordinance, the minimum parking required for *Industrial activity, warehouse, and the like* is 0.8 spaces per employee on the maximum shift, plus one for each company vehicle stored overnight on the premises. This standard is listed as “Industrial other” in the current standards column of this table.

Table 6-5: Minimum Off-Street Parking for Industrial Uses

PRINCIPAL USE CATEGORY/TYPE	CURRENT STANDARDS	PROPOSED STANDARDS
Brewery	other	0.8 per employee on maximum shift, plus one per company vehicle stored overnight on the premises
Extractive Operations	Industrial other	No minimum
Manufacturing, Heavy	Industrial other	0.8 per employee on maximum shift, plus one per company vehicle stored overnight on the premises
Manufacturing, Light	Industrial other	
Slaughterhouse or Stockyards	Industrial other	
Industrial Services		
Laundry and Dry-cleaning Plant	new use	0.8 per employee on maximum shift, plus one per company vehicle stored overnight on the premises
Warehousing, Freight Movement, and Wholesale		
Barge Terminal	Industrial other	0.8 per employee on maximum shift, plus one per company vehicle stored overnight on the premises
Food Storage and Processing	Industrial other	
Warehouse	Industrial other	
Wholesale Sales	1/120 sf customer service area, plus 1/employee	
Waste-Related Uses		
Composting Facility	Industrial other	0.8 per employee on maximum shift, plus one per company vehicle stored overnight on the premises
Recyclables Processing Center	new use	
Salvage or Junkyard	Industrial other	
Waste Disposal	Industrial other	
NOTES:		
sf = square feet. Measured as square feet of gross floor area, unless otherwise specified.		

c. Maximum Number of Off-Street Parking Spaces Permitted⁷³²

Except for parking provided in a structured parking facility or in accordance within Sec. 24-6.2.7.a.1, Parking Study, the maximum number of off-street parking spaces that development may provide is as follows:

1. In all districts, a maximum of one off-street parking space per bedroom for all Group Living uses.
2. In the D district, 80 percent of the minimum number of off-street parking spaces required in Table 6-2: Minimum Off-Street Parking for Agricultural and Residential Uses, Table 6-3: Minimum Off-Street Parking for Institutional Uses, Table 6-4: Minimum Off-Street Parking for Commercial Uses, and Table 6-5: Minimum Off-Street Parking for Industrial Uses.
3. In the DP, DHE, and R districts, 100 percent of the minimum number of off-street parking spaces required in Table 6-2: Minimum Off-Street Parking for Agricultural and Residential Uses, Table 6-3: Minimum Off-Street Parking for Institutional Uses, Table 6-4: Minimum Off-Street Parking for Commercial Uses, and Table 6-5: Minimum Off-Street Parking for Industrial Uses.

⁷³² These new provisions establish maximum parking standards for development in the districts that are intended to be more urban and walkable, and where excess parking may have particular negative impacts on the quality of the urban fabric and the pedestrian experience. The maximum parking provisions may also help reduce the incidence of building teardowns for the purpose of freeing up space for additional parking.

d. Electric Vehicle Parking Spaces⁷³³**1. Applicability**

The standards of this subsection apply to parking lots providing more than 50 parking spaces that include one or more of the following uses:

- i. Multifamily dwelling.
- ii. Multifamily student dwelling.
- iii. Office
- iv. Hotel.
- v. Light vehicle fuel station.

2. Minimum Electric Vehicle Parking Spaces Required

Two percent of the parking spaces for the entire site, rounded up to the nearest whole number, shall be designated as electric vehicle (EV) parking spaces:

3. Additional Standards

- i. Parking spaces that are designated as accessible in accordance with the Building Code shall not count towards the number of required EV parking spaces. Any EV charging stations provided to serve accessible parking spaces shall be accessible to disabled persons who may use the spaces.
- ii. EV parking spaces shall be reserved for parking and charging of electric vehicles only. Each EV parking space shall be posted with signage indicating the space is for parking only by electric vehicles only while the vehicles are being charged.
- iii. At least one EV parking space shall be adjacent to a parking space designated as accessible and the EV charging station shall be operable by disabled persons using the EV charging station from the adjacent accessible parking space.
- iv. Time limits may be placed on the number of hours that an electric vehicle is allowed to charge or park.
- v. Signage shall be provided to indicate the EV parking spaces are reserved for the use of electric vehicles.
- vi. EV charging stations shall comply with the standards in Sec. 24-5.3.4.k, Electric Vehicle Charging Station.

e. Variable or Unlisted Uses⁷³⁴

An applicant proposing to develop a principal use or uses listed as “variable” in the Minimum Off-Street Parking Tables (Table 6-2 through Table 6-5) or that is not listed as a principal use shall specify in the application materials the proposed amount of required vehicular parking, using one of the three methods below. After receiving the application, the Director of Planning shall determine the amount of required off-street vehicular parking using the applicant’s methodology or one of the other methods listed below, and may require that the applicant prepare a study as described in subsection 3 below:

- 1. Apply the minimum off-street parking space standard for the listed use that the Director of Planning deems most similar to the proposed use;

⁷³³ These are new standards that require two percent of parking spaces in lots serving certain uses that contain more than 50 spaces be designed as EV parking spaces and include general standards to regulate the EV parking.

⁷³⁴ This is a new procedure. It replaces the current regulations, which establish general minimum parking requirements based on overall square footage for unlisted uses, and which generally impose high minimum parking standards that may result in overparking of development.

2. Establish the minimum off-street parking space standard by reference to standard parking resources published by the Institute for Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association, or the American Planning Association (APA); or
3. Conduct a parking demand study to demonstrate the appropriate minimum off-street parking space standard. The study shall estimate parking demand based on the recommendations of the ITE, ULI, or another acceptable source of parking demand data. This demand study shall include relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

SEC. 24-6.2.7. OFF-STREET PARKING ALTERNATIVES⁷³⁵

a. General

The Director of Planning may authorize modifications to the minimum or maximum off-street vehicular parking standards established in this Ordinance in accordance with this Sec. 24-6.2.7. An applicant who proposes an alteration in off-street vehicular parking standards shall submit an alternative parking plan using one of the two following methods:

1. Parking Study⁷³⁶

An applicant may provide a parking study that results in an alternative parking plan.⁷³⁷ Based on the study, the Director of Planning may allow up to a 60 percent reduction in the minimum off-street vehicular parking requirements established in Sec. 24-6.2.6, Off-Street Parking Standards, or allow up to a 25 percent increase in the maximum number of off-street vehicular parking spaces established in Sec. 24-6.2.6.c, Maximum Number of Off-Street Parking Spaces Permitted. The parking study shall:

- i. Either:
 - (a) Use professionally accepted methods of transportation engineering and off-street parking demand which are prepared and sealed by a registered professional engineer or landscape architect; or
 - (b) Provide data regarding actual parking demand at other examples of the same or similar business in contexts similar to the proposed use; and

⁷³⁵ These are new standards that provide multiple opportunities for proposed development to reduce the amount of off-street parking required for the development in accordance with Sec. 24-6.2.6.b. As discussed in footnotes below, several alternatives build on provisions that existed in the mixed-use and mixed residential districts, namely the use of on-street parking to offset off-street parking requirements, and valet or tandem parking. Multiple new opportunities are provided as well, including a procedure for reducing parking requirements in mixed-use developments with use that have peak parking demands at different times of day; a process for allowing off-site and shared parking to substitute for on-site parking; an incentive program that encourages the installation of bicycle parking by allowing it to offset vehicular parking; and a new opportunity to defer building up to 25 percent of the required parking if the applicant can demonstrate the parking may not be necessary. In addition, an applicant may produce a parking study using commonly accepted professional methods that demonstrates that different off-street parking requirements are appropriate for the development. This section replaces the *Decrease in required parking* provisions in Sec. 24-91(8) of the current Zoning Ordinance and the authority given the Board of Adjustment to modify parking standards in Sec. 24-122(a).

⁷³⁶ This new provision allows the Director of Planning to approve a reduction (or increase) in the amount of parking provided by a development following submission of a professional parking demand study which demonstrates, to the Director's satisfaction, that a reduction in the minimum parking requirements or increase in the maximum parking allowed is warranted due to the specific circumstances of the development. It also incorporates the discretion provided to the Board of Adjustment to reduce parking requirements in Sec. 24-91 of the current Zoning Ordinance.

⁷³⁷ These are new standards which provide an applicant significant flexibility to demonstrate that a reduction of the minimum off-street parking otherwise required by this Ordinance, or an increase in the maximum off-street parking allowed, as appropriate given the specific circumstances of a development proposal.

- ii. Demonstrate that the required parking ratios do not accurately apply to the specific development proposal or that other options to satisfy the parking demand are available.

2. Menu of Parking Reduction Options

An applicant may provide an alternative parking plan which utilizes one or more of the following methods to reduce the number of off-street vehicular parking spaces required by Sec. 24-6.2.6, Off-Street Parking Standards. Multiple methods may be stacked to decrease the minimum off-street parking requirement by the amount specified for each method below:

i. Mixed-Use Development

Reduction of up to 40 percent (see subsection b below).

ii. Off-Site Parking

Reduction of up to 40 percent (see subsection c below).

iii. On-Street Parking

Reduction of up to 12 parking spaces (see subsection d below).

iv. Valet Parking

Reduction of up to 60 percent for a hotel use or 50 percent for a restaurant use (see subsection e below).

b. Mixed-Use Development⁷³⁸

An applicant for a development containing more than one use may propose a reduction of up to 40 percent of the minimum number of required off-street vehicular parking spaces for the development based on a comprehensive analysis of parking demand for each use by time of day. The request shall include an analysis that includes discussion of the size and type of the uses proposed to share off-street parking spaces, the composition of their tenants, the types and hours of their operations, the anticipated peak parking and traffic demands they generate, and the anticipated rate of turnover in parking space use.

c. Off-Site Parking⁷³⁹

An applicant may propose to provide up to 40 percent of the required off-street vehicular parking in an off-site parking lot, in accordance with the following standards:

1. Location

All off-site vehicular parking spaces shall be located within a maximum walking distance of the primary pedestrian entrances, measured by the actual distance to walk from the shared parking area to the primary pedestrian entrance(s) using a route that complies with subsection 2 below. The maximum walking distance from off-site parking shall be 800 feet to a residential use, and 1,200 feet to all other uses.

2. Access and Signage

- i. Adequate and safe pedestrian access shall be provided by a paved pedestrian path protected by a landscape buffer or a curb separation and elevation from the street grade. The pedestrian access shall not cross an arterial street unless pedestrian access across it is provided by appropriate traffic controls (such as a signalized crosswalk) or a grade-separated and lighted pedestrian route (such as a bridge or tunnel).

⁷³⁸ This is a new provision that allows for a reduction in parking for uses that have non-overlapping times of peak parking demand — e.g., a mixed-use development with offices and a movie theater. Note that Sec. 24--122(d), Shopping Centers, has not been carried forward.

⁷³⁹ This new provision allows for off-street parking (that is not required to be accessible) to be provided in a separate off-site parking facility. To ensure safe and convenient access from the parking lot to the use, the regulations include distance limitations and require that a safe lighted and signed pedestrian connection be provided. To ensure that adequate parking remains available, the regulations require that the applicant secure an agreement with the owner of the site on which vehicles will be parked that guarantees long-term availability of the parking.

- ii. Signage complying with the standards in Sec. 24-6.10, Signs and Billboards, shall be provided to direct the public to the shared parking spaces.

3. Adequate Number of Spaces

If the off-site parking is shared with other uses, the alternative parking plan shall include justification of the adequacy of shared parking among the proposed uses using the same factors evaluated for mixed-use development parking reductions in subsection b above.

4. Accessible Parking

Parking spaces required to be accessible to persons with disabilities shall not be provided off-site.

5. Agreement Required

- i. To ensure that any off-site parking permitted to satisfy minimum parking requirements remains available to the applicant's development, a written off-site parking agreement shall be required if land containing the off-site parking area is not on the same parcel as the land containing the principal use served or if multiple uses are sharing parking.
- ii. Written agreements used to comply with subsection i above shall:
 - (a) Include the owners of land containing the off-site parking area, as well as all owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces;
 - (b) If the agreement is for exclusive use of off-site parking by a single use, provide the owner of the served use the right to use the off-site parking area and shall specify that the parking spaces are for the exclusive use of the served use, including any customers and employees;
 - (c) If the agreement is for use of shared parking by multiple users, provide all parties the right to joint use of the shared parking area and shall ensure that as long as the off-site parking is needed to comply with this section, land containing either the off-site parking area or the served use will not be transferred except in conjunction with the transfer of land containing the other; and
 - (d) Have a minimum duration of 15 years.
- iii. An attested copy of an approved and executed agreement shall be recorded in the office of the Probate Judge of Tuscaloosa County before a building permit for any use to be served by the off-site parking area may be issued.
- iv. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner.
- v. A violation of the agreement shall constitute a violation of this Ordinance and shall be subject to enforcement accordingly.
- vi. No use served by the off-site parking may be continued if the off-site parking becomes unavailable to the use permanently or for longer than 30 days, unless substitute off-street parking spaces are provided in accordance with this Ordinance.

6. Unavailability of Shared Parking

If shared parking is no longer available due to the expiration or termination of a shared parking agreement, the Director of Planning may require the owner of the use requiring parking to comply with the terms of this section, including requiring that the applicant enter into a new shared parking agreement or otherwise provide additional off-street vehicular parking.

d. On-Street Parking⁷⁴⁰

An applicant may propose to substitute up to 12 required off-street vehicular parking spaces for on-street vehicular parking spaces in a one-to-one ratio, provided:

1. The on-street parking space is on a street that is adjacent to the development;
2. Pedestrian access is provided via an accessible pedestrianway to the primary entrance(s) of the development;
3. The on-street parking space is not reserved for people with disabilities;
4. The on-street parking space remains open for use by the general public, and no sign or markings are used to claim the use of the space is exclusive to the applicant's tenants, customers, or clients;
5. The distance between the on-street parking space and one of the primary entrances of the development does not exceed 400 feet, measured along the shortest pedestrian route;
6. The on-street parking space is not in use by another use to offset its off-street vehicular parking requirements in accordance with this section; and
7. The on-street parking meets the standards of the Office of City Engineer and the City's Transportation Standards.

e. Valet Parking⁷⁴¹

An applicant may propose to use valet and tandem parking to meet a portion of the minimum number of off-street parking spaces required for commercial uses in accordance with the following standards:

1. Maximum Reduction

The minimum number of required off-street vehicular parking spaces may be reduced by up to 60 percent for a hotel use, and up to 50 percent for a restaurant use.

2. Vehicle Storage Location

The applicant shall identify where the vehicles will be parked and demonstrate that the proposed valet parking area has sufficient capacity to store the vehicles.

3. Drop-Off and Pick-Up Area

- i. The development shall provide a designated drop-off and pick-up area, which may be located adjacent to the building served, but shall not be located in public right-of-way, in an on-street parking space, in a fire lane, or where its use would impede vehicular and/or pedestrian circulation, cause queuing in a public street, or impede an internal drive aisle serving the development.
- ii. Drop-off and pick-up areas shall not be allowed to use sidewalks for any stationing of vehicles.

4. Valet Parking Agreement

- i. Valet parking shall be established and managed only in accordance with a valet parking agreement that:

⁷⁴⁰ This builds on the "bay parking" offset for off-street parking in Sec. 24-121(e) and the on-street parking credit in the mixed-use districts in Sec. 24-308 of the current Zoning Ordinance, with additional standards ensuring good pedestrian access from the parking space to the use. The specific standards regarding bay (angled) parking have not been carried forward.

⁷⁴¹ This builds on the valet and tandem parking options in the mixed-use districts in Sec. 24-309 and the mixed residential districts in Sec. 24-361 of the current Zoning Ordinance. Additional standards are included to ensure that there is an agreement for the provision of valet spaces to reduce the possibility that the City will approve a project with valet parking and the valet parking will discontinue after the use begins operation.

- (a) Has a minimum duration of ten years and includes provisions ensuring that a valet parking attendant will be on duty during hours of operation of the uses served by the valet parking.
- (b) Is submitted to the Director of Planning for review and approval before it is executed.
- ii. An attendant shall be provided to park vehicles during all business hours of the use utilizing the valet parking.
- iii. No use served by valet parking may be continued if the valet service becomes unavailable, unless substitute off-street parking spaces are provided in accordance with this Ordinance.
- iv. An attested copy of an approved and executed agreement shall be recorded in the office of the Probate Judge of Tuscaloosa County before issuance of a building permit for any use to be served by the valet parking.
- v. A valet parking agreement approved in accordance with this section shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner. A violation of the agreement shall constitute a violation of this Ordinance and shall be subject to enforcement accordingly.

SEC. 24-6.2.8. STACKING STANDARDS⁷⁴²

a. Drive-throughs and Similar Facilities

1. Required Number of Stacking Spaces

Uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide at least the minimum number of stacking spaces established in Table 6-6: Minimum Stacking Spaces for Drive-Through and Similar Facilities.

Table 6-6: Minimum Stacking Spaces for Drive-Through and Similar Facilities

USE OR ACTIVITY	NUMBER OF STACKING SPACES (MINIMUM) [1]	MEASURED FROM
Automobile Fuel Sales	1	Each end of outermost gas pump island
Day Care Center	6	Primary location for child pick-up and drop-off
Financial Institution with drive-through facility; or, Automated Teller Machine (ATM) as an accessory use	3 per lane	Teller window or ATM machine
Food and Beverage Services use, with drive-through	6 per lane [2]	Pickup window
Other Commercial uses with a drive-through	3 per lane	Pickup window
Hospital	3	Building entrance
Nursing Home	3	Building entrance
Automobile Wash, automatic	4 per bay	Bay entrance
Automobile Wash, self-service	2 per bay	Bay entrance

⁷⁴² This section builds on the stacking standards that apply in the mixed-use districts in Sec. 24-311 of the current Zoning Ordinance. The standards in this section are designed to ensure that adequate space is provided on-site to accommodate anticipated vehicle queuing for drive-throughs and cars searching for parking spaces so they do not impact traffic on streets or block sidewalks. In addition, provides the Director of Planning the discretion to require additional stacking spaces for food and beverage services uses that have been shown to have greater need for space for vehicles to queue, and for additional flexibility for oil change/lubrication uses.

Table 6-6: Minimum Stacking Spaces for Drive-Through and Similar Facilities

USE OR ACTIVITY	NUMBER OF STACKING SPACES (MINIMUM) [1]	MEASURED FROM
Vehicle Sales and Service Use with oil change/lubrication service	[3]	Bay entrance
School, K-12	Determined by the Director of Planning based on a parking demand study prepared by the applicant which evaluates, among other factors, the percentage of student population expected to be of driving age and whether school bus service will be provided	
Other	Determined by the Director of Planning based on standards for comparable uses, or based on a parking demand study	
<p>NOTES</p> <p>[1] If a single queue splits into multiple pickup areas (for example, a drive-through restaurant queue that splits into two order boards and pick-up windows), the total number of stacking spaces required shall equal the minimum required for each lane multiplied by the number of "measured from" destinations (in this example, the drive-through restaurant would require a total of 12 stacking spaces).</p> <p>[2] The Director of Planning may require additional stacking spaces upon determining that there is a reasonable possibility that the listed minimum number will result in queuing that will interfere with pedestrian or vehicular traffic on adjacent streets or with internal circulation on the development site. The determination may be based on drive-through stacking at similar establishments in other locations in the City or in other jurisdictions.</p> <p>[3] At least three stacking spaces shall be provided per bay, except that only one stacking space per bay is required if the use provides nearby areas for vehicles to wait that do not interfere with vehicular or pedestrian circulation on the site.</p>		

2. Stacking Space Standards

All required stacking spaces shall:

- i. Be a minimum of ten feet wide and 20 feet long;
- ii. Be contiguous end-to-end;
- iii. Not impede onsite or offsite vehicular traffic movements or movements into or out of off-street parking spaces;
- iv. Not impede onsite or offsite bicycle or pedestrian traffic movements; and
- v. Be separated from access aisles and other vehicular surface areas by raised medians, if necessary for traffic movement and safety.

b. Parking Lot Entrances⁷⁴³

Parking lots for all uses other than attached residential dwellings or dwellings with fewer than five units in a single building shall be designed to provide stacking lanes measured between the edge of the street right-of-way and the first entrance into the parking area, in accordance with the minimum stacking lane distances established by the Office of City Engineer.

SEC. 24-6.2.9. BICYCLE PARKING STANDARDS⁷⁴⁴

a. Minimum Bicycle Parking Required

1. Applicability

Bicycle parking shall be provided in the districts specified in this section and in accordance with the requirements of this section in:

⁷⁴³ References stacking lane requirements established by the OCE.

⁷⁴⁴ These are new standards for bicycle parking.

- i. All new development; and
- ii. Any individual expansion or alteration of a building that existed on [redacted] [insert the effective date of this Ordinance] if the expansion increases the floor area of all buildings in the development by 50 percent or more, or involves 50 percent or more of the floor area of all buildings in the development, as measured over any five-year period, provided no bicycle parking is required if the building has a gross floor area of less than 5,000 square feet after the expansion or alteration.

2. Minimum Bicycle Parking in the DP, DHE, R,, and UC districts

- i. Except as provided in subsection ii below, development in the DP, DHE, R, and UC districts shall provide bicycle parking in accordance with Table 6-7: Minimum Bicycle Parking in the DP, DHE, R, and UC Districts, to the maximum extent practicable.

Table 6-7: Minimum Bicycle Parking in the DP, DHE, R, and UC Districts

PRINCIPAL USE	MINIMUM BICYCLE PARKING SPACES
Agricultural	
Farm and Agricultural Operations	No minimum
Residential	
Dwelling, Multifamily	1/10 dwelling units, or 16 spaces, whichever is less
Dwelling, Multifamily Student	1/20 bedrooms, or 16 spaces, whichever is less
Use types in the Residential use classification not listed above	No minimum
Institutional	
Cultural Community Facility	1/2,000 sf gross floor area or 10 spaces, whichever is less
Religious Institution	1/1,000 sf assembly area or 10 spaces, whichever is less
School, K-12	1/10 students planned capacity
Use in the Health Care category	1/2,000 sf gross floor area, or 10 spaces, whichever is less
Parking Facility (as a standalone principal use)	1/20 parking spaces
Passenger Station, Rail or Bus	1/40 projected a.m. peak period daily riders
Private Club or Lodge	1/2,000 sf assembly area or 10 spaces, whichever is less
Use types in the Institutional use classification not listed above	No minimum
Commercial	
Office	1/2,000 sf gross floor area,
Uses in the Business Services use category not listed above	1/4,000 sf gross floor area, or 10 spaces, whichever is less
Uses in the Food and Beverage Services use category	1/2,000 sf gross floor area, or 10 spaces, whichever is less
Event Space	1/4,000 sf gross floor area, or 10 spaces, whichever is less
Theater or Auditorium	1/40 seats, or 10 spaces, whichever is less
All uses in the Retail Sales and Services use category	1/2,000 sf gross floor area, or 10 spaces, whichever is less
Use types in the Commercial use classification not listed above	No minimum
Industrial	
Artisanal Production	1/4,000 sf gross floor area, or 10 spaces, whichever is less

Table 6-7: Minimum Bicycle Parking in the DP, DHE, R, and UC Districts

PRINCIPAL USE	MINIMUM BICYCLE PARKING SPACES
Use types in the Industrial use classification not listed above	No minimum

- ii. The Director of Planning may reduce the amount of minimum bicycle parking required to be provided in accordance with Table 6-7 by two spaces for each U-rack installed by the City and available for public use that is located within 100 feet of a main entrance to the development.

b. Bicycle Parking Standards⁷⁴⁵

All bicycle parking spaces installed in the City shall comply with the following standards:

1. Bicycle racks shall be high-quality, inverted “U”-type construction or be attached to the building. Alternative high-quality bicycle parking racks that support the bicycle at two points of contact to the bicycle wheels and frame may be approved by the Director of Planning. Adequate on-site lighting shall be provided near the bicycle parking spaces to illuminate them if they are accessible to bicyclists after sunset.
2. If internal to a building, the rooms in which bicycles are stored shall be lockable and contain systems for locking to allow for at least two points of contact to the bicycle wheels and frame.
3. If serving a building with one use, all bicycle parking spaces shall be located within 75 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route.
4. If located in an area serving multiple uses, all bicycle parking spaces shall be located within 150 feet of a public entrance to the building or buildings for which the space is required, measured along the most direct pedestrian access route.
5. If located in an area with direct access from the site to the Riverwalk via a pedestrianway or similar facility, at least half of the required bicycle parking shall be visible from and accessible using the closest access point along the Riverwalk.

SEC. 24-6.2.10. OFF-STREET LOADING STANDARDS

a. Minimum Number of Off-Street Loading Berths

1. Except as provided in subsection 2 below, all new development involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development shall provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development’s uses in a safe and convenient manner. Table 6-8: Minimum Number of Off-Street Loading Berths, sets forth the minimum number of loading berths for the different principal uses. For proposed uses not listed in Table 6-8: Minimum Number of Off-Street Loading Berths, the Director of Planning shall establish a minimum number of loading berths based on the use most similar to the proposed use.

⁷⁴⁵ These are basic bicycle parking standards.

Table 6-8: Minimum Number of Off-Street Loading Berths⁷⁴⁶

PRINCIPAL USE	SIZE	MINIMUM NUMBER OF LOADING BERTHS
Multifamily dwelling	Between 100 and 300 dwelling units	1
	Each additional 200 dwelling units or major fraction thereof	add 1
Multifamily student dwelling	Between 200 and 400 bedrooms	1
	Each additional 400 bedrooms or major fraction thereof	add 1
Hospital, Medical or Dental Clinic, Nursing Home, Business Services use, Food and Beverage Services use, Hotel use, and Theater or Auditorium	At least 10,000 and up to 100,000 sf	1
	Each additional 100,000 sf	add 1
Retail Sales and Services, or a mix of Retail Sales and Services with Business Services use, Food and Beverage Services use, Hotel use, and Theater or Auditorium	At least 5,000 but less than 20,000 sf	1
	At least 20,000 but less than 120,000 sf	2
	Each additional 80,000 sf	add 1
Warehousing, Freight Movement, and Wholesale Sale uses	Less than 15,000 sf	1
	At least 15,000 but less than 50,000 sf	2
	At least 50,000 sf	3
	Each additional 50,000 sf	add 1
All other Industrial uses	Less than 50,000 sf	2
	At least 50,000 but less than 150,000 sf	4
	At least 150,000 but less than 250,000 sf	5
	At least 250,000 but less than 500,000 sf	6
	Each additional 100,000 sf	add 1

2. The Director of Planning may approve a reduction in the minimum number of off-street loading berths required by Table 6-8: Minimum Number of Off-Street Loading Berths if the applicant submits a study prepared by a registered professional engineer or landscape engineer that uses professionally accepted methods of transportation engineering which demonstrates an appropriate number of loading facilities for the development that is different from what is required by this Ordinance.⁷⁴⁷

b. Dimensional Standards for Loading Areas and Berths

1. Each loading berth shall be of sufficient size to accommodate the types of vehicles likely to use the loading area. The minimum loading berth size that presumptively satisfies loading berth needs is least 12 feet wide and 45 feet long in general industrial, distribution, or warehousing uses (see Figure 6-3: Loading Area Configuration). For all other uses, a berth as short as 33 feet may be allowed. The Director of Planning may require a larger loading berth or allow a smaller loading berth on determining that the characteristics of the particular development warrant such increase or reduction and the general standard is met.
2. Each loading berth shall have at least 15 feet of overhead clearance.

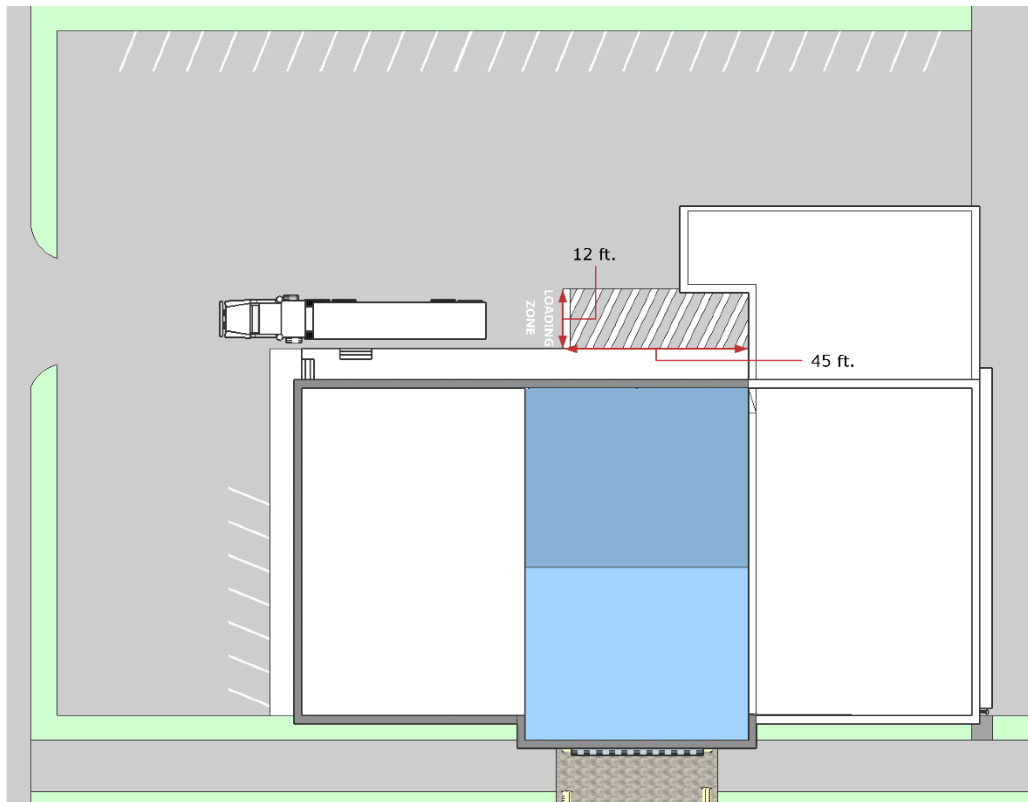
⁷⁴⁶ This updates the off-street loading standards in Sec. 24-132(b) of the current Zoning Ordinance to reflect the current understanding of loading berth requirements.

⁷⁴⁷ This allows for administrative adjustment of off-street loading berth standards, similar to the process proposed for off-street parking. In the current Zoning Ordinance, the Board of Adjustment is granted power to make reductions. This provision does not preclude a reduction through the variance permit process for any hardships particular to a site if the applicant cannot demonstrate a reduced level of loading demand.

c. Location and Arrangement of Loading Areas

1. Except in the D, DP, DHE, R, UC, and NC districts, to the maximum extent practicable, loading areas should be located to the rear of the building housing the use they serve (see Figure 6-3: Loading Area Configuration). In the D, DP, DHE, R, UC, and NC districts, loading areas shall be located to the rear or side of the building housing the use they serve.
2. Each loading berth should be located adjacent to the building's loading doors, in an area that promotes its practical use, and be accessible from the interior of the building it serves.
3. Each loading berth shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space.
4. Each loading berth shall be arranged so that all vehicle maneuvers for loading and unloading occur entirely within the property lines of the site and do not obstruct or interfere with use of any parking space, parking lot aisle, or public right-of-way.
5. Each loading berth shall be screened from view from the right of way with, at a minimum, screening equivalent to the requirement for the perimeter of parking lots in Sec. 24-6.3.5.c, Parking Lot Perimeter Landscaping Standards.

Figure 6-3: Loading Area Configuration



SEC. 24-6.3. LANDSCAPE AND BUFFER STANDARDS⁷⁴⁸

SEC. 24-6.3.1. PURPOSE AND INTENT⁷⁴⁹

The purpose of this section is to promote and protect the public health, safety, and general welfare by providing for the planting, maintenance, and preservation of trees, shrubs, and other plants within the City. More specifically, the intent of this section is to:

- a. Encourage the planting, maintenance, restoration, and survival of trees, shrubs, and other plants, in appropriate locations;
- b. Protect community residents and visitors from personal injury and property damage, and protect the City from property damage caused or threatened by the improper planting, maintenance, or removal of trees, shrubs, or other plants;
- c. Encourage the use of native plants and discourage the proliferation of invasive species and plants;
- d. Mitigate against erosion and sedimentation;
- e. Reduce stormwater runoff and the costs associated with it;
- f. Preserve and protect the water table and surface waters and facilitate compliance with state and federal legislation relating to water and air quality, including the Clean Air Act, 42 U.S.C. §§ 7401 *et seq.*, and the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*;
- g. Maintain and preserve tree canopy on private and public lands to provide shade, improve air quality, and moderate the effects of heat;
- h. Restore soils and land denuded as a result of construction and grading;
- i. Provide perimeter buffers and visual screening, where appropriate, to mitigate the undesirable effects of incompatible uses;
- j. Preserve the character of the City;
- k. Protect and enhance property values; and
- l. Improve the visual quality of the City.

SEC. 24-6.3.2. APPLICABILITY⁷⁵⁰

- a. All new development shall comply with the standards of this section, unless stated to the contrary within this subsection or section, except that lots with single-family detached, U-single, duplex, or U-duplex dwellings are exempted from all standards except Sec. 24-6.3.4.g, Utility Easements.

⁷⁴⁸ This consolidates the landscape and buffer standards in various locations of the current Zoning Ordinance, including the standards in Article XIX, Landscape and Buffer Requirements. General site landscaping standards for multifamily and commercial uses are added; the provisions relating to parking lot landscaping and screening have generally been carried forward, and the perimeter buffer standards have been updated to be more performance-oriented with additional flexibility to accommodate buffering needs in different development contexts. Sec. 24-262, Legal aspects, is not carried forward, as it is redundant of the general provisions in Article 24-1 of this Ordinance and Chapter 1 of the City Code. Sec. 24-263, Penalty for violation, is also not carried forward, since it is duplicative of the general enforcement provisions in Article 24-7.

⁷⁴⁹ This builds on the purpose and intent statement in Sec. 24-250 of the current Zoning Ordinance. Subsection (c), Scope, is not carried forward.

⁷⁵⁰ This carries forward Sec. 24-251(a) and Sec. 24-259 of the current Zoning Ordinance. Sec. 24-251(a) of the current Zoning Ordinance states that the provisions apply to new construction, development, redevelopment, or change of use for any development except for non-multifamily residential development. The applicability statement

- b. Within the area known as the Original City Survey and within the Mixed Residential University (MRU), Multifamily Residential University (MFRU), Institutional University (IU), and University Commercial (UC) districts, these standards shall not apply, but instead landscaping shall be applied in the public right-of-way in accordance with Exhibit A: Urban Forest Master Plan, which is incorporated herein by reference, and Exhibit B: Typical Street Cross Section, which is also incorporated herein by reference, and which shall be approved by the Office of the City Engineer. Provided, however, where commercial developments subject to this subsection contain open parking lots with more than 10 spaces, the standards of this section shall apply.
- c. Unless stated to the contrary elsewhere in this section, any expansion or alteration of development that existed on [redacted] [insert the effective date of this Ordinance] shall comply, to the maximum extent practicable, with the standards in this section if the development proposes an increase of 50 percent or more in gross floor area of the development, or an alteration exceeds 50 percent of the assessed value of the development (at the time of alteration).

SEC. 24-6.3.3. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a development application for a planned development (Sec. 24-3.4.3), a conditional use permit (Sec. 24-3.4.4), a special exception use permit (Sec. 24-3.4.5), or a land development permit (Sec. 21-218), as appropriate.

SEC. 24-6.3.4. GENERAL LANDSCAPING REQUIREMENTS

a. Landscape Plan Required⁷⁵¹

A landscape plan is required to be submitted for all development subject to this section. The purpose of the landscape plan is to demonstrate how landscaping will be retained and/planted on a development site. The landscape plan shall:

1. Identify all plant types to be used;
2. Demonstrate compliance with all planting standards and specifications of this section;
3. Designate the location for each planting to be installed or vegetation to be preserved;
4. Provide information about the installation schedule;
5. Detail any alternative compliance method (See Sec. 24-6.3.8, Alternative Landscaping Plan); and
6. Include other information requested by the Director of Planning.

b. Installation⁷⁵²

1. All landscaping required by this section shall be installed as set forth in the approved landscape plan. The developer shall certify to the Director of Planning that landscaping has been installed to meet the minimum requirements of this Sec. 24-6.3, and the Director of Planning shall inspect the site prior to issuing a certificate of occupancy.

has been broadened to apply to all new development (except that excluded by Sec. 24-259), including residential development, to ensure that basic planting standards are followed; however, single-family and duplex development are exempted from many of the specific standards in this section. The applicability requirement relating to a change of use is not carried forward. Additionally, the applicability threshold for expansions and alterations is simplified by applying the landscape standards of this section to expansions of 25 percent or more, or alterations that exceed 25 percent or more of the assessed value of the development.

⁷⁵¹ This builds on the requirement in Sec. 24-251(b) of the current Zoning Ordinance but assumes that the landscape plan is approved along with the rest of the development application, instead of establishing a separate approval by the "landscape administrator." This is a general change that is made throughout the section. The specific landscape plan submittal requirements in Sec. 24-253 are carried forward; it is suggested those requirements be included in the Procedures Manual or application materials.

⁷⁵² This carries forward Sec. 24-254(c)(4) and (c)(6) and Sec. 24-257 of the current Zoning Ordinance.

2. If inclement weather or difficulties acquiring needed landscape materials delay the installation of landscape materials beyond the date specified in the landscape plan, the developer may make a written request to the Director of Planning for an extension for completion. The request shall specifically state the reason for the delay as well as a proposed date for completion. The Director of Planning may approve a revised date of completion for good cause shown. Failure to complete the installation by the specified date shall constitute a violation of this Ordinance.⁷⁵³
3. All plantings shall maintain a three-foot clearance around all fire suppression equipment as well as a clear, accessible path, visible from the main approach.

c. Existing Vegetation and Site Features⁷⁵⁴

Healthy existing trees of approved species (see Table 6-9: Approved Tree List) and shrubs that comply with the standards of this section and that are identified on the landscape plan may be used to meet the requirements of this section, following approval of the landscape plan. Any existing trees and shrubs used shall be subject to the same maintenance and replacement requirements that apply to newly planted trees and shrubs.

d. Planting Standards⁷⁵⁵

New trees, shrubs, and other vegetation planted on a site, as well as existing trees, shrubs, and other vegetation preserved on the site, shall comply with the following standards:

1. Trees

At time of planting:

- i. An understory tree shall have a minimum height of five feet and be a minimum of two inches in caliper.
- ii. A deciduous canopy tree shall have a minimum height of eight feet and be a minimum of two inches in caliper.

2. Shrubs

At time of planting, all shrubs shall be a minimum of three-gallon container size and 18 inches in height or spread (depending on whether the growth habit is upright or spreading), measured from the top of the root zone.

3. Quality

- i. All new plant material shall be of good quality, free from disease, and in good health, including being free from injury or improper pruning.
- ii. All trees shall have mulch installed around them at time of planting that is no deeper than three inches and, if a mulch ring is used, to a distance of at least three feet in diameter.

4. Approved Species⁷⁵⁶

- i. The canopy and understory trees listed in Table 6-9: Approved Tree List are approved for use. Any tree which is not on this list may be submitted for approval to the Director of Planning. Trees that exhibit poor health characteristics, are not native to the climate

⁷⁵³ This carries forward the second paragraph of Sec. 24-257 of the current Zoning Ordinance, except it revises the date at which the failure to complete installation becomes a violation at the date promised, not 15 days thereafter, and allows for a delay for reasons other than just the weather.

⁷⁵⁴ This carries forward Sec. 24-254(a)(1)-(2) of the current Zoning Ordinance.

⁷⁵⁵ These are new standards and incorporate the planting standards for understory trees in Sec. 24-252 of the current Zoning Ordinance and the approved tree list.

⁷⁵⁶ This builds on Sec. 24-261 of the current Zoning Ordinance. No changes have been made to the approved tree list.

range in Tuscaloosa, or that are considered invasive species shall not be approved for installation.

Table 6-9: Approved Tree List

SCIENTIFIC NAME	COMMON NAME
Canopy Trees	
<i>Acer spp.</i>	Maple Tree
<i>Betula nigra</i>	River Birch
<i>Carpinus caroliniana</i>	American Hornbeam
<i>Carya spp.</i>	Hickory
<i>Cedrus deodora</i>	Deodor Cedar
<i>Celtus laevigata</i>	Sugar Hackberry
<i>Cornus x "Rutican"</i>	Constellation Dogwood
<i>Cryptomeria japonica</i>	Japanese Cryptomeria
<i>Fagus grandifolia</i>	American Beech
<i>Fraxinus americana</i>	White Ash
<i>Fraxinus pennsylvanica</i>	Green Ash
<i>Ginkgo biloba</i>	Ginkgo
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Liquidambar styraciflua "Rotundaloba"</i>	Fruitless Sweetgum
<i>Liriodendron tulipifera</i>	Tulip Tree
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Magnolia virginiana</i>	Sweet Bay Magnolia
<i>Metasequoia glyptostroboides</i>	Dawn Redwood
<i>Nyssa sylvatica</i>	Black Gum
<i>Ostrya virginiana</i>	Hophornbeam
<i>Oxydendrum arboreum</i>	Sourwood
<i>Pistacia chinense</i>	Chinese Pistache
<i>Platanus occidentalis</i>	Sycamore
<i>Quercus spp.</i>	Oak Tree
<i>Salix alba</i>	White Willow
<i>Salix babylonica</i>	Weeping Willow
<i>Sequoia sempervirens</i>	Redwood
<i>Taxodium distichum</i>	Bald Cypress
<i>Taxodium ascendens</i>	Pond Bald Cypress
<i>Tsuga canadensis</i>	Hemlock
<i>Ulmus alata</i>	Winged Elm
<i>Ulmus parvifolia</i>	Lacebark Elm
<i>Zelkova serrata</i>	Japanese Zelkova
Understory Trees	
<i>Acer palmatum</i>	Japanese Maple
<i>Amalanchier x "Autumn Brilliance"</i>	Autumn Brilliance Serviceberry
<i>Cercis canadensis</i>	Eastern Redbud
<i>Cornus florida</i>	Flowering Dogwood
<i>Cornus kousa</i>	Kousa Dogwood
<i>Crataegus phaenopyrum</i>	Washington Hawthorn
<i>Ilex x attenuate</i>	Foster Holly
<i>Ilex x "Emily Bruner"</i>	Emily Bruner Holly
<i>Ilex x "Nellie R. Stevens"</i>	Nellie R. Stevens Holly

Table 6-9: Approved Tree List

SCIENTIFIC NAME	COMMON NAME
<i>Ilex verticillata</i>	Winterberry
<i>Juniperus virginiana</i> "Idylwild"	Idylwild Juniper
<i>Lagerstroemia indica</i>	Crape Myrtle
<i>Magnolia stellata</i>	Star Magnolia
<i>Magnolia x soulangiana</i>	Saucer Magnolia
<i>Malus spp.</i>	Crabapple
<i>Myrica cerifera</i>	Southern Wax Myrtle
<i>Osmanthus fortunei</i>	Fortune's Osmanthus
<i>Osmanthus fragrans</i>	Tea Olive
<i>Prunus serrulata</i>	Japanese Flowering Cherry
<i>Prunus subhirtella</i>	Higan Cherry
<i>Prunus x yedoensis</i>	Yoshino Cherry
<i>Thuja occidentalis</i>	Arborvitae
<i>Vitex agnus-castus</i>	Lilac Chaste Tree

- ii. Vegetative material shall be adapted to the site conditions where it will be planted. The use of native, drought-tolerant vegetation is encouraged to reduce dependency upon irrigation.

5. Prohibited Species⁷⁵⁷

Plants included in the Alabama Invasive Plant Council's current list of invasive plants, available at <https://www.se-eppc.org/alabama/2012-updatedALIPCinvasiveplantlist.pdf> or from the Director of Planning, are prohibited.

e. Planting Diversity Standards⁷⁵⁸

To curtail the spread of disease or insect infestation in a plant species, as well as ensure the health of the urban forest, new plantings shall consist of different genera of shrubs and trees as listed in Table 6-10: Required Shrub and Tree Genus Diversity. Each required genus shall be planted in roughly equal proportions with the other required genera.

Table 6-10: Required Shrub and Tree Genus Diversity

MINIMUM NUMBER OF SHRUBS OR TREES REQUIRED ON SITE	MINIMUM NUMBER OF GENERA OF SHRUBS OR TREES REQUIRED ON SITE
Shrubs	
40 or fewer	1
More than 40	2
Trees	
40 or fewer	1
More than 40	2

f. Irrigation⁷⁵⁹

The installation and use of irrigation systems to irrigate required landscaping is encouraged. The use of methods to reduce irrigation needs, such as use of existing vegetation, native plants,

⁷⁵⁷ New standards.

⁷⁵⁸ These are new standards to ensure a healthy mix of different species of vegetation is used on a development.

⁷⁵⁹ This is new and includes a provision that encourages the use of low-water-using vegetation.

drought-tolerant plants, and water-conserving irrigation techniques, such as the use of a rain sensor and re-use of rainwater, also is strongly encouraged.

g. Utility Easements⁷⁶⁰

The following provisions apply to landscaping within utility company easements:

1. Nothing in this Sec. 24-6.3 shall be construed to impair:
 - i. The right of eminent domain granted by state law to utilities;
 - ii. A utility's right to design, locate, erect, construct, reconstruct, alter, protect, or maintain utility poles, drainage ditches, structures, towers, lines, conduits, pipes, or mains reasonably required in the public service;
 - iii. A utility's right to exercise authority conferred by statute, franchise, certificate of convenience and necessity, license, or easement; or
 - iv. The right of the utility's employees, agents, or contractors to conduct maintenance, repair, and extension of any public and private utility lines or related infrastructure.
2. New canopy trees shall be planted at least 30 feet from any overhead utility line.
3. New understory trees shall be planted at least 15 feet from any overhead utility line.
4. Any part of a tree that is growing within 15 feet of an overhead utility line shall be maintained by a certified line trimmer approved by a utility company that owns or leases the utility line.

SEC. 24-6.3.5. PARKING LOT LANDSCAPING⁷⁶¹

a. Purpose

The purpose of these standards is to establish general requirements for landscaping within parking lots and around their perimeter to improve parking lot aesthetics, screen adjacent residential properties and nearby rights-of-way from parking lots, enhance drainage and stormwater control, and reduce the urban heat-island effect.

b. Parking Lot Interior Landscaping Standards

1. Applicability

The standards in this section shall apply to the following development, except for parking lots associated with single-family detached, U-single, duplex, or U-duplex dwellings:

- i. All new surface parking lots with three or more parking spaces; and
- ii. To the maximum extent practicable, all surface parking lots of four or more spaces for buildings that existed on *[insert the effective date of this Ordinance]* that are enlarged or expanded by 50 percent or more of their gross floor area.

2. Interior Landscaping Standards⁷⁶²

All parking lots, except those in parking structures, shall provide and maintain landscaped planting areas within the interior of the parking lot in accordance with this subsection. Low impact development techniques are encouraged and may be included in the landscape plan

⁷⁶⁰ This carries forward Sec. 24-254(c)(5) of the current Zoning Ordinance with minor revisions for clarity. The provision in Sec. 24-254(c)(5)(b) which requires separate approval of tree species and planting location within utility easements has not been carried forward.

⁷⁶¹ This builds on the standards in Sec. 24-255(a) (perimeter parking plantings) and (b) (internal parking plantings) of the current Zoning Ordinance. As discussed with staff, the interior parking islands are slightly enlarged, and additional plantings are required in the parking lot perimeter planting area.

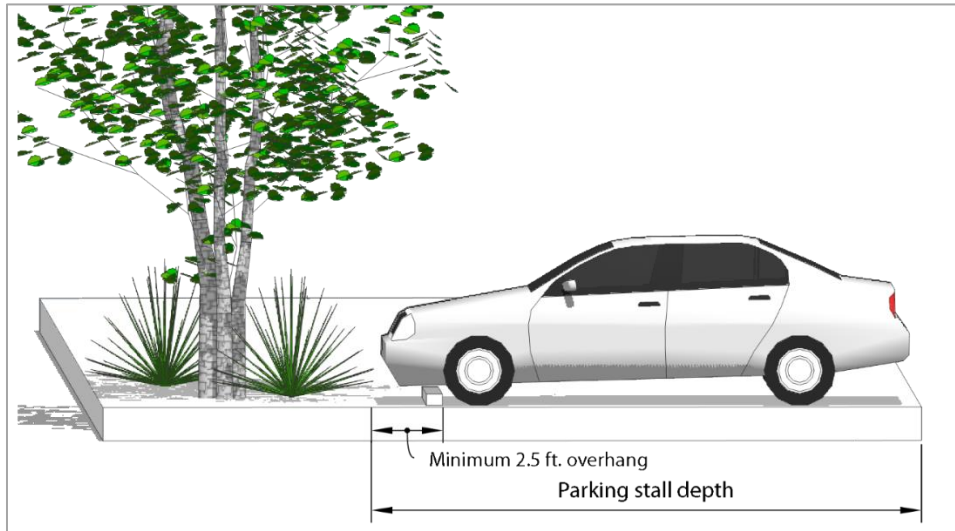
⁷⁶² This incorporates the low impact development statement from Sec. 24-255(b)(4) of the current Zoning Ordinance but removes the requirement language.

and used to meet these requirements. Parking structures shall comply with the perimeter parking lot requirements of this subsection.

3. Size⁷⁶³

Each planting area within the interior of a parking lot shall contain minimum areas in accordance with this subsection. In all instances, the planting area shall be adequate to accommodate the root growth of the plant material used. The placement of plant material shall accommodate a two-and-one-half foot bumper overhang of a vehicle over the face of the curb or, if used, wheel stops or other comparable devices. See Figure 6-4: Landscaping Accommodation for Vehicle Overhang.

Figure 6-4: Landscaping Accommodation for Vehicle Overhang

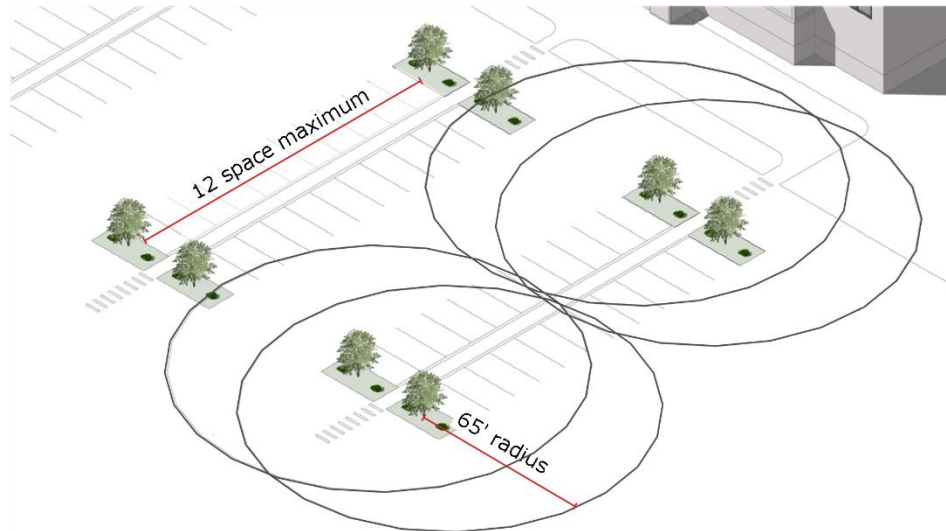


4. Design⁷⁶⁴

- i. Plantings shall be placed in islands located in-line or at the end of a row of parking, with a minimum size of 180 square feet for single-loaded parking rows, and a minimum size of 360 square feet for double-loaded bays.
- ii. Islands shall be located at the end of parking bays to separate parking spaces from the drive aisle.
- iii. Islands shall be placed such that there are no more than 12 continuous side-by-side parking spaces between landscape islands.
- iv. Tree and light placement shall be coordinated to minimize the tree's impact on parking lot lighting.
- v. In no instance shall a parking space be more than 65 feet from the trunk of a canopy tree or 50 feet from the trunk of an understory tree. Perimeter parking lot landscaping, street trees, or other required landscaping may be used to meet this requirement.

⁷⁶³ The provision regarding vehicle overhangs is new.

⁷⁶⁴ The provision regarding collocation of trees and lights is new. The 60 foot spacing from the current Zoning Ordinance has been increased to 65 feet; we have provided a 50 foot spacing if an understory tree is required to be used.

Figure 6-5: Parking Lot Landscape Island Configuration

5. Landscaping Island Design⁷⁶⁵

- i. Each landscaped planting area shall contain at least two small shrubs for each 180 square feet.
- ii. Stormwater inlets within a parking lot shall be incorporated within the landscaped planting area, to the maximum extent practicable. To the extent practicable, the landscaped planting area shall incorporate rain gardens, bioswales, or other stormwater mitigation techniques approved by the City, to promote infiltration and reduce stormwater runoff and nonpoint source pollution.
- iii. The remainder of the landscaped planting area shall consist of permeable ground cover such as grass, plant material, or mulch.

c. Parking Lot Perimeter Landscaping Standards⁷⁶⁶

Where a parking lot abuts a street right-of-way, the following standards shall apply:

1. Continuous Visual Screen

Except for outdoor display areas for vehicle sales uses, on the street facing side of the parking lot, the perimeter landscaping for the parking lot shall form a continuous vegetative screen, excluding required sight clearances at driveways.

2. Minimum Width

The minimum width for any perimeter landscaping strip shall be ten feet. Curbing or wheel stops shall be used to protect against vehicular intrusion into the minimum ten-foot strip. The placement of plant material shall accommodate a two-and-one-half foot bumper overhang of a vehicle over the face of the curb if wheel stops or other comparable devices are not used.

3. Location

Perimeter landscaping strips for screening parking lots shall be located on the same property on which the parking lot is located.

⁷⁶⁵ The allowance for understory trees and the shrub requirement are new standards.

⁷⁶⁶ This carries forward the standards in Sec. 24-255(a) of the current Zoning Ordinance. The ten-foot width requirement is carried forward, but new provisions are added to require ten feet of actual width. In addition, the lot must be designed so cars do not overhang the edge of the perimeter, or the buffer must be made wider to accommodate the intrusion and preserve 10 feet of perimeter. The location standards are new.

4. Required Materials⁷⁶⁷

- i. Evergreen shrubs shall be used to form the continuous visual screen in the perimeter landscaping strip. The shrubs shall be at least 18 inches in height at planting and at least three feet in height at maturity.
- ii. In addition to the shrub requirements, each perimeter landscaping strip shall include trees in accordance with the following:
 - (a) One canopy tree with a minimum of two inches in caliper and 12 feet in height planted a maximum of 50 feet on center, with minimum lateral separation from overhead utility lines of at least 30 feet.
 - (b) If pre-existing overhead utility lines preclude installation of canopy trees, understory trees shall be substituted as needed, spaced 40 feet on center, or if understory trees will conflict with the overhead utilities, shrubs that at maturity are a minimum of four feet in height shall be substituted on a four-to-one basis.
- iii. The remainder of the perimeter landscaping strip shall include permeable ground cover such as grass, plant material, or mulch that leaves no bare ground two years after all landscape materials are installed.
- iv. No shrubs or trees shall be installed in the Sight Triangle.

5. Adjacent to Buffers or Streetscape Landscaping Area⁷⁶⁸

Perimeter landscaping strips may be credited towards buffer standards or street tree standards, provided that the minimum standards for each are established and maintained.

SEC. 24-6.3.6. BUFFERS⁷⁶⁹

a. Purpose

Buffers on the perimeters of properties are provided to protect land uses from the traffic, noise, glare, trash, activity, vibration, odor, visual disorder, and other harmful or noxious effects likely to be emitted by or associated with an adjacent more intense land use.

b. Applicability**1. General**

Unless exempted in accordance with subsection 2 below, the standards in this subsection shall apply to:

- i. All new development; and

⁷⁶⁷ This carries forward the standards in Sec. 24-255(a)(2) of the current Zoning Ordinance but removes the minimum canopy tree requirement of two inches in caliper and 12 feet in height for simplicity as the general standards require minimum two inches in caliper and eight feet in height.

⁷⁶⁸ This is new and makes clear how the perimeter parking lot buffer and perimeter buffer standards relate and can overlap.

⁷⁶⁹ This new section on buffers on the perimeters of properties refines and provides more specificity and options for the buffering of conflicting land uses, replacing the standards in Sec. 24-255(c) of the current Zoning Ordinance. This is done by establishing two different buffer options for each of three different types of buffers, based on the opacity of the plantings and the use of a fence within the buffer. The landowner/developer may choose which of the two buffer options to use. In addition, the different types of buffers required between potential conflicting uses are based on the uses and zoning districts in the updated Ordinance. The application of the standards is not required in the zoning districts where form, design, and other related standards or practices ensure there will not be land use conflicts (the Mixed Residential University (MRU), Multifamily Residential University (MFRU), Institutional University (IU), Downtown (D), Downtown Perimeter (DP), Downtown Historic Edge (DHE), Riverfront (R), and University Commercial (UC) districts).

- ii. All expansion or enlargement of gross floor area of a building that existed on [insert the effective date of this Ordinance] by more than 50 percent.

2. Exemptions

Development in the Mixed Residential University (MRU), Multifamily Residential University (MFRU), Institutional University (IU), Downtown (D), Downtown Perimeter (DP), Downtown Historic Edge (DHE), Riverfront (R), and University Commercial (UC) districts is exempted from the requirements of this subsection.

c. Buffer Options

Table 6-11: Buffer Options, defines three types of buffers based on their function, width, and minimum screening requirements. Each buffer type includes two options for plantings and other screening. The width of the buffer under one of the options, indicated in the top row of each buffer type in Table 6-11, may be reduced by a wall or berm, provided that the Director of Planning determines that the buffer is adequate to screen the incompatible uses in locations where the buffer width is reduced. If the Director of Planning determines that the presence of utility or access easement or lines within the buffer will make it impractical for the buffer to accomplish its purpose, the Director of Planning may reduce the buffer width and require additional tree planting or the addition of an opaque wall in accordance with subsection e.6 below.

Table 6-11: Buffer Options



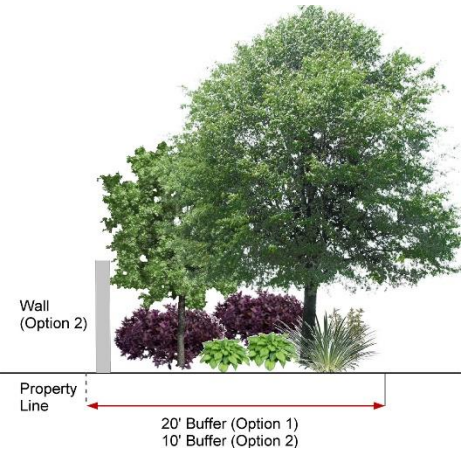
BUFFER TYPE/IMAGE	DESCRIPTION	OPTION 1	OPTION 2
<p>Type A: Opaque</p> 	<p>This buffer functions as an opaque screen from the ground to a height of at least 35 feet upon full maturity of the trees. This type of buffer prevents visual contact between uses and creates a strong separation.</p>	<p>40 ft</p> <p>4 canopy trees and 4 understory trees, and 90 shrubs per 100 linear feet</p>	<p>20 ft</p> <p>5 canopy trees and 5 understory trees, and 100 shrubs per 100 linear feet, and a wall (see subsection e.6 below),</p>
<p>Type B: Semi-Opaque</p> 	<p>This buffer functions as semi-opaque screen from the ground to at least a height of 30 feet, upon maturity of the trees.</p>	<p>30 ft</p> <p>4 canopy trees and 4 understory trees, and 60 shrubs per 100 linear feet</p>	<p>20 ft</p> <p>3 canopy trees and 6 understory trees, and 80 shrubs per 100 linear feet, and a wall (see subsection e.6 below),</p>

Table 6-11: Buffer Options

BUFFER TYPE/IMAGE	DESCRIPTION	OPTION 1	OPTION 2
<p>Type C: Aesthetic</p>  <p>The diagram illustrates a property line with a wall (Option 2) on the left. A 20-foot buffer (Option 1) extends to the right, containing a large canopy tree, several understory trees, and shrubs. A 10-foot buffer (Option 2) is also shown, which is narrower than the 20-foot buffer.</p>	<p>This buffer functions as an intermittent visual obstruction from the ground to 20 feet upon maturity of the trees, and creates the impression of spatial separation without eliminating visual contact between uses.</p>	<p>20 ft</p> <p>2 canopy trees and 6 understory trees and 60 shrubs per 100 linear feet</p>	<p>10 ft</p> <p>2 canopy trees and 8 understory trees, 80 shrubs per 100 linear feet, and a wall (see subsection e.6 below),</p>

d. Buffer Types⁷⁷⁰

1. The width of a buffer and the required quantity and type of plantings varies based on the nature of the potentially adjacent uses. Table 6-12: Buffer Types, establishes the type of perimeter buffer required between two adjacent land uses. The buffer types are described above in Table 6-11: Buffer Options.
2. Where parking lot landscaping requirements overlap with these buffer requirements, they shall be counted toward the buffer requirements if the minimum of both standards are met.
3. A buffer is not required if properties are separated by an improved right-of-way that 20 feet or greater in width.

⁷⁷⁰ A buffer is not required if properties are separated by an improved right-of-way that is greater than 20 feet in width.

Table 6-12: Buffer Types

EXISTING USE TYPE OR, IF VACANT, ZONING DISTRICT OF ADJOINING LAND	PROPOSED USE [1] [2]			
	All Household Living Uses (except Triplexes, Quadplexes, Townhomes, Multifamily Dwellings; Multifamily Student Dwellings; or Mobile Homes)	Triplexes, Quadplexes, Townhomes, Multifamily Dwellings; Multifamily Student Dwellings; Mobile Homes; All Group Living Uses; All Institutional Uses (except Correctional Facilities, Hospitals, Rail or Bus Passenger Stations, Railroad Terminals, and Truck Terminals)	All Commercial Uses; Hospitals; Rail or Bus Passenger Stations	All Industrial Uses; Correctional Facilities; Railroad Terminals; Truck Terminals; Major Utilities
<p>All Household Living Uses (except Triplexes, Quadplexes, Townhomes, Multifamily Dwellings; Multifamily Student Dwellings; or Mobile Homes)</p> <p><i>Vacant Land Districts: OS, CN, SFR-E, LR, SFR-1, SFR-2, SFR-3, SFR-4 RG</i></p>	None	C [3]	B	A
<p>Triplexes, Quadplexes, Townhomes, Multifamily Dwellings; Multifamily Student Dwellings; Mobile Homes; All Group Living Uses; All Institutional Uses (except Correctional Facilities, Hospitals, Rail or Bus Passenger Stations, Railroad Terminals and Truck Terminals)</p> <p><i>Vacant Land Districts: LMF, SFR-5, MR-1, MR-2, MFR, MHR, IP, ISP, NC</i></p>	None	None	C	A
<p>All Commercial Uses; Hospitals; Rail or Bus Passenger Stations</p> <p><i>Vacant Land Districts: LC, GC, HC, IL</i></p>	None	None	None	B
<p>All Industrial Uses; Correctional Facilities; Railroad Terminals; Truck Terminals; Major Utilities</p> <p><i>Vacant Land Districts: IG, IH</i></p>	None	None	B	None

NOTES:

- [1] The letters in the cell reference the type of buffer required between the uses; see Table 6-11: Buffer Options.
- [2] Athletic fields (softball, baseball, football and soccer fields; basketball, tennis, and pickleball courts; and comparable uses) shall provide a Type C buffer in all districts.
- [3] No buffer is required between a townhouse dwelling and a single-family detached dwelling.

e. Buffer Installation

1. Adjacent to Vacant Parcel

Where a developing parcel is adjacent to a vacant parcel, the developing parcel shall provide 50 percent of the buffer required adjacent to the vacant parcel.

2. Adjacent to Existing Land Use

Where a developing parcel is adjacent to an existing use, the developing parcel shall provide the full buffer required adjacent to the existing use in accordance with this section, unless a portion or all of a buffer that complies with the standards of this section already exists on the adjacent lot. Where all or part of a buffer exists but the buffer does not fully comply with the standards of this section, the developing parcel shall be responsible for providing all the additional planting material necessary to comply with this section.

3. Location of Buffers

Buffers required by this section shall be located along the outer perimeter of the lot or site and shall extend to the lot boundary line or right-of-way line; however, the buffer may be located along shared access or utility easements between parcels in nonresidential development.

4. Trees

Required canopy and understory trees shall be spaced to achieve the screening goals and meet the standards in this subsection.

5. Shrubs

All required shrub plantings shall form a visual screen and be a minimum of four feet in height within two years after planting.

6. Wall or Fence

A wall or fence used within the buffer to accomplish a reduced buffer width option shall be six feet in height and shall consist of one or a combination of the following materials: brick, textured concrete masonry units, stucco block, cementitious board, or other similar material approved by the Director of Planning. (A retaining wall shall be considered a wall for the purposes of this subsection).

7. Existing Vegetation

Existing vegetation which meets or exceeds the quantity, spacing, and height standards of this section may be used to satisfy the requirements of this subsection. Supplemental native shrubs may be required, however, if it can be reasonably determined that after two years, the existing vegetation will not provide the visual screen required by this section.

f. Development Within Required Buffers**1. General**

The required buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this subsection or that require removal of existing vegetation, unless otherwise allowed under this Ordinance.

2. Sidewalks and Trails

Sidewalks and trails may be placed in buffers provided damage to existing vegetation is minimized to the maximum extent practicable.

3. Overhead and Underground Utilities

Overhead and underground utility lines, if allowed by the City, are permitted in buffers, but shall minimize the impact to vegetation, to the maximum extent practicable. In cases where required landscaping material is damaged or removed due to utility activity within a required buffer, the landowner shall be responsible for replanting all damaged or removed vegetation necessary to ensure the buffer meets the standards in this subsection.

4. Damage to Plantings

In the event that buffer plantings are damaged in a way that results in the loss of the buffer's intended purpose, the plantings shall be replaced by the landowner.

SEC. 24-6.3.7. SCREENING⁷⁷¹

a. Purpose

The purpose of the screening standards is to conceal specific site features that might have negative visual or auditory impact from both on-site and off-site views. The site features to be screened shall be screened at all times, unless otherwise stated in this section, regardless of adjacent development, or the types and amount of landscaping material required to be placed on the development site from other requirements.

b. Applicability

Large waste receptacles (dumpsters), ground-level HVACs, and refuse collection points (including grease traps, cardboard recycling containers, and trash carts) shall not be located within a front yard and shall be completely screened from view in accordance with this standards of this section.

c. Screening Methods

The following screening methods shall be used for each site feature required to be screened:

1. Large Waste Receptacles (Dumpsters) and Refuse Collection Points⁷⁷²

- i. Large waste receptacles (dumpsters) and refuse collection points shall not be located within any required landscaped area and shall be screened with an opaque wall of masonry (which shall be constructed of brick, textured concrete masonry units, or stucco block), horizontally installed painted or stained wood, cementitious fiber board, or other material of comparable appearance and durability. The wall shall be at least six feet in height and at least one foot taller than the object to be screened.
- ii. All commercial waste receptacles shall be placed on a pad approved by the City Engineer that allows for pick-up and maintenance, as needed.

SEC. 24-6.3.8. ALTERNATIVE LANDSCAPING PLAN⁷⁷³

a. General

An Alternative Landscaping Plan may be requested by an applicant and reviewed and approved by the Director of Planning where a modification from the landscape and buffer standards in this section is justified because of site or development conditions that make compliance with the standards impossible or impractical. An Alternative Landscaping Plan may also be requested to allow for exemplary design opportunities that would otherwise not be possible, or to permit alternatives that would result in improved environmental quality. Such conditions may include but are not limited to:

- i. Natural conditions, such as lakes, ponds, or other natural features;
- ii. The likelihood that landscaping material would be ineffective at maturity due to placement, location, soil, topography, drainage, or other existing site conditions that are not created by the development;
- iii. Lot size or configuration;
- iv. The site is part of a Planned Development district or another planned development with an approved alternate landscaping plan.

⁷⁷¹ This carries forward Sec. 24-254(b) of the current Zoning Ordinance with minor revisions and a list of material standards for the screening.

⁷⁷² A numbered header is used here to facilitate the addition of additional screening standards in the future.

⁷⁷³ This builds on the alternative compliance option in Sec. 24-258 of the current Zoning Ordinance with the following modifications: 1) Refinement of the conditions that allow for alternative compliance; 2) Additional detail about the process for obtaining approval; 3) Specificity about the types of deviation that are permitted.

- v. The presence of utility or other easements;
- vi. Forthcoming public improvement projects;
- vii. The potential for interference with public safety; or
- viii. Other situations where strict adherence to the landscape and buffer standards are determined to be impractical due to reasons not directly caused by the proposed layout and design of the development.

b. Submittal and Review

An applicant may submit an Alternative Landscaping Plan as part of a development application in accordance with Sec. 24-6.3.2, Applicability. The Director of Planning shall review and approve or deny an Alternative Landscaping Plan based on the standards of this Ordinance.

c. Allowable Deviations

Allowable deviations that can be approved in an Alternative Landscaping Plan include, but are not limited to, the following:

1. Reduced Planting Rates Due to Public Facilities

An adjustment to planting locations, spacing, or reduction in the type or total number of required trees or shrubs when underground or aboveground connections to public facilities or public utilities, public easements, or right-of-way, are located upon or in close proximity to the parcel, or whenever a fewer number or smaller size of trees would be more desirable in terms of good landscape practice.

2. Reduction in Standards Due to Size, Configuration, or General Nature of Parcel

A reduction in the planting locations, count, spacing, species diversity, or the total number of trees or shrubs if it is more desirable in terms of good landscape practice considering the size, configuration or general nature of the parcel and adjacent parcels.

3. Modifications Due to Topography or Other Natural Conditions

Modification of the planting locations, count, spacing, species diversity, or the total number of trees or shrubs due to topographic or other natural conditions of the development site.

4. Modifications Due to Conditions Preventing Maturation of Landscape

Modification of the planting locations, count, spacing, species diversity, or the total number of trees or shrubs due to other site conditions not created by the development, which might make it unrealistic that the landscaping would properly mature.

5. Modifications Due to Protection of Natural Features

Modification of the planting locations, count, spacing, species diversity, or the total number of trees or shrubs to enhance the protection of natural features on the site.

6. Modifications Due to Public Safety

Modification of the planting locations, count, spacing, species diversity, or the total number of trees or shrubs to ensure public safety.

7. Modifications of Plant Location Due to Other Unique Site Conditions

- i. Modification of the planting locations to off the development site, if it can be demonstrated the relocation is due to unique site conditions, and the relocated landscaping will serve the same purpose of the landscaping if it was located on the development site.
- ii. If landscaping is relocated off-site in accordance with this section, development approval shall be conditioned on the landowner ensuring to maintain the off-site landscaping, in perpetuity, in part by entering into an agreement with the City to adequately preserve and maintain the off-site landscaping.

SEC. 24-6.3.9. MAINTENANCE⁷⁷⁴

The landowner of the property being developed in accordance with this section shall be responsible for the maintenance of all landscaped areas. Such areas shall be maintained in accordance with the approved Landscaping Plan or Alternative Landscaping Plan, as appropriate, and shall present a healthy and orderly appearance, free from refuse and debris. All plant life shown on an approved Landscaping Plan or Alternative Landscaping Plan, as appropriate, shall be replaced if it dies, is in poor health, is seriously damaged, or is removed. All landscaping areas shall be maintained so as to prevent debris from washing onto streets and sidewalks.

⁷⁷⁴ This carries forward Sec. 24-260 of the current Zoning Ordinance with minor revisions.

SEC. 24-6.4. OPEN SPACE STANDARDS⁷⁷⁵

SEC. 24-6.4.1. PURPOSE AND INTENT

Open space is intended for the use and enjoyment of a development's residents, employees, or users. Open space serves numerous purposes, including preserving natural resources, ensuring access to open areas and facilities for active recreation, reducing the heat island effect of developed areas, providing civic and meeting spaces, enhancing stormwater management, and providing other public health benefits. To this end, the standards in this section establish minimum requirements for open space in new development, identify areas and features that will be credited toward meeting the minimum requirements, and specify the required location, configuration, design, maintenance, and ownership of open space.

SEC. 24-6.4.2. APPLICABILITY

a. General

Unless exempted in accordance with subsection b below, all new development shall comply with the standards in this section. The landowner shall be responsible for completing all improvements required by this section.

b. Exemptions

The following development is exempt from the standards in this section:

1. Development limited to an individual single-family detached dwelling on a single lot, or an individual duplex dwelling on one or two lots;
2. Development in the Open Space (OS), Single-Family Residential Estate (SFR-E), Single-Family Residential 1 (SFR-1), Single-Family Residential 2 (SFR-2), Single-Family Residential 3 (SFR-3), Single-Family Residential 4 (SFR-4), Lake Residential (LR), Lake Multifamily (LMF), Institutional University (IU), Institutional Public (IP), Downtown (D), Downtown Perimeter (DP), and Downtown Historic Edge (DHE) districts.
3. Agricultural uses;

⁷⁷⁵ The current Zoning Ordinance and Subdivision Regulations include specific provisions related to the provision of open space amenities. They are located in different places in the regulations, and do not address the issue in a comprehensive way. More specifically, open space requirements are established for:

- The RMF-2 District for townhouses, apartments, and group dwellings (Sec. 24-35(d));
- The Business districts, for townhouses, apartments, and group dwellings (Sec. 24-55); and
- Planned unit developments (PUDs).

Establishment of open space and provision of land for recreation are key components to quality development and a healthy community. To improve the open space standards in the current regulations, this draft includes a uniform and comprehensive set of open space standards that are context-sensitive. This is accomplished by establishing a set of open space standards, based on districts and development type (new multifamily, institutional, commercial, and industrial development).

As drafted, the open space standards ensure a minimum level of protection of natural areas and site amenities. They are defined to include required landscaping and buffer areas, environmentally sensitive lands, floodplains, other natural areas, stormwater management areas that are designed as site amenities, trails and greenways, areas for passive and active recreation, and gathering places. At the same time, however, they recognize that open space needs and functions are different in different districts. For example, Residential districts that allow multifamily and certain types of attached residential development have different open space requirements than business districts and commercial uses. There are no open space requirements in Industrial districts.

To ensure that the required open space is usable and functional for open space purposes—and does not merely consist of undevelopable “leftover” land, locational and design rules governing the location, configuration, and usability of the open space are also included. Those rules give priority to protecting natural resources, and environmentally sensitive areas, floodplains, riparian buffers, and natural hazard areas. Finally, the standards include provisions addressing the ownership of and maintenance responsibilities for required open space.

- 4. Utility uses; and
- 5. Development consisting of four or fewer single-family detached or duplex, triplex, or quadplex dwellings, where all dwellings within the development are located within one quarter (1/4) mile walking distance of an existing public park, and:
 - i. The park has an area equal to or greater than the total open space area required by Table 6-13: Minimum Required Open Space; and
 - ii. Pedestrian access to the park from all lots in the development is provided by sidewalks or other pedestrianways.

SEC. 24-6.4.3. TIMING OR REVIEW

Review for compliance with the standards of this section shall occur during review of a development application for a planned development (Sec. 24-3.4.3), a conditional use permit (Sec. 24-3.4.4), a special exception use permit (Sec. 24-3.4.5), a land development permit (Sec. 21-218), a subdivision master plan, a subdivision preliminary plat, or a minor subdivision, as appropriate

SEC. 24-6.4.4. MINIMUM REQUIRED OPEN SPACE

Development subject to the standards in this section shall provide the minimum amounts of open space identified in Table 6-13: Minimum Required Open Space, based on the proposed use and the zoning district where the development is proposed.

Table 6-13: Minimum Required Open Space

USE TYPE OR CLASSIFICATION	MINIMUM OPEN SPACE REQUIREMENT (AS A PERCENTAGE OF TOTAL SITE AREA)			
	SFR-5, MR-1, MR-2, MRU, MFRU, MFR, MHR, AND CN DISTRICTS	ISP AND BUSINESS DISTRICTS	INDUSTRIAL DISTRICTS	PLANNED DEVELOPMENT DISTRICTS
Multifamily, Triplex, Quadplex, Townhouse, and Mobile Home	7.5	7.5	No minimum	15
Institutional	7.5	7.5	No minimum	12
Commercial	5	5	No minimum	7.5
Industrial	No minimum	10	No minimum	No minimum

SEC. 24-6.4.5. OPEN SPACE FEATURES

a. Descriptions and Specific Design and Maintenance Requirements

The features and areas identified in Table 6-14: Types of Open Space, shall be credited towards compliance with the minimum open space standards in Table 6-13: Minimum Required Open Space.

Table 6-14: Types of Open Space

	<p>Natural Features</p> <p>Description: Natural features (including lakes, ponds, rivers, streams, wetlands, drainageways, and other riparian areas), riparian buffers, flood hazard areas, wildlife habitat, and other natural conservation areas.</p> <p>Design and Maintenance Requirements: Preservation of any existing natural features shall have highest priority for locating open space areas. Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, and unhealthy conditions.</p>
	<p>Required Landscape Areas</p> <p>Description: Areas occupied by required landscaping except for required buffers on the perimeter of a site.</p> <p>Design and Maintenance Requirements: See Sec. 24-6.3, Landscape and Buffer Standards</p>
	<p>Active Recreational Areas</p> <p>Description: Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, and community buildings and clubhouses, and land dedicated for parks.</p> <p>Design and Maintenance Requirements: Active recreational areas shall be compact and contiguous, to the maximum extent practicable, unless used to link or continue existing or public open space lands.</p>
	<p>Passive Recreational Areas (Including Plantings and Gardens)</p> <p>Description: Formally planned and regularly maintained open areas that provide passive recreation opportunities, including trails and pedestrianways, arranged plantings, gardens (including community gardens and rooftop gardens with walking paths or gathering areas), gazebos, and similar structures.</p> <p>Design and Maintenance Requirements: Passive recreation, other than rooftop gardens, shall provide direct access to the residents of the development. Rooftop gardens shall also be reasonably accessible to the occupants and users of the building, as appropriate.</p>

Table 6-14: Types of Open Space

	<p>Squares, Forecourts, and Plazas</p> <p>Description: Squares, forecourts, plazas, and civic greens that provide active gathering places and opportunities to create special places.</p> <p>Design and Maintenance Requirements: The minimum contiguous area shall be 500 square feet. Such features shall have direct access from the site to a street or sidewalk or pedestrianway and shall be designed to accommodate people sitting and gathering, incorporating benches, tables, fountains, or other similar amenities. Surrounding buildings shall be oriented toward the square, forecourt, or plaza when possible, and a connection shall be made to surrounding development, if possible.</p>
	<p>Public Access Easements with Paths or Trails</p> <p>Description: Public access easements that combine utility easements with paths or trails that are available for passive recreational activities such as walking, running, and biking. Greenways provided to comply with other requirements of this Ordinance shall count toward the minimum open space set-aside requirements in this section.</p> <p>Design and Maintenance Requirements: Such public access easements shall include at least one improved access from a public street, sidewalk, or trail that includes signage designating the access point.</p>
	<p>Stormwater Management Areas Treated as Site Amenities</p> <p>Description: Up to 75 percent of the land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices) can be counted towards the minimum open space requirements in Table 6-13, when such features are treated as an open space site amenity.</p> <p>Design and Maintenance Requirements: Stormwater management facilities treated as an open space site amenity are encouraged to support passive recreation uses by providing access, gentle slopes (less than 3:1), vegetative landscaping, and pedestrian elements such as paths and benches. Stormwater management facilities shall be subject to a maintenance agreement approved by the operating authority or agency having regulatory authority over the facility.</p>

b. Areas Not Counted as Open Space

The following areas shall not be counted as open space:

1. Front, side, or rear yards that are not subject to an open space or conservation easement;
2. Street right-of-way or private access easements, including sidewalks located within those right-of-way or easements;
3. Vehicular parking areas or lots (excluding the landscaped areas);
4. Driveways for dwellings;
5. Land covered by structures not designated for active recreational uses;

6. Designated outdoor storage areas; and
7. Stormwater management facilities and ponds that are not treated as an open space site amenity in accordance with Table 6-14: Types of Open Space.

SEC. 24-6.4.6. GENERAL DESIGN AND CONFIGURATION

a. Areas and Features Prioritized and Required

To the maximum extent practicable, and in accordance with Sec. 24-6.4.5.a, Descriptions and Specific Design and Maintenance Requirements, open space shall be located and organized to include, protect, and enhance the following open areas and features, in the following general order of priority:

1. Natural features such as riparian areas, riparian buffers, shorelines, flood hazard areas, floodplains, wetlands, steep slopes, and wildlife habitat and corridors;
2. Water features such as rivers, lakes, creeks, canals, natural ponds, wetlands, and retention and detention ponds;
3. For multifamily development, a minimum of 50 percent of the open space shall be for active recreation (see description of active recreational areas in Table 6-14: Types of Open Space above);
4. In the Riverfront (R) and University Commercial (UC) districts, a minimum of 50 percent of the open space shall be squares, forecourts, or plazas;
5. Parks and trails, regardless of public or private ownership; and
6. In other than the Riverfront (R) and University Commercial (UC) districts, gathering places such as squares, forecourts, and plazas.

b. Location and Configuration

1. Except for natural features and stormwater management areas treated as site amenities, open space shall be located to be reasonably accessible to the occupants and users of the development.
2. The location and configuration of open space shall conform with all adopted City plans addressing open space, greenways, and similar features.
3. If the development site is adjacent to existing or planned public trails, greenways, parks, or other public open space area land, the open space shall, to the maximum extent practicable, be located to adjoin, extend, connect, and enlarge the trail, park, or other public land.
4. Open space shall be compact and contiguous, unless a different configuration is needed to continue an existing trail or greenway or to accommodate preservation of natural resources. With the exception of greenways, greenbelts, or any other linear open space, the minimum width for any required open space shall be 50 feet.

c. Development in Open Space

Development within open space shall be limited to that appropriate to the purposes of the type(s) of open space. Where appropriate, such development may include, but is not limited to, walking, jogging, and biking paths or trails; benches or other seating areas; meeting areas; tables, shelters, grills, trash receptacles, and other picnic facilities; docks and other facilities for fishing; environmental education guides and exhibits; historic interpretive signage; gazebos and other decorative structures; fountains or other water features; play structures for children; gardens or seasonal planting areas; pools; and athletic fields and courts and associated clubhouses.

SEC. 24-6.4.7. DEVELOPMENT WITH PHASES

If a development consists of multiple phases, each phase shall include, at a minimum, a proportional share of open space, based on the number of dwelling units and the amount of nonresidential gross floor

area in the phase and the total number of dwelling units and gross floor area in all phases of the development.

SEC. 24-6.4.8. OWNERSHIP AND MAINTENANCE

a. General

Open space required by this Ordinance shall be managed and maintained as permanent open space through one or more of the following options:

1. Conveyance of open space areas to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open space purposes, in perpetuity;
2. Conveyance of open space areas to a third party beneficiary such as an environmental, historical, or civic organization, or a government entity, that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes, in perpetuity; or
3. If public stormwater management facilities are treated as site amenities, through stormwater management easements.

b. Options Involving Private Ownership

All options involving private ownership of open space areas shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities.

c. General Responsibility

Responsibility for establishing provisions for the management and maintenance of open space rest with the owner of the land of the open space. Failure to maintain open space in accordance with this section shall be a violation of this Ordinance.

SEC. 24-6.5. FENCE AND WALL STANDARDS⁷⁷⁶

SEC. 24-6.5.1. PURPOSE

The standards in this section regulate the location, height, materials, and design of fences and walls in order to:

- a. Ensure the safety, security, and privacy of land;
- b. Maintain visual harmony within neighborhoods and throughout the City;
- c. Protect adjacent lands from the indiscriminate placement of fences and walls; and
- d. Ensure that fences and walls are appropriately maintained.

SEC. 24-6.5.2. APPLICABILITY⁷⁷⁷

- a. Except as otherwise provided in subsection b below, all fences and walls are subject to the standards in this section. Additional standards for fences and walls may apply to specific uses (see Article 24-5, Use Regulations), in specific zoning districts (see Article 24-4, Zoning Districts), or as a part of the development standards in this article (e.g., parking standards, landscape and buffer standards).
- b. The following are exempt from the standards in this section:
 1. Fences and walls in the OS, IU, and IP districts;
 2. Customary fencing enclosing athletic fields, tennis courts, playgrounds, and similar recreational areas;
 3. Fences and walls installed by a public entity along a public roadway;
 4. Fences and walls required for structural support of a principal or accessory structure;
 5. Fences around stormwater retention and detention ponds;
 6. Temporary fences and barricades around construction sites;
 7. Fences for tree protection (temporary and permanent);
 8. Landscaping berms installed without fences; and
 9. Fences and walls necessary for soil erosion and control.

SEC. 24-6.5.3. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a development application for a planned development (Sec. 24-3.4.3), a conditional use permit (Sec. 24-3.4.4), a special exception use permit (Sec. 24-3.4.5), or a land development permit (Sec. 21-218), as appropriate.

⁷⁷⁶ This section consolidates provisions regulating fences and walls in the current Zoning Ordinance (primarily Secs. 24-101 and 24-102). Specific provisions that are carried forward are identified in the footnotes below. All other provisions in this section are new, including a section stating the purpose of the fence and wall standards, standards for materials and design, maintenance requirements, and provisions allowing an applicant to propose and the Director of Planning to approve modifications to the height and materials and design standards when needed to address security concerns on the site.

⁷⁷⁷ The provision allowing modification for these standards as a special exception, in Sec. 24-102 of the current Zoning Ordinance, has been removed. The administrative adjustment and security plan provisions in this draft provide flexibility to modify the standards.

SEC. 24-6.5.4. LOCATION

- a. Except as otherwise provided this section, fences and walls are allowed anywhere on a lot, or on a property line between privately-owned lots.⁷⁷⁸
- b. Fences and walls are prohibited within a Sight Triangle.
- c. Fences and walls shall not be located in any street right-of-way.⁷⁷⁹
- d. Fences and walls shall be set back at least ten feet from the curb line of abutting streets.⁷⁸⁰
- e. A fence shall not be installed so it blocks or diverts a natural drainage flow onto or off of any other land, unless it is subject to an approved stormwater management plan.

SEC. 24-6.5.5. HEIGHT⁷⁸¹

- a. Except as otherwise provided in subsections b and c below, fences and walls shall not exceed the following heights above the grade on the abutting land:
 - 1. In Residential districts on lots with uses that are not multifamily dwellings, four feet when placed within the minimum front setback and eight feet when placed elsewhere on the lot;
 - 2. In Residential districts on lots with multifamily dwellings, six feet when placed within the minimum front setback and eight feet when placed elsewhere on the lot;
 - 3. In Business districts, eight feet; and
 - 4. In Industrial districts, ten feet.
- b. On corner lots in Residential districts, a fence or wall no more than eight feet in height may be placed within the minimum setback of one of the front yards.
- c. A retaining wall may exceed the maximum heights in subsections a and b above if the Director of Planning determines it does not unreasonably impede visibility of street traffic and from vehicles exiting driveways.

SEC. 24-6.5.6. MATERIALS AND DESIGN

- a. The following materials shall not be used in fences and walls:
 - 1. Fabric, rolled plastic, or plastic tarps;
 - 2. Fiberboard;
 - 3. Plywood;
 - 4. Sheet metal;
 - 5. In the MFR, MFRU, Business, and Institutional districts, chain link on fences located in the front yard;
 - 6. Razor wire, concertina wire, and similar security fencing materials; and
 - 7. Barbed wire or above ground electrically charged wire, except for the confinement of livestock as part of an agricultural use.

⁷⁷⁸ Builds on current provision in definition of "Yard" in Sec. 24-5 of the current Zoning Ordinance.

⁷⁷⁹ Carried forward from Sec. 24-102 of the current Zoning Ordinance.

⁷⁸⁰ Carried forward from Sec. 24-102 of the current Zoning Ordinance.

⁷⁸¹ Revised to allow multifamily dwellings to have fences up to six feet tall in front setback, and eight feet tall in one front setback on corner lots in Residential districts. New limit of eight feet in business districts.

- b. In Residential districts, fences located in the front setback on a lot other than a corner lot shall have a minimum of 50 percent of the fence area open and unobstructed through the use of wrought iron, pickets, chain link, or other customary fencing materials.⁷⁸² On a corner lot in a Residential district where the predominant pattern of development consists of single-family dwellings, this requirement shall not apply along a frontage adjacent to a street classified as a collector street or greater in the Major Street Plan of Tuscaloosa.
- c. On sites with a multifamily dwelling or multifamily student dwelling where a fence or wall is visible from off-site locations, if one side of the fence or wall has visible support framing and the other does not, or one side of a wall has a more finished surface than the other, then the side of the fence without support framing and/or with a more finished surface shall face the exterior of the lot (see Figure 6-6: Finished Side Facing Exterior).

Figure 6-6: Finished Side Facing Exterior



SEC. 24-6.5.7. MAINTENANCE

Fences and walls shall be maintained in good repair and in a safe and attractive condition. Maintenance of fences and walls shall include, but not be limited to, the replacement of missing, decayed, or broken structural or decorative elements and the repair of deteriorated or damaged fence materials, such as weathered surfaces visible from adjacent lands, sagging sections, and posts that lean more than 15 degrees from vertical.

SEC. 24-6.5.8. SECURITY EXEMPTION

The following security exemption is available to landowners on property with non-residential uses only in Business and Industrial districts:

- a. A landowner in need of heightened security may submit to the Director of Planning a security exemption plan proposing a fence or wall taller than the height permitted by this section or proposing the use of barbed wire, razor wire, concertina wire, or electrically-charged wire atop a fence or wall for security reasons.
- b. The Director of Planning may approve, or approve with conditions, the security exemption plan upon finding the location, condition, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, or represent a significant hazard to public safety without:
 - 1. A taller fence or wall than the height permitted by this section; or

⁷⁸² This provision is carried forward from Sec. 24-102 of the current Zoning Ordinance.

2. Use of barbed wire, razor wire, concertina wire, or electrically-charged wire, whichever is included in the plan.
- c. If the Director of Planning finds the applicant fails to demonstrate compliance with subsection b above, the security exemption plan shall not be approved, at which time the applicant may apply for a variance from the standards of this section in accordance with Sec. 24-3.4.8, Variance.

SEC. 24-6.6. EXTERIOR LIGHTING STANDARDS⁷⁸³

SEC. 24-6.6.1. PURPOSE

The purpose of this section is to regulate exterior lighting to:

- a. Ensure it is designed and installed to maintain adequate lighting levels for users of the site;
- b. Prevent excessive light spillage and glare directed at adjacent property, neighboring areas, and motorists;
- c. Curtail light pollution, reduce skyglow, and preserve the nighttime environment for the enjoyment of residents and visitors;
- d. Conserve energy and resources to the greatest extent possible; and
- e. Ensure the safety and security of persons and property.

SEC. 24-6.6.2. APPLICABILITY

- a. Except as otherwise provided by subsection b below, the standards of this section apply to:
 1. All new development;
 2. Expansions or alterations of a building if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area (including interior alterations); and
 3. Expansions of a parking lot if the expansion increases the number of parking spaces by 50 percent or more over a two year period.
- b. The following lighting is exempted from the standards of this section:
 1. Lighting in the IU and IP districts;
 2. Lighting exempt under state or federal law;
 3. FAA-mandated lighting associated with a utility tower or airport;
 4. Lighting for public monuments and statuary;
 5. Lighting solely for signage (see Sec. 24-6.10, Signs and Billboards);
 6. Lighting for outdoor athletic field uses such as ball diamonds, football fields, soccer fields, other playing fields, tennis courts, and similar uses, provided that maximum illumination from such lighting measured at any property line shared with a lot outside the development containing a residential use is not brighter than 2.0 footcandles;
 7. Temporary lighting for circuses, fairs, carnivals, and theatrical and other performance areas, provided such lighting is discontinued upon completion of the performance;
 8. Temporary lighting of construction sites, provided such lighting is discontinued upon completion of the construction activity;
 9. Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation;
 10. Security lighting controlled and activated by motion sensor devices for periods of ten minutes or less;
 11. Underwater lighting in swimming pools, fountains, and other water features;

⁷⁸³ This section consolidates and updates exterior lighting standards in multiple sections of the current Zoning Ordinance (e.g., Secs. 24-294 and 24-223).

12. Holiday or festive lighting;
13. Streetlights owned, operated, or maintained by the City that are located within a street right-of-way or other easement granted to the City; and
14. Outdoor lighting fixtures that do not comply with provisions of this section on [redacted] *[insert the effective date of this Ordinance]*, provided they are brought into compliance with this section when they become unrepairable.

SEC. 24-6.6.3. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a development application for a planned development (Sec. 24-3.4.3), a conditional use permit (Sec. 24-3.4.4), a special exception use permit (Sec. 24-3.4.5), or a land development permit (Sec. 21-218), as appropriate.

SEC. 24-6.6.4. FIXTURE TYPE AND CONFIGURATION

- a. All exterior luminaries, including security lighting, shall be full cut-off fixtures that are directed downward (see Figure 6-7: Full Cut-Off Fixtures), except as provided in subsection c below. In no case shall lighting be directed above a horizontal plane through the lighting fixture.
- b. All neon light fixtures shall be certified to comply with the Underwriters Laboratories Inc. (UL) Standard for Electric Signs 48.⁷⁸⁴
- c. Decorative lighting intended to enhance the appearance of a building, monument, and/or landscaping may cast light upward against a surface or landscape feature but not towards the sky. Any such decorative lighting shall not exceed 1,600 lumens for any single fixture.

⁷⁸⁴ This is a new standard.

Figure 6-7: Full Cut-Off Fixtures



- d.** All outdoor lighting fixtures shall have a correlated color temperature no greater than 4000K. Light sources shall be color-correct types such as Halogen, LED, or metal halide.
- e.** All outdoor light fixtures and light elements shall be energy efficient, as defined in subsection f below. The Director of Planning may allow exceptions to this requirement if the applicant demonstrates any of the following:
 - 1.** An energy efficient fixture or light element is not reasonably available that meets the necessary functional requirements;
 - 2.** Available energy efficient fixtures or light elements are not cost-effective over the life of the product, taking energy cost savings into account; or
 - 3.** The use of an energy efficient fixture or light element is unreasonable or impractical for other reasons.

- f. For purposes of subsection e above, an energy efficient light fixture or light element shall meet one of the following criteria:
 - 1. Is in the upper 25 percent of efficiency for all similar products as designated by the U.S. Department of Energy’s Federal Energy Management Program; or
 - 2. Meets Department of Energy and Environmental Protection Agency criteria for use of the Energy Star trademark label.
- g. Except as otherwise provided for specific site features below, the height of exterior light fixtures shall not exceed:
 - 1. In all Residential districts, 20 feet; and
 - 2. In all other districts, 25 feet.
- h. Service connections for all freestanding light fixtures must be installed underground.

SEC. 24-6.6.5. LIGHT UNIFORMITY

The ratio of maximum to minimum lighting levels on a given site or parcel of land in all developed areas designed for outdoor activity (such as parking areas or sidewalks) as measured in footcandles at ground level, shall not exceed fifteen-to-one (15:1) for Residential uses excluding multifamily dwelling uses, or ten-to-one (10:1) for multifamily dwelling uses and all nonresidential and mixed-use developments.

SEC. 24-6.6.6. LIGHT TRESPASS

- a. All light fixtures shall be designed and oriented so as to not direct glare onto adjacent properties, streets, or sidewalks.
- b. Except for street lighting, all exterior lighting and fixtures, and indoor lighting and fixtures that are visible from outside the building, shall be designed, located, and directed so that the illumination measured in footcandles at ground level at any point on a lot line does not exceed the maximum illumination levels in Table 6-15: Maximum Illumination Levels (see Figure 6-8: Maximum Illumination Levels at Lot Lines).

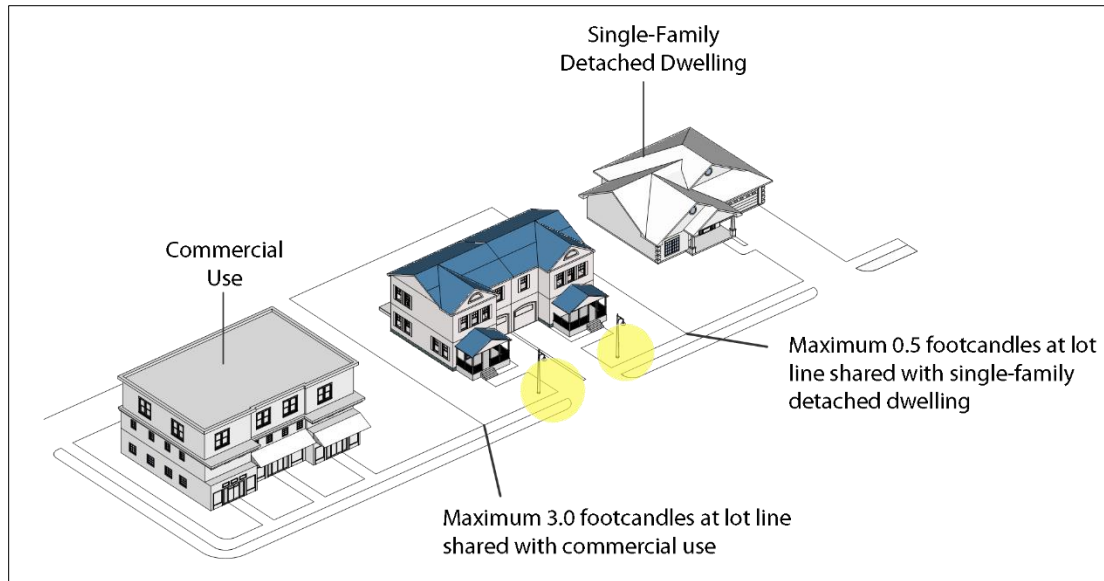
Table 6-15: Maximum Illumination Levels

USE OF ADJACENT PROPERTY	ZONING OF ADJACENT PROPERTY	MAXIMUM ILLUMINATION AT LOT LINE (FOOTCANDLES) [1]
Household Living uses, except those listed below Vacant land	Any Residential district	0.5
Group Living uses, multifamily dwellings, multifamily student dwellings, live work dwellings Institutional uses, except those listed below	Any zoning district	1.0
Commercial uses, except those listed below	Any zoning district	3.0
Commercial uses in the Vehicle Sales and Service category Institutional uses in the Utilities, Transportation, and Communication category and the following Institutional uses: animal shelters, correctional facilities, government facilities, public safety facilities, vocational schools Industrial uses All other uses not listed above	Any zoning district	5.0
NOTES		

Table 6-15: Maximum Illumination Levels

USE OF ADJACENT PROPERTY	ZONING OF ADJACENT PROPERTY	MAXIMUM ILLUMINATION AT LOT LINE (FOOTCANDLES) [1]
<p>[1] Illumination measurement shall be made at the lot line of the land upon which light is to be measured. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground. Illumination measurements shall be taken with a light meter that has been calibrated within the previous two years.</p>		

Figure 6-8: Maximum Illumination Levels at Lot Lines



SEC. 24-6.6.7. PROHIBITED LIGHTING

The following are prohibited:

- a. Cobra-head-type fixtures having dished or drop lenses or refractors containing sources that are not incandescent;
- b. Light fixtures that imitate an official highway or traffic control light or sign;
- c. Light fixtures that have a flashing or intermittent pattern of illumination, except for holiday or festive lighting or as otherwise allowed by Sec. 24-6.10, Signs and Billboards; and
- d. Searchlights, except when used by federal, state or local authorities, or where they are used to illuminate alleys, parking garages, and working (maintenance) areas, so long as they are shielded and aimed so that they do not result in lighting on any adjacent lot or public right-of-way exceeding 2.0 foot candles.

SEC. 24-6.6.8. SPECIFIC SITE FEATURES

a. Off-street Parking Areas

Maintained average horizontal illuminance values in parking lots shall not exceed 4.0 foot candles.

b. Sports or Performance Venues

Lighting fixtures for outdoor sports areas, athletic fields, and performance areas shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

c. Pedestrian Area Lighting

1. Except for pedestrian bollard lamps, light fixtures outside of parking lots for sidewalks, walkways, trails, and bicycle paths shall comply with the following standards:
 - i. Provide at least 1.0 footcandles of illumination, but not exceed 2.0 footcandles;
 - ii. Have a maximum height of 15 feet; and
 - iii. Be placed a maximum of 100 feet apart.
2. Pedestrian bollard lamps shall be mounted no higher than four feet above grade and shall not exceed 900 lumens for any single lamp.

d. Flood Lights, Wall Packs, and Flood Lamps

Except for single-family dwellings, flood lights, wall packs, and flood lamps on the exterior of a building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and shall not exceed 1,600 lumens for any single fixture.

e. Canopy

Areas under a canopy shall be designed so as not to create glare off-site. Acceptable methods to address this include one or both of the following:

1. A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides a full cutoff or fully-shielded light distribution; or
2. A surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.

f. Decorative and Landscape Lighting

Outdoor light fixtures used for decorative effects shall comply with the following standards:

1. Decorative lighting intended to enhance the appearance of a building and/or landscaping shall cast all light downward (rather than upward) against the building surface or onto a landscape feature.
2. Decorative lighting fixtures shall not exceed 1,600 lumens for any single fixture.

g. Rope Lighting⁷⁸⁵

The following standards apply to rope lighting:

1. Rope lighting shall not be used around architectural building features such as windows.
2. Each light along the rope shall not emit more than 50 lumens per bulb.

SEC. 24-6.6.9. SECURITY EXEMPTION

- a. A landowner in need of heightened security may submit to the Director of Planning a security exemption plan proposing exterior lighting that deviates from the standards in this section for security reasons.
- b. The Director of Planning may approve, or approve with conditions, the security exemption plan upon finding all of the following:

⁷⁸⁵ These are new standards to regulate a type of lighting that is not defined in the current Zoning Ordinance but has been added to the definitions in Sec. 24-2.2.3.b. Staff also identified a concern about rope lights flashing. The proposed regulations include a prohibition on flashing lights in Sec. 24-6.6.7.c above.

1. The proposed deviation from the standards is necessary for the adequate protection of the subject land, development, or the public;
 2. The condition, location, or use of the land, or the history of activity in the area, indicates the property or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding property without the additional lighting; and
 3. The proposed deviation from the standards is the minimum required, and will not have a significant adverse effect on neighboring lands.
- c. If the Director of Planning finds the applicant fails to demonstrate compliance with subsection b above, the security exemption plan shall not be approved, at which time the applicant may apply for a variance from the standards of this section in accordance with Sec. 24-3.4.8, Variance.

SEC. 24-6.7. NEIGHBORHOOD COMPATIBILITY STANDARDS⁷⁸⁶

SEC. 24-6.7.1. PURPOSE

The purpose of these neighborhood compatibility standards is to provide a proper transition and ensure compatibility between existing single-family development, as well as vacant lands in single-family residential zoning districts, and other more intense forms of development. More specifically, it is the intent of these standards to:

- a. Protect the character of existing neighborhoods consisting of primarily single-family residential development from potentially adverse impacts resulting from more intense and incompatible adjacent forms of development;
- b. Use development form treatments as alternatives to large vegetative buffers; and
- c. Support development of vibrant pedestrian-oriented areas where multiple uses can operate close to one another.

SEC. 24-6.7.2. APPLICABILITY

- a. Except as otherwise provided by subsection c below, the standards in this section apply to:
 1. New multifamily, nonresidential, and mixed-use development (see subsection b below) when located on land adjacent to, or across a street or alley from a single-family residential lot (see subsection b below).
 2. Any expansion or alteration of an existing multifamily, nonresidential, or mixed-use development located on land abutting or across a local street or alley from a single-family residential lot (see subsection b below), where the expansion increases the development's floor area by 50 percent or more, or the alteration involves 50 percent or more of the development's floor area.
- b. For the purposes of this section:
 1. Single-family residential lots include:
 - i. Lots where an existing single-family detached, U-single, duplex, or U-duplex dwelling is located; and
 - ii. Undeveloped lots in the SFR-E, LR, SFR-1, SFR-2, SFR-3, SFR-4, and SFR-5 districts;
 2. Multifamily development includes the following:
 - i. Multifamily and Multifamily student dwellings;
 - ii. Townhouses;
 - iii. U-Rowhouses;
 - iv. Triplexes;
 - v. U-Triplexes;
 - vi. Quadplexes; and

⁷⁸⁶ This new section establishes standards that apply generally to new multifamily, mixed-use, and nonresidential development that occurs adjacent to or across the street from a lot where single-family detached, U-single, duplex, or U-duplex dwelling is located, or a vacant lot in one of the SFR districts, in order to minimize potential negative impacts of the new development on single-family residential uses. The standards do not apply if the adjacent single-family use is not in a Residential district or is separated by a wide street, or to certain institutional uses (e.g., schools or religious institutions).

- vii. Uses in the Group Living category, except group homes and continuing care retirement development.
- 3. Nonresidential development includes all uses that are not in the Residential use category; and
- 4. Mixed-use development includes buildings containing both dwellings as principal uses and nonresidential principal uses.
- c. The following are exempt from the standards in this section:
 - 1. Multifamily, nonresidential, and mixed-use development that is adjacent to a single-family residential lot located in a district that is not a Residential district;
 - 2. Multifamily, nonresidential, and mixed-use development located on lots separated from single-family residential lots by a street having four or more travel lanes; and
 - 3. Institutional uses in the Community Services, Education, and Utilities, Transportation, and Communication categories.

SEC. 24-6.7.3. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a development application for a planned development (Sec. 24-3.4.3), a conditional use permit (Sec. 24-3.4.4), a special exception use permit (Sec. 24-3.4.5), or a land development permit (Sec. 21-218), as appropriate.

SEC. 24-6.7.4. NEIGHBORHOOD COMPATIBILITY STANDARDS

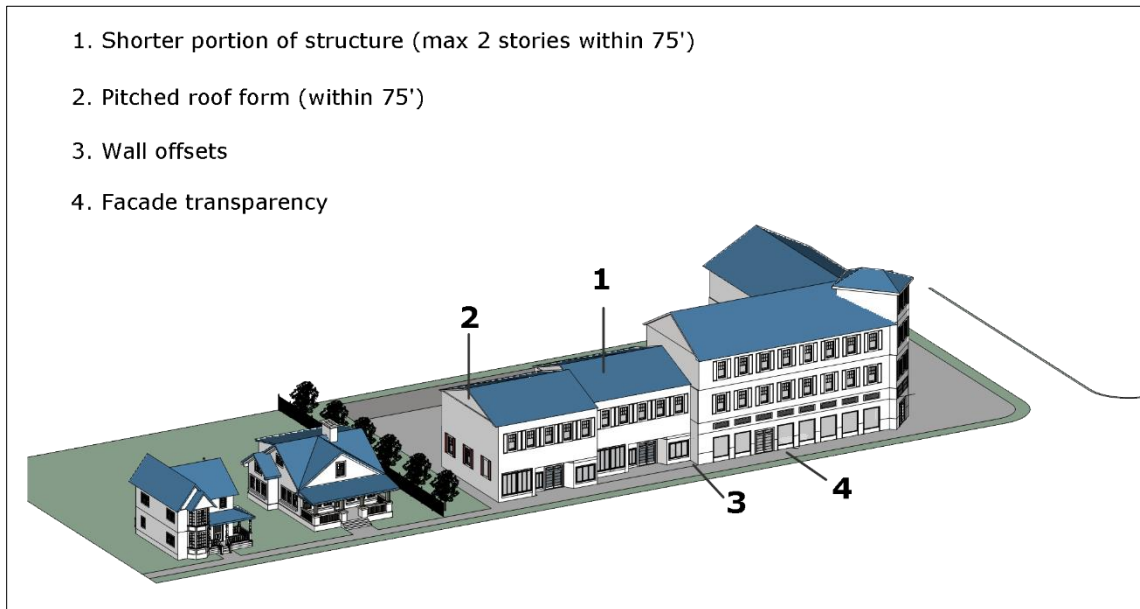
Development subject to the standards of this section shall comply with the following standards.

a. Buildings

1. Height

- i. Building height shall not exceed:
 - (a) Two stories within 75 feet of a single-family lot (see Figure 6-9: Compatible Building Design);
 - (b) Three stories within between 75 feet and 125 feet of a single-family lot; and
 - (c) The maximum building height applicable in the zoning district in which the building is located in all other cases.
- ii. For purposes of subsection i above, distances from a single-family lot shall be measured from the lot line closest to the building subject to these requirements, or if the property is vacant, from the nearest minimum required setback on the single-family lot.

Figure 6-9: Compatible Building Design



2. Roofs

- i. A pitched roof form is required on any portion of a building that is within 75 feet of a single-family lot (see Figure 6-9: Compatible Building Design).
- ii. All roof-mounted equipment shall be configured to avoid or minimize the view of the equipment from adjacent single-family lots and public right-of-way.

3. Façades

- i. Buildings shall use similarly sized and patterned wall offsets and other building articulations found on adjacent single-family detached or duplex dwellings (see Figure 6-9).
- ii. All porches and balconies shall be oriented away from adjacent single-family lots, to the maximum extent practicable.

4. Building Orientation

- i. Multifamily, nonresidential, and mixed-use development shall be oriented to face similar forms of development on adjacent or opposing lots rather than single-family residential lots, to the maximum extent practicable.
- ii. When compatible with subsection i above, the primary entrance of a new building shall face the street from which the building obtains its street address or mailing address.

b. Site Design and Features

1. Off-Street Parking

- i. The total amount of off-street parking shall be sufficient to park all vehicles associated with the development off-street. Any reduction from the required minimum parking spaces through an alternative parking plan shall demonstrate that the reduction will not have an adverse impact on the adjacent single-family lots.
- ii. Off-street parking shall be established in one or more of the following locations, listed in priority order:

- (a) Adjacent to off-street parking lots serving nonresidential development on abutting lots;
 - (b) Adjacent to lot lines abutting nonresidential development;
 - (c) Adjacent to lot lines abutting mixed-use development;
 - (d) Behind the building;
 - (e) Within a lot's corner side yard;
 - (f) In front of the building; or
 - (g) Adjacent to lot lines abutting single-family lots.
- iii. Off-street parking areas shall be located at least 10 feet from single-family lots and shall be screened from such lots by plantings consistent with the planting requirements for a Type C: Aesthetic buffer (see Sec. 24-6.3.6, Buffers).⁷⁸⁷

2. Loading, Service, and Refuse Collection Areas

Loading, service, and refuse collection areas shall be:

- i. Located to the side or rear of the building away from adjacent single-family lots, screened with walls and/or landscaping, and provided with access that is integrated with parking areas and the vehicular circulation network;
- ii. Completely screened from view from adjacent single-family lots, to the maximum extent practicable; or
- iii. Incorporated into the overall site so that the impacts of these functions are fully contained within an enclosure or are otherwise out of view from adjacent single-family lots.

3. Open Space

- i. Open space for development subject to these standards, except active recreation features, shall be located between the development and the adjacent single-family lots, to the maximum extent practicable.
- ii. Outdoor recreation features such as swimming pools, tennis courts, and playgrounds shall be set back at least 50 feet from all lot lines shared with single-family lots.

4. Natural Areas

Natural features, such as existing vegetation, streams, and wetlands, shall be used as transitions to adjacent development where possible. Where such natural features are used as transitions, pedestrian connections to adjoining uses are strongly encouraged.

5. Drive-Through Facilities

- i. Drive-through or pick-up windows shall not be located within 100 feet of any single-family lot.
- ii. Ordering stations associated with a drive-through or pick-up window shall not be located within 150 feet of any single-family lot.

6. Signs

To the maximum extent practicable, all signage shall be set back at least 75 feet from lot lines shared with a single-family lot. Any sign located within 75 feet of a lot line shared with a single-family lot shall have a maximum sign area equal to 75 percent of the maximum sign area that would otherwise apply in accordance with Sec. 24-6.10, Signs and Billboards, and a maximum height of 20 feet.

⁷⁸⁷ Reduced from 12 to 10 feet.

SEC. 24-6.8. FORM AND DESIGN STANDARDS⁷⁸⁸

SEC. 24-6.8.1. MULTIFAMILY DEVELOPMENT

a. Purpose and Intent

The purpose and intent of these multifamily form and design standards are to:

1. Establish a minimum level of development quality for townhouse, triplex, quadplex, and multifamily residential development;
2. Promote greater compatibility between townhouse, triplex, quadplex, and multifamily residential development and other allowable uses; and
3. Provide landowners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land.

b. Applicability

1. Except as otherwise provided in subsection 2 below, the multifamily form and design standards in this section shall apply to:
 - i. All new townhouse, U-rowhouse, triplex, U-triplex, quadplex, multifamily, and multifamily student development; and
 - ii. Any expansion of an existing townhouse, U-rowhouse, triplex, U-triplex, quadplex, multifamily, or multifamily student building, unless expressly stated otherwise in the specific multifamily form and design standards below, if the expansion increases the building's gross floor area by 50 percent or more.
2. The following are exempt from the multifamily form and design standards in this section:
 - i. Development in the Downtown (D), Downtown Perimeter (DP), and Institutional University (IU) districts; and
 - ii. Dwellings located in the same building as and above a nonresidential principal use.

c. Timing of Review

Review for compliance with the standards of this section shall occur during review of a development application for a planned development (Sec. 24-3.4.3), a conditional use permit (Sec. 24-3.4.4), a special exception use permit (Sec. 24-3.4.5), or a land development permit (Sec. 21-218), as appropriate.

d. Site Access

Development with 50 or more dwelling units shall not have direct vehicular access along a local street serving existing single-family detached dwellings, unless no other point of access is available.

e. Off-Street Parking

1. No more than 50 percent of off-street surface parking may be located between a building and the street it faces unless the parking bays are screened from view from the street by another building.
2. Freestanding garages or carports visible from public streets outside the development shall be located to the side or rear of the rear of the principal dwelling and shall either (i) be oriented

⁷⁸⁸ As called for in the Framework plan (GR 5.1 on page 53 of the plan), this new section includes generally applicable form and design standards for multifamily (and multifamily student, townhouse, U-rowhouse, triplex U-triplex, and quadplex) development, and large retail development. All new development and substantial expansions of existing development of these types must comply with the standards in this section, with some exceptions for districts that already have robust standards.

perpendicular to the street, or (ii) include wall offset and design features on the street-facing façade in accordance with the standards that apply to the principal dwelling (see Figure 6-10: Detached Garage Location and Orientation). The exterior materials, design features, and roof form of a detached garage or carport shall be the same as those of the principal dwelling.

Figure 6-10: Detached Garage Location and Orientation



f. Building Orientation and Configuration

1. The primary entrance and architectural front of individual buildings within a multi-building development shall be oriented towards the following (listed in priority order) and not toward off-street parking lots, garages, or carports:
 - i. Perimeter streets;
 - ii. Primary internal streets;
 - iii. Open space areas; or
 - iv. Secondary internal streets.
2. Buildings shall be oriented so that architectural fronts of buildings across the street from each other face each other, so as to avoid the front façade of one building facing a side or rear façade of another building.

g. Maximum Length of Structures

No single row of townhouse units shall exceed 300 feet in length.

h. Building Façades

1. Materials and Fenestration

- i. Exterior building walls shall be wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, vinyl, or similar material.
- ii. A minimum of 20 percent of the street facing façade area shall consist of windows or doorways.

2. Offsets

Building façades greater than 50 feet in width that face a street shall incorporate wall offsets, in the form of projections or recesses in the façade plane at least two feet in depth, spaced no more than 50 feet apart (see Figure 6-11: Façade Offsets and Design Features).

Figure 6-11: Façade Offsets and Design Features

3. Design Features

Front façades shall provide a minimum of three of the following design features for each residential unit fronting onto a public street (see Figure 6-11: Façade Offsets and Design Features):

- i. One or more dormer windows or cupolas;
- ii. A recessed entrance;
- iii. A covered porch;
- iv. Pillars, posts, or columns next to the doorway;
- v. One or more bay windows projecting at least twelve inches from the façade plane;
- vi. Eaves projecting at least six inches from the façade plane;
- vii. Raised corniced parapets over the entrance door;
- viii. Multiple windows with a minimum four-inch-wide trim;
- ix. Integrated planters that incorporate landscaped areas or places for sitting; or
- x. Roof form and line changes consistent with the façade offsets.

i. Roofs

1. Sloped roofs on buildings over 100 feet in length shall include two or more different sloping roof planes, each with a minimum pitch between 4:12 and 12:12.
2. Flat roofs shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane.
3. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.
4. All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured and screened (if necessary) to have a minimal visual impact as seen from the street.

j. Utilities and Service Areas

1. All utility lines on the development site shall be located underground.
2. All ground-level mechanical equipment, meters, vault boxes, electrical boxes, and other similar equipment shall be located outside of the front yard and screened so as not to be visible from all rights-of-way and open space set asides.
3. All service areas, including areas for trash collection and recycling collection, shall be screened from view from all rights-of-way and open space.

SEC. 24-6.8.2. LARGE RETAIL ESTABLISHMENTS

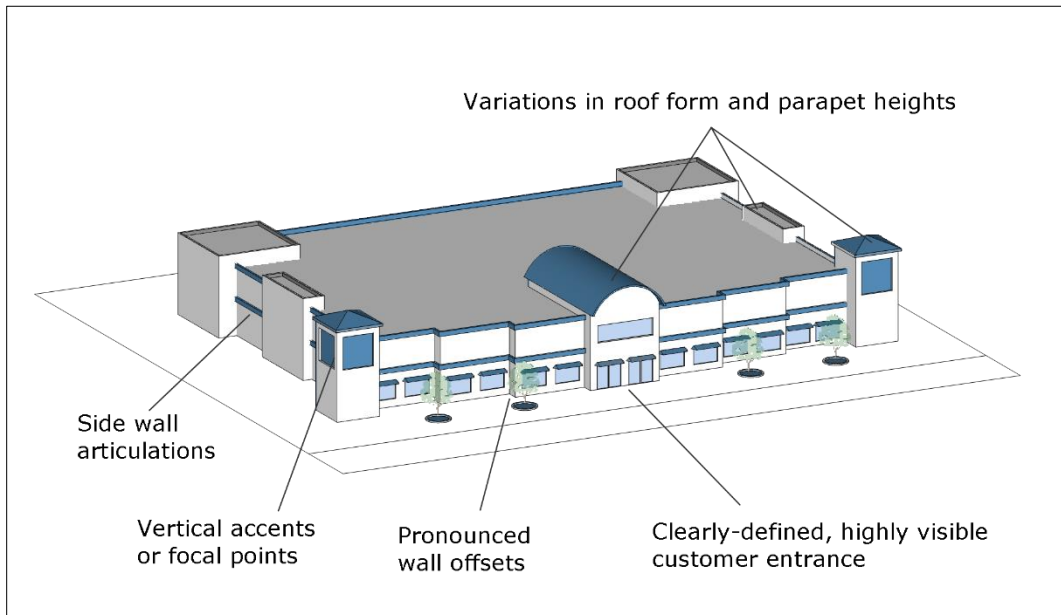
a. General

Large retail establishments shall comply with the standards below. For purposes of this section, a large retail establishment is any single-tenant building (including but not limited to those with a combination retail use) having a gross floor area of 60,000 square feet or more that devotes 60 percent or more of the total floor area to retail sales activities.

b. Building Entrances

1. Buildings shall have clearly defined, highly visible customer entrances featuring no less than three of the following (see Figure 6-12: Large Retail Establishment Form and Design):
 - i. Canopies or porticos above the entrance;
 - ii. Roof overhangs above the entrance;
 - iii. Entry recesses or projections;
 - iv. Arcades that are physically integrated with the entrance;
 - v. Raised corniced parapets above the entrance;
 - vi. Gabled roof forms or arches above the entrance;
 - vii. Outdoor patios or plazas next to the entrance;
 - viii. Display windows that are directly next to the entrance;
 - ix. Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above or next to the entrance; or
 - x. Integral planters or wing walls that incorporate landscaped areas or seating areas.
2. All portions of buildings designed to appear as customer entrances shall be functional customer entrances.

Figure 6-12: Large Retail Establishment Form and Design



c. Building Façades

1. To reduce their perceived mass and scale, buildings shall incorporate two or more of the following design elements on each façade facing a street right-of-way (see Figure 6-12: Large Retail Establishment Form and Design):
 - i. Variations in roof form and parapet heights;
 - ii. Pronounced wall offsets that are at least two feet deep;
 - iii. Distinct changes in texture and color of wall surfaces;
 - iv. Ground level arcades and second floor galleries or balconies;
 - v. Protected and recessed entries; and
 - vi. Vertical accents or focal points.
2. Side building walls that do not face a street right-of-way and exceed 30 feet in length shall have façade-articulating elements such as columns and/or changes in plane, texture, or masonry pattern (see Figure 6-12: Large Retail Establishment Form and Design).

SEC. 24-6.9. GREEN BUILDING INCENTIVES⁷⁸⁹

SEC. 24-6.9.1. PURPOSE AND INTENT

The purpose of this section is to add support for green building practices in the City by providing incentives for developments that incorporate specific types of green building features. Specifically, this section is intended to provide incentives for developments that incorporate green building features that support:

- a. Energy conservation;
- b. Alternative energy use;
- c. Indoor air quality
- d. Water conservation;
- e. Sustainable building; and
- f. Alternate forms of transportation.

SEC. 24-6.9.2. APPLICABILITY

- a. All development is eligible to receive green building incentives in accordance with this section.
- b. In cases where the incentives in this section conflict with the neighborhood compatibility standards in Sec. 24-6.7, Neighborhood Compatibility Standards, the neighborhood compatibility standards shall control.

SEC. 24-6.9.3. INCENTIVES⁷⁹⁰

- a. Development integrating green building features in accordance with this section shall be eligible for the following incentives. They shall be integrated into the development consistent with the requirements of this section and this Ordinance:
 1. A density bonus of up to one and one-half additional dwelling units per acre beyond the maximum allowed in a base Residential zoning district in which the incentive is allowed, and up to two additional dwelling units per acre beyond the maximum allowed in any other base zoning district;
 2. An increase in the maximum allowable height by up to one story or 12 feet beyond the maximum allowed in the base zoning district; and
 3. A decrease in the minimum off-street vehicular parking requirement by up to 12 percent.
- b. Development may be eligible to use one or two incentives, in accordance with the standards of this section, but in no instance shall the amount of an incentive be increased or decreased (as appropriate) beyond the maximum listed in this section.

⁷⁸⁹ This new section establishes green building incentives. The incentives are only provided if the development is certified to meet certain green building standards established by national and international organizations. Compliance with the certification standards is voluntary on the part of the applicant, and can be proposed within all base zoning districts. The incentives provided are increased residential density (for residential development), increased building height or stories (for nonresidential development), and off-street parking reductions (for residential and nonresidential development). Applicants may request one or two of the listed incentives depending on which certification standard is met. This framework allows the City to modify and add to the provisions over time.

⁷⁹⁰ This subsection identifies the incentives that are provided under the section for including additional green building features in a development. The applicant is given the option to propose the type of incentive(s) that would be provided.

SEC. 24-6.9.4. REQUIRED CERTIFICATION⁷⁹¹

- a. Development that complies with the current versions of the following green building certification programs may be entitled to the green building incentives of this section, in accordance with the procedure in Sec. 24-6.9.5 below:
 - 1. **LEED® Gold Certification or Equivalent**
LEED® Gold certification or certification of meeting equivalent standards of the National Green Building Standard™/NGBS Green or the International Code Council's International Green Construction Code.
 - 2. **LEED® Platinum Certification or Equivalent**
LEED® Platinum certification or certification of meeting equivalent standards of the National Green Building Standard™/NGBS Green or the International Code Council's International Green Construction Code.
- b. Certification shall be met using the green building rating system that is most appropriate to the development. For example, development that involves new construction or major renovation that seeks one incentive through LEED® Gold certification shall use the LEED® Building Design and Construction (BD+C) rating system.

SEC. 24-6.9.5. PROCEDURE⁷⁹²

- a. Applicants seeking to use green building incentives shall include with the application a written statement that the development will comply with one of the required certifications in Sec. 24-6.9.4 above. The written request shall include a statement attesting that the development is proposed to be rated and certified to meet the applicable certification in Sec. 24-6.9.4 above, and that as a result of this certification the development is eligible for one or two of the incentives listed in Sec. 24-6.9.3 above.
- b. The applicant may seek to use one green building incentive if LEED® Gold certification or an equivalent certification is proposed in accordance with Sec. 24-6.9.4.a.1 above, or two green building incentives if LEED® Platinum certification or equivalent certification is proposed in accordance with Sec. 24-6.9.4.a.2 above.
- c. Review for compliance and granting of requests for incentives in accordance with this section shall occur during the review of a development application for a planned development (Sec. 24-3.4.3), conditional use permit (Sec. 24-3.4.4), special exception use permit (Sec. 24-3.4.5), land development permit (Sec. 21-218), a subdivision master plan, a subdivision preliminary, or a minor subdivision, as appropriate.
- d. The decision-making body or person responsible for review of the development application shall also be responsible for the review of the green building incentive request and shall authorize the incentive only upon making a determination that the development will achieve the applicable certification.

SEC. 24-6.9.6. REQUIREMENT TO INSTALL AND MAINTAIN SUSTAINABLE/GREEN BUILDING PRACTICES

Prior to the issuance of a Building Permit, the applicant shall submit certification from an architect or engineer licensed to practice in Alabama that demonstrates the proposed development will achieve the green building certification that was used to obtain the right to use one or more incentives provided in accordance with this section. Prior to issuance of a Certificate of Occupancy, the applicant shall submit proof that the development has achieved the green building certification that was used to obtain the right

⁷⁹¹ This subsection identifies the types of certification that can entitle an applicant to the green building incentives of this section.

⁷⁹² This subsection sets out the procedure for an applicant to follow for entitlement to green building incentives.

to the one or more incentives provided in accordance with this section. Failure to submit proof of certification is a violation of this Ordinance, and may result in revocation of the development approval or permit, or other penalties.

SEC. 24-6.10. SIGNS AND BILLBOARDS⁷⁹³

SEC. 24-6.10.1. PURPOSE AND INTENT⁷⁹⁴

- a. This section establishes regulations for the display and maintenance of signs in order to protect the health, safety, welfare, convenience, and enjoyment of the general public. While signs are a proper commercial use of private property and perform an important function in identifying properties, businesses, services, residences, events, and other matters of public interest which are entitled to the protection of the law, signs should be reasonably regulated in their number, size, height, spacing, and illumination in the interest of the public safety and welfare and to safeguard and promote the aesthetic quality of the City. To that end, these sign and billboard regulations are intended to:
1. Protect the public from the danger of unsafe signs;
 2. Preserve, protect, and enhance areas of historical, architectural, cultural, aesthetic, and economic value, regardless of whether they are natural or human-made;
 3. Establish standards and provide controls that permit reasonable use of signs and enhance the character of the City, recognizing the benefits of signs to the City's residents, businesses, and visitors, such as aiding orientation, identifying activities, expressing local history and character, and serving other educational purposes;
 4. Preserve the views of natural resources, green space, and other open spaces;
 5. Ensure the safety and efficiency of the City's transportation network by minimizing clutter, unsightliness, confusion, and hazardous distractions to motorists; reducing collision hazards; and facilitating motorists' ability to see pedestrians, obstacles, other vehicles, and traffic signs;
 6. Integrate sign regulations with general zoning regulations by establishing specific requirements for signs and billboards related to setbacks, height, and spacing to ensure adequate lighting, ventilation, and preservation of views in a manner that is compatible with other land uses in the City; and
 7. Protect adjacent and nearby properties, in particular residentially zoned properties, from the impact of signs and billboards by regulating the lighting, number, size, height, movement, and location of signs and billboards.
- b. These sign and billboard regulations are not intended to inhibit an individual's rights protected by the First Amendment to the United States Constitution.

SEC. 24-6.10.2. APPLICABILITY

a. General

Except as otherwise provided in subsection b below, these sign and billboard regulations shall apply to all signs erected, constructed, displayed, painted, maintained, altered, or installed, which

⁷⁹³ This section carries forward Article X: Billboards and Signs, of the current Zoning Ordinance, with modifications for compliance with court decisions regarding the First Amendment, and to improve the flow and organization of the regulations and the style and formatting of the language, consistent with the other development standards in this draft. Substantive revisions to Article X are noted in footnotes below. Provisions addressing sign permit application requirements and procedures, enforcement, and nonconforming signs are relocated to Article 24-3: Administration, Article 24-7: Enforcement, and Article 24-8: Nonconformities, respectively.

⁷⁹⁴ This carries forward the current purpose and scope language (Sec. 24-131), with modifications to streamline and clarify the purposes of the sign regulations, and to remove language that might be construed as preferring one message content over another.

are legible from public or private property other than the one on which the sign is located. No sign shall be erected or installed unless it is in compliance with the regulations of this article.

b. Exemptions from Standards⁷⁹⁵

1. Exempt from All Sign Standards

The following signs are exempt from all sign and billboard standards in this section:

- i. Signs erected by, on behalf of, or pursuant to the authorization of a governmental body, including traffic, directional, and regulatory signs and legal notices; and
- ii. Signs the City is prohibited from regulating by state or federal law, to the extent of the prohibition.

2. Exempt from Specific Sign Standards⁷⁹⁶

The following activities and signs are exempt from all sign and billboard standards in this section other than Sec. 24-6.10.6, General Provisions:

- i. Cleaning, painting, or comparable maintenance of a sign that does not alter the size, image, or message of the sign.
- ii. Changing the copy, announcement, or message on a changeable copy sign.
- iii. Address numbers used for the purposes of identifying the E-911 address of a property, if they are not included on a sign with other commercial or noncommercial messages or images.
- iv. Signs marking construction, excavation, or similar hazards.
- v. Temporary decorations used to celebrate a single holiday or season.
- vi. Signs attached to a vehicle or trailer that is used in the normal day-to-day operation of the business advertised on the vehicle, if the vehicle or trailer is used primarily for the transportation or conveyance of persons or commodities from one place to another, and not for advertising.
- vii. A sign designed to be carried by a person and that is not prohibited in Sec. 24-6.10.6.i, Prohibited Signs, such as a placard.
- viii. Signs on structures or sites which were designated as historic structures or sites before December 1, 2007, if the sign was included in a photo, drawing, or description that is part of (i) a document designating the structure or site as a historic structure or site, or (ii) an approved application for a certificate of appropriateness, and if the sign is maintained in a manner that retains its historical significance, character, method and manner of operation, and appearance.
- ix. Signs posted on the site of public K-12 schools operated by Tuscaloosa City Schools or the Tuscaloosa County School System.⁷⁹⁷

⁷⁹⁵ This section and the following section carry forward Sec. 24-134 of the current Zoning Ordinance, modified to clarify that some signs currently listed as not requiring a permit and exempt from the standards must comply with the general sign standards (governing illumination, location, maintenance, etc.), while exempting other signs (e.g., traffic lights) from all standards. Language is also simplified or modified to eliminate references to sign content in some cases. Standards for several of the signs are included in the temporary sign standards at the end of the sign and billboard standards, with cross references included in this section. Provisions exempting specific types of signs that are not legible from the right-of-way and other properties are deleted, since such signs are not subject to standards per the last paragraph of Sec. 24-131 of the current Zoning Ordinance. The following exemptions are not carried forward because they are based on the content of the sign, which runs counter to recent court cases: (1) signs advertising employment opportunities and (2) signs identifying the name or occupation of a nonresidential occupant.

⁷⁹⁶ The exemption for flags not displaying a commercial message has been removed for content-neutrality purposes.

⁷⁹⁷ New.

c. Severability

If any section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section is declared to be unconstitutional or otherwise invalid by a judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect the validity of this section as a whole or any other section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section.

d. Substitution of Message

Any sign allowed in accordance with this Ordinance may contain, in lieu of a commercial message, any lawful message that is not a commercial message.

SEC. 24-6.10.3. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a development application for a planned development (Sec. 24-3.4.3), a conditional use permit (Sec. 24-3.4.4), a special exception use permit (Sec. 24-3.4.5), a sign permit (Sec. 24-3.4.7), or a land development permit (Sec. 21-218), as appropriate. Review of compliance with these standards for freestanding signs in residential subdivisions may also occur during the subdivision process.

SEC. 24-6.10.4. SIGN PERMIT REQUIRED⁷⁹⁸

- a. Except as otherwise provided in subsection b below, no person shall erect, alter, relocate, repair, replace the face of, or change a sign without first obtaining a sign permit in accordance with Sec. 24-3.4.7, Sign Permit.
- b. The following signs are exempt from the requirement of obtaining a sign permit, but shall comply with all applicable standards in this section:
 1. Signs and activities exempt from these sign and billboard standards in accordance with Sec. 24-6.10.2.b, Exemptions from Standards;
 2. Signs erected by a K-12 school on the premises of the school;
 3. Window signs (see Sec. 24-6.10.9.a);
 4. Traffic and pedestrian signs (see Sec. 24-6.10.9.e);
 5. Drive-through signs (see Sec. 24-6.10.9.f);
 6. Flags (see Sec. 24-6.10.9.g);
 7. Banners (see Sec. 24-6.10.10.a);
 8. Temporary construction signs (see Sec. 24-6.10.10.b);
 9. Temporary real estate signs (see Sec. 24-6.10.10.c); and
 10. Temporary yard signs (see Sec. 24-6.10.10.d).

SEC. 24-6.10.5. SIGN MEASUREMENTS⁷⁹⁹

a. Height

Except as otherwise provided in this Ordinance, the height of a sign shall be measured as the vertical distance between the highest point of the sign and the tallest of:

1. The finished elevation of the lot or development site on which the sign is located;

⁷⁹⁸ This section carries forward the general requirement to obtain a sign permit in Sec. 24-133 of the current Zoning Ordinance, and, together with the previous section, the exemptions in Sec. 24-134 (see footnote above).

⁷⁹⁹ This section consolidates rules for measurement for signs and billboards in Article X: Billboards and Signs, of the current Zoning Ordinance.

2. The finished grade of the sidewalk, alley, or ground directly below the sign, provided any berming or filling solely for the purpose of locating the sign shall be computed as a part of the sign height; or
3. The elevation of the adjacent street curb, or in the absence of a curb, the adjacent street centerline.

b. Display Area

1. The display area of a sign or advertising device is measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire sign or advertising device; including trim, frame, apron, posts, wrappings, sheathings, coverings of any type, encasements, uprights, and braces or other structural members which support it. If the sign consists of a logo or symbol, individual letters, or connected lettering mounted on a building in a raceway or similar mounting or on the surface of an integral architectural element, which is a part of the building, the display area shall be measured by the number of square feet in the smallest rectangle, within which all letters, logos, symbols or other elements of the sign can be enclosed, multiplied by 0.8. If an electronic, digital, or video board is included on a sign, the area of the board shall be counted toward the maximum allowable display area. The measurement of display area shall be taken from the largest two-dimensional profile of the structure.
2. If a sign has two or more faces, the display area shall be:
 - i. The display area of the largest of the sign faces if only one face can be viewed from any single location on abutting roadways; or
 - ii. The largest sum of the display areas of all sign faces that can be viewed from any single location, if more than one sign face can be viewed from any single location on abutting roadways.
3. When a sign is in the form of a three-dimensional object, the area shall be determined by drawing a square, rectangle, triangle, circle or combination thereof, which will encompass the projected image of the sign and multiplying that area by two. The “projected image” is that image created by tracing the largest possible two-dimensional outline of the sign.

c. Brightness

Sign brightness shall be measured (in nits) from the sign’s face when the sign is set to its maximum brightness.

SEC. 24-6.10.6. GENERAL PROVISIONS

a. Measurement

Sign height, display area, and light intensity shall be measured in accordance with Sec. 24-6.10.5, Sign Measurements.

b. Location

1. Signs and their supporting structures shall not be located within or project into the public right-of-way except as specifically allowed in this Ordinance.⁸⁰⁰
2. Signs and their supporting structures shall not be located in any Sight Triangle.
3. Signs and their supporting structures shall not be located so as to impede the use of any fire escape, emergency exit, or ventilation opening.

⁸⁰⁰ Because the regulations specifically allow signs to project over public alleyways (see Sec. 24-135(8)(a) of the current Zoning Ordinance carried forward in Sec. 24-6.10.8.f of this Ordinance) this carry-forward provision has been modified to recognize exceptions to the general rule.

4. Except as otherwise provided in Sec. 24-6.10.9.h, Billboards, no sign containing a message related to goods, services, products or other activities that are not offered on the same premises on which the sign is located shall be permitted.

c. Illumination

1. Devices that illuminate a sign or signs shall be placed and shielded so that direct light is not cast into residential areas or the eyes of pedestrians, cyclists, or motorists entering or using a street, road, or highway.
2. Sign lighting shall not be designed or located to cause confusion with traffic signals.

d. Electronic, Digital, and Video Displays

The use of electronic, digital, or video displays in signs shall comply with the following standards:

1. The display shall be programmed so that the message or image on the sign changes no more often than once every eight seconds.
2. There shall be no effects of movement, blinking, animation, scrolling, flashing, scintillation, or similar effects in the individual images.
3. Changes of image shall be instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving, or similar effects as part of the change.
4. The display shall use automatic level controls incorporating ambient light monitors to automatically adjust the brightness of the display at night and under cloudy and other darkened conditions. Maximum brightness levels shall not exceed 5,000 nits during daylight hours and 500 nits between sunset and sunrise, as those times are determined by the National Weather Service.
5. Any changeable copy sign using an electronic, digital, or video display which malfunctions and fails or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing, or any similar effects, shall be restored to compliance with the requirements of this section within 48 hours of the malfunction; however, if the Office of the City Engineer considers the malfunction to be a hazard to the health, safety, and welfare of the public, the City Engineer may order the sign to be turned off, disconnected, or disabled at any time during the malfunction.⁸⁰¹
6. Except for billboards in accordance with Sec. 24-6.10.9.h, Billboards, a changeable copy freestanding sign using an electronic, digital, or video display shall not exceed 50 percent of the allowable display area of the sign.⁸⁰²
7. No more than one sign that includes an electronic, digital, or video display per premises shall be visible from any one location; however, a two-sided sign on which the two sides are parallel, with changeable copy on each side, shall be deemed to comply with this standard.

e. Building Code Compliance

All permanent signs and their illumination shall be designed, constructed, and maintained in conformity with the Building Code. Wherever there is inconsistency between this article and the Building Code, the more restrictive requirement shall apply.

f. Maintenance

All signs and billboards and their supporting structures shall be maintained in accordance with the Building Code and in good repair, free of rust, peeling, fading, broken or cracked panels, broken or missing letters, or any condition that would constitute a fire or health hazard. Nonfunctioning light bulbs shall be replaced within ten days of becoming nonfunctioning. Vegetation shall be

⁸⁰¹ Updated from Director of Transportation to IPS.

⁸⁰² Updated from 50 square feet in display area.

properly maintained and the general area in the vicinity of the sign or billboard shall be kept free and clear of spare or discarded sign materials.

g. Unsafe Signs

Any sign that, in the opinion of the Chief Building Official, constitutes a danger to the public due to structural, maintenance, or other issues, notwithstanding the fact that it may conform with the dimensional and other standards of this section, shall be illegal. The determination that a sign is a danger to the public shall be made in writing and shall specify the characteristics of the sign that constitute a danger, and a copy of the determination shall be promptly served on the permit holder for the sign or the property owner of record. If the sign owner or property owner responds within three business days of being served with the determination with a proposed plan to eliminate the danger and begins and maintains diligent work to implement that plan, the sign shall no longer be considered illegal. Otherwise, the sign shall be considered illegal and the Director of Planning shall proceed in accordance with the enforcement provisions in this Ordinance (see Article 24-7: Enforcement).

h. Abandoned Signs

Except as otherwise provided in this section, a sign shall be deemed abandoned if it is located on property that is vacant or unoccupied for a period of greater than 90 days, pertains to a business which does not maintain a current business license, or pertains to a time, event, or purpose which no longer applies. Each abandoned sign shall be removed by the owner of the sign or the owner of the property. If the abandoned sign's supporting structure complies with this Ordinance, the supporting structure is not required to be removed, otherwise, the supporting structure shall either be removed or made to conform to this Ordinance.

i. Prohibited Signs

The following signs are expressly prohibited in the City:

1. Any sign which does not conform to the requirements of this Ordinance with respect to number, display area, location, or otherwise;
2. Any sign not expressly authorized by this section;
3. Except as otherwise permitted in this Ordinance, any sign not permanently attached to the ground or other permanent structure or designed to be readily transported, including, but not limited to, signs designed to be transported by means of wheels; balloons used as signs; umbrellas with signs such as those affixed to tables; and signs attached to or painted on vehicles parked and visible from the public right-of-way;
4. Signs made of paper, cloth, or other nondurable materials;
5. Any sign which simulates or imitates in size, color, lettering, or design any official traffic sign or signal;
6. Any signs, other than official traffic control devices, highway identification markers, warning signs, and other official signs, that are located within the right-of-way of a street or alley or outside the right-of-way in a manner that creates a safety hazard by (i) obstructing the vision of pedestrians, cyclists, or motorists traveling on or entering a street, road, or highway, or (ii) using the word "stop" or "danger" or other language that presents or implies the need or requirement of stopping or caution or the existence of danger, if such signs are likely to be confused with a sign displayed or authorized by a public authority;
7. Any sign which employs moving strobe-type lights, flashing lights, beacons, spotlights directed at the sky or at anything other than the sign surface, flashing or blinking lights, or any type of pulsating or moving light;
8. Feather flag signs;
9. A fluttering object, gas balloon, moored blimp, moving object, pennant, revolving object, ribbon, rotating object, spinner, streamer, or any similar object or structure that is designed to

inform or attract the attention of persons not on the premises on which it is located, except as specifically permitted in Sec. 24-6.10.10.a, Banners.⁸⁰³

10. Signs that are of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians, or that illuminate adjacent residential development;
11. Signs that emit audible sound, odor, or visible matter such as smoke or steam;
12. Signs on public land, other than those erected at the direction or with the permission of the governmental authority that manages the land, in accordance with its established policies and procedures;
13. Signs erected on public utility poles, even if they are located on private property, other than signs erected by a public authority for public purposes;
14. Signs erected on any broadcasting or telecommunications tower or any antenna, except as required by law;
15. Signs installed on any property owned or controlled by the state or City or on school board property, including all public rights-of-way, trees, light poles, sidewalks, streets, benches, fire hydrants, public parks or playgrounds, libraries, fire stations, city hall, and schools, except for signs installed by the owner of the property in accordance with the standards of this section;⁸⁰⁴
16. Signs or their supporting structures that interfere in any way with free use of any fire escape, emergency exit, or standpipes, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations or any other regulation of the City;
17. Signs painted on or attached to trees, rocks, or other natural features;
18. Signs attached to or painted on the roof and intended to be visible from above; and
19. Signs or their supporting structures that have become deteriorated or damaged by any means to an extent of more than 50 percent, as determined by the Chief Building Official.

SEC. 24-6.10.7. FREESTANDING SIGN GENERAL STANDARDS

a. Number of Freestanding Signs Allowed⁸⁰⁵

1. Except in the D district, freestanding signs are allowed in accordance with the following:
 - i. For a parcel with one street frontage, a single freestanding sign is allowed.
 - ii. For a parcel with more than one street frontage, up to two freestanding signs are allowed, with no more than one on a single street frontage, and each sign shall be oriented to be perpendicular to the street.
 - iii. For a parcel outside the R or RPD districts with frontage along the Black Warrior River or Lake Tuscaloosa, a single monument sign is allowed along that frontage. Pole signs are prohibited.
2. Freestanding signs are not allowed in the D district.

⁸⁰³ This list and feather flags constitute a more complete list of prohibited, attention grabbing signs to replace "Inflatable signs, figures, and tethered balloons" in the current code.

⁸⁰⁴ Adapts current provision in Sec. 24-134(o)(4) of the current Zoning Ordinance but broadens it to apply to all signs, not just political signs, and clarifies that the owner may post signs in accordance with this Ordinance.

⁸⁰⁵ Clarifies rules regarding freestanding signs and prohibits them in the D district.

b. Pole Signs

1. The portion of a pole sign below the sign structure shall be covered with materials similar to the materials used on the principal buildings on the site.
2. The pole of the sign structure below the sign shall not be considered part of the display area if it does not establish a logo or other representation of the establishment on the site where the sign is located, and contains no message other than the address of the site.

c. Maximum Height

1. Except as otherwise provided in subsection 2 below, the maximum height of a freestanding sign is established in Table 6-16: Maximum Freestanding Sign Display Area.⁸⁰⁶
2. The maximum height of a freestanding sign on a lot abutting Interstate 20/59 shall be 60 feet if:
 - i. The development, including developments located at designated exit ramps, lies contiguous to the interstate right-of-way;
 - ii. The freestanding sign is oriented to the interstate and is not oriented to any other street or avenue or positioned parallel to the interstate right-of-way; and
 - iii. Development on the lot:
 - (a) Consists of a shopping center (see Sec. 24-2.3, Definitions); or
 - (b) Includes at least 10,000 square feet of gross building area and all buildings, parking lots, and accessory uses are located on a single lot.

d. Maximum Display Area

The maximum height and display area allowed for each freestanding sign shall be as set out in Table 6-16: Maximum Freestanding Sign Display Area.

Table 6-16: Maximum Freestanding Sign Display Area

DEVELOPMENT TYPE/LOCATION		MAXIMUM DISPLAY AREA [2]	MAXIMUM SIGN HEIGHT
General Business (not shopping center)	In all locations except where specified below	200 sf	25 ft
	On lot abutting Interstate 20/59 [3]	450 sf	25 ft
Shopping Center [4]	At least 10,000 sf but less than 50,000 sf	300 sf	25 ft
	At least 50,000 sf but less than 100,000 sf	400 sf	25 ft
	At least 100,000 sf but less than 200,000 sf	450 sf	35 ft
	200,000 sf or more	500 sf	35 ft
Along frontage abutting Black Warrior River or Lake Tuscaloosa ⁸⁰⁷		[5]	25 ft
NOTES			
[1] sf = square feet			
[2] The maximum display area per sign (see Sec. 24-6.10.5.b, Display Area)			
[3] Increase in maximum sign area applies only if: (i) the development, including developments located at designated exit ramps, lies contiguous to the fenced interstate right-of-way, (ii) the freestanding sign is oriented to the interstate and is not oriented to any other street or avenue or positioned parallel to the interstate right-of-			

⁸⁰⁶ The maximum sign height has been increased to 35 feet for signs at shopping centers with more than 100,000 sf of development area. In parts of lots subject to the neighborhood compatibility standards in Sec. 24-6.7, the maximum height of a sign is 20 feet.

⁸⁰⁷ These are new standards, requested by staff, that provide limited allowances for signs to be erected along waterfront frontages. To improve the visual quality of the waterfront, the copy area of the signs are limited, and only monument signs are permitted.

Table 6-16: Maximum Freestanding Sign Display Area

DEVELOPMENT TYPE/LOCATION	MAXIMUM DISPLAY AREA [2]	MAXIMUM SIGN HEIGHT
<p>way, and (iii) the development includes at least 10,000 square feet of gross building area and all buildings, parking lots, and accessory uses are located on a single lot. Otherwise, the maximum display area for the freestanding sign is 200 square feet. Maximum sign height may be increased in accordance with Sec. c.2 above.</p> <p>[4] Area measurements refer to the sum of all gross floor areas of all buildings in the shopping center.</p> <p>[5] One square foot of sign copy area is permitted for each linear foot of river- or water-facing frontage, up to a maximum of 150 square feet of copy area. Only applies to parcels outside the R or RPD district.</p>		

SEC. 24-6.10.8. BUILDING/WALL SIGN GENERAL STANDARDS

a. Number of Building/Wall Signs Allowed

Any number of building/wall signs are allowed subject to the standards of this subsection.

b. Display Area

1. The sum of all display areas of all building/wall signs on any single development site shall not exceed a total of two square feet per linear foot of the main or entry façade of all buildings on the site. For purposes of this section, the main or entry façade shall be the façade or side of the building that faces the public street, road or highway, or, in cases where the building is oriented in a manner not parallel to the street, the façade where the primary entrance is located. In the case of a shopping center, where it cannot be determined which façade is the main or entry façade, the longest single exterior elevation of the structure, or, in the case of an individual shopfront in a multi-tenant building, the longest exterior entry façade of the individual business, shall be the main or entry façade.
2. No single building/wall sign shall exceed 300 square feet of display area.

c. Allocation of Display Area

1. Each individual business is allowed a minimum of 32 square feet and a maximum of 500 square feet of building/wall sign display area, subject to the maximum display area limitations in subsection b above.
2. A minimum of 70 percent of the display area shall be on the main or entry façade determined in accordance with subsection b above.
3. Building façades containing drive-thru or walk-up windows that are not also a main or entry façade are limited to 60 square feet of building wall signage.
4. Signs on awnings or canopies shall not exceed 30 percent of the face area of the canopy or awning. The face area includes the entire canopy or awning, including the valance.⁸⁰⁸

d. Placement on Building/Wall

1. A building/wall sign shall not be mounted to the structural roof or applied to the roof. This limitation applies to painted signs.⁸⁰⁹
2. A building/wall sign shall not project more than four feet above the lowest roof line or top of the parapet line.

⁸⁰⁸ Limitation on awning or canopy signage is new. Awnings and canopies are included within the definition of “building/wall sign” and so the limitations on total building/wall signage includes any signs on awnings or canopies.

⁸⁰⁹ The height limit on signs extending above the roof line is new. In addition, a new prohibition on building signs visible intended to be viewed from above has been added to Sec. 24-6.10.6.i, Prohibited Signs.

e. Projection

A sign shall not project out more than six feet from the façade to which it is attached, measured from the point of connection on the building to the furthest part of the sign. A right-of-way use permit is required if a sign projects over a public right-of-way. The maximum copy area of a projecting sign is 18 square feet.⁸¹⁰

f. Minimum Vertical Clearance

1. Signs projecting over pedestrianways shall provide at least eight feet vertical clearance.
2. Signs projecting over public alleyways shall provide at least 16 feet vertical clearance.

SEC. 24-6.10.9. STANDARDS FOR SPECIFIC TYPES OF PERMANENT SIGNS⁸¹¹**a. Window Signs**

Window signs shall not occupy more than 20 percent of an individual window, or more than 20 percent of the entire glass area along each street-level façade.⁸¹²

b. Shopping Center Signs

A freestanding sign located on a lot with a shopping center shall be supported by a structure constructed of brick, stone or other masonry material, or other material of similar weight, durability, and finish, as determined by the Director of Planning.⁸¹³

c. Subdivision or Office/Industrial Park Entrance Signs

A freestanding sign may be located at any primary entrance to a residential subdivision, office park, or industrial park of at least five acres in accordance with the following standards:

1. The sign shall be located on private property and not within the public right-of-way, except as provided in subsection 6 below;
2. A maximum of one such sign is allowed per street front (entrance); however two sign faces may be used (on either side of the entrance) if the sign is incorporated into a wall or other architectural entrance feature.
3. The maximum display area of each sign face shall be 32 square feet.
4. The maximum height of each such sign shall be eight feet.
5. The sign supporting structure shall be constructed of brick, stone, or other masonry material or such other decorative material approved by the Director of Planning.⁸¹⁴
6. The sign may be plated or designed to be located in a traffic island, located within a median of the development, or at the entrance to the development in a manner that encroaches within or on the street or highway right-of-way, if the sign complies with the following additional standards:
 - i. The sign shall be placed in a designated median or traffic island;

⁸¹⁰ Revised to clarify how to calculate projection and the requirement for a ROW permit and adds a maximum size that is larger than the 12 sf currently permitted in the current Zoning Ordinance.

⁸¹¹ This generally carries forward standards from the current Zoning Ordinance, except that the regulations allowing signs for home occupations in Sec. 24-135(10) have not been carried forward, at staff's request.

⁸¹² References to sign content in the current Zoning Ordinance are deleted. Updated to add 20 percent limitation per window, and applies to each street-level façade.

⁸¹³ This changes the current Zoning Ordinance provision (paragraph (3)(f) of Sec. 24-135), which authorizes the planning commission to make a determination regarding other acceptable materials. This section grants the authority to the Director of Planning and provides additional language regarding acceptable materials.

⁸¹⁴ Approval authority changed from PZC to Director of Planning for consistency with shopping center signs provision above.

- ii. The developer shall indicate the location of such sign on a site plan and plat and provide construction details for review and approval by the City Engineer, and shall also apply for and receive a right-of-way use permit for the sign from the City;
 - iii. Any utilities involved with construction of the sign shall be permitted through the Building and Inspection Division; and
 - iv. The developer shall provide an engineer's certification that site distance around the sign meets minimum requirement established by the City.
7. A sign erected in a traffic island, in accordance with subsection 6 above, that is damaged shall be rebuilt, repaired, or replaced only in accordance with the requirements of this Ordinance. Such a sign will not be repaired or replaced at the City's expense and may not remain in a damaged condition.
- d. Multifamily Residential Signs⁸¹⁵**
- 1. A site that contains a multifamily residential use may contain one of the following at each entrance from a public street:
 - i. A building/wall sign having a maximum display area of 32 square feet; or
 - ii. A freestanding sign having a maximum display area of 32 square feet and a maximum height of eight feet.
 - 2. A site that contains a multifamily residential use and includes uses in the Commercial use classification may additionally include building or wall signs for the nonresidential uses in accordance with Sec. 24-6.10.8, Building/Wall Sign General Standards, above.
- e. Traffic and Pedestrian Signs**
- Up to four signs legible off-site are allowed on each lot containing a Commercial, Institutional, or Industrial use. Each sign shall have a display area of ten square feet or less and a height of three feet or less. All such signs shall be oriented toward pedestrian or vehicular traffic and posted at access or exit points or at trash receptacles, first aid facilities, shopping cart corrals, or locations in the pedestrian and/or vehicular circulation system on a development site. An unlimited number of signs that are not visible off-site are allowed.
- f. Drive-Through Facility Signs**
- Two permanent signs are allowed along the queuing area of each drive-through facility. Each sign shall:
- 1. Be oriented toward the queuing lane;
 - 2. Have a maximum display area of 48 square feet; and
 - 3. Have a maximum height of eight feet.
- g. Flags⁸¹⁶**
- 1. Up to two flags no larger than 32 square feet in area are allowed per premises.
 - 2. The maximum height of any flag is 16 feet in Residential districts and 50 feet in districts other than Residential districts, measured from the ground level in accordance with Sec. 24-6.10.5.a, Height.

⁸¹⁵ This allows mixed-use developments with multifamily residential and commercial uses to incorporate additional signage for the nonresidential parts of the building.

⁸¹⁶ These standards are revised to delete this language, which is inconsistent with the First Amendment to the United States Constitution (see purposes and scope section above): "Official flags must be flown in a manner that meets U.S. congressional protocol. Failure to display flags in this manner will be a violation of this article."

3. Flags shall be attached to a flagpole. The flagpole may be freestanding or attached to a building. Flags shall not be hung from a balcony, railing, or other elements of a building except when attached to a flagpole.

h. Billboards

1. Applicability

- i. The billboard standards in this section shall apply to all billboards constructed after December 4, 2007.
- ii. Billboards erected prior to December 4, 2007, that were legal nonconforming billboards prior to December 4, 2007, shall be considered nonconforming billboards under this Ordinance and shall be subject to Sec. 24-8.6, Nonconforming Signs and Billboards.
- iii. Except as provided in subsection iv below, billboards erected prior to December 4, 2007, that were in conformity with the regulations in effect prior to the adoption of amended billboard regulations on December 4, 2007, shall be deemed conforming billboards under this Ordinance.
- iv. Billboards are prohibited in the following areas, and any existing billboards in such areas are nonconforming billboards, subject to Sec. 24-8.6, Nonconforming Signs and Billboards:
 - (a) Abutting Rice Mine Road as the same is depicted and shown on the Major Streets Plan of Tuscaloosa.
 - (b) Abutting Jack Warner Parkway as the same is depicted and shown on the Major Streets Plan of Tuscaloosa.
 - (c) Abutting Ol' Colony Road as the same is depicted and shown on the Major Streets Plan of Tuscaloosa.
 - (d) Abutting New Watermelon Road as the same is depicted and shown on the Major Streets Plan of Tuscaloosa.
 - (e) Abutting the Eastern Northern Bypass, also known as State Road 297 (21st Street NE) from Jack Warner Parkway to Rice Mine Road N.E.
 - (f) Abutting Northridge Road as the same is depicted and shown on the Major Streets Plan of Tuscaloosa.
 - (g) Abutting McWright's Ferry Road.
 - (h) Abutting a road designated as an Alabama Scenic Byway in accordance with the Alabama Scenic Byways Program.
 - (i) Within the area enclosed by the following boundaries:
 - (1) On the north: by the Black Warrior River;
 - (2) On the west: by Martin Luther King, Jr. Boulevard to the point where Martin Luther King, Jr. Boulevard intersects Jack Warner Parkway. Said boundary is then to continue along an imaginary northern extension of Martin Luther King, Jr. Boulevard to the Black Warrior River;
 - (3) On the south: by the centerline of 15th Street going east from Martin Luther King, Jr. Boulevard to the old Southern Railroad right-of-way and then easterly along the old Southern Railroad right-of-way to McFarland Boulevard East; but not to include properties fronting the south side of 15th Street;
 - (4) On the east: by McFarland Boulevard East.
 - (j) Within 300 feet, measured radially, of the property line of (i) any public park, public playground, church, school, river bridge, or historical structure as designated by the

Alabama Register of Landmarks and Heritage maintained by the Alabama Historical Commission or the National Register of Historic Places maintained by the United States Department of the Interior, or (ii) any property line of a cemetery/graveyard, except where separated from the cemetery/graveyard by a U.S. highway of at least four lanes.

- (k) On the premises of any Historic or Architectural Landmark (see Sec. 24-2.3, Definitions) or in any historic district identified in Chapter 20 of the City Code.

2. Limitation on Number of Billboards

The number of billboards and their supporting structures located on properties not adjacent to Interstate 20/59 shall not exceed the number of billboards that existed on December 4, 2007. On properties abutting the fenced right-of-way of Interstate 20/59, there shall be no limitation on the number of billboards provided all new billboards comply with the standards in this Sec. 24-6.10.

3. Modification, Replacement, or Removal of Existing Billboards

- i. Billboards may be dismantled, moved, and/or converted to accommodate electronic, digital, and video displays or tri-vision technology in accordance with the standards in this Sec. 24-6.10.
- ii. A billboard that is replaced or converted is subject to the following:
 - (a) The maximum height of the billboard shall not increase.
 - (b) The display area of each sign face of the billboard shall not increase.⁸¹⁷
- iii. Prior to the removal of any billboard, the billboard's owner shall obtain a permit for the demolition and removal of the billboard.

4. Minimum Clearance and Maximum Height

- i. On properties adjacent to Interstate 20/59, the base of a billboard sign face shall be at least 11 feet above the ground and not more than the higher of 75 feet above the ground or 60 feet above the plane of the adjoining highway lanes. Such billboards are not subject to a maximum total height limitation.
- ii. Except as otherwise provided in subsection i above, the distance from the base of the lowest sign face of a billboard to the ground beneath the billboard shall be at least 11 feet and not more than:
 - (a) Forty (40) feet if the billboard is located along a street with more than three moving lanes; and
 - (b) Twenty-six (26) feet if the billboard is located along a street with three or fewer moving lanes.
- iii. Except as otherwise provided in subsection i above, the total height of a billboard, as measured from the top of the sign face to the ground beneath the billboard, shall not exceed:
 - (a) In cases where the ground level is lower than the main-traveled way of the street or highway to which the sign is directed, the higher of 25 feet above the plane of such main-traveled way or 60 feet in total height; and
 - (b) Sixty (60) feet in all other cases.

5. Maximum Display Area

The maximum display area of a billboard shall be 672 square feet.

⁸¹⁷ Language revised to better meet current language used in billboard applications.

6. Minimum Spacing

- i. The minimum spacing between billboards which are on the same side of the street shall be 750 feet along Interstate 20/59 and 1,000 feet along all other streets.
- ii. The minimum spacing between billboards which are on opposite sides of the street shall be 500 feet, except no such minimum spacing shall apply along Interstate 20/59.
- iii. The distances specified in subsections i and ii above, shall be measured:
 - (a) Radially from the center point of the adjacent intersection if the billboard is located on a corner lot (see Figure 6-13); or
 - (b) Along the centerline of the street along which the billboards are located in all other cases (see Figure 6-14).

Figure 6-13: Corner Lot Billboard Spacing Measurement

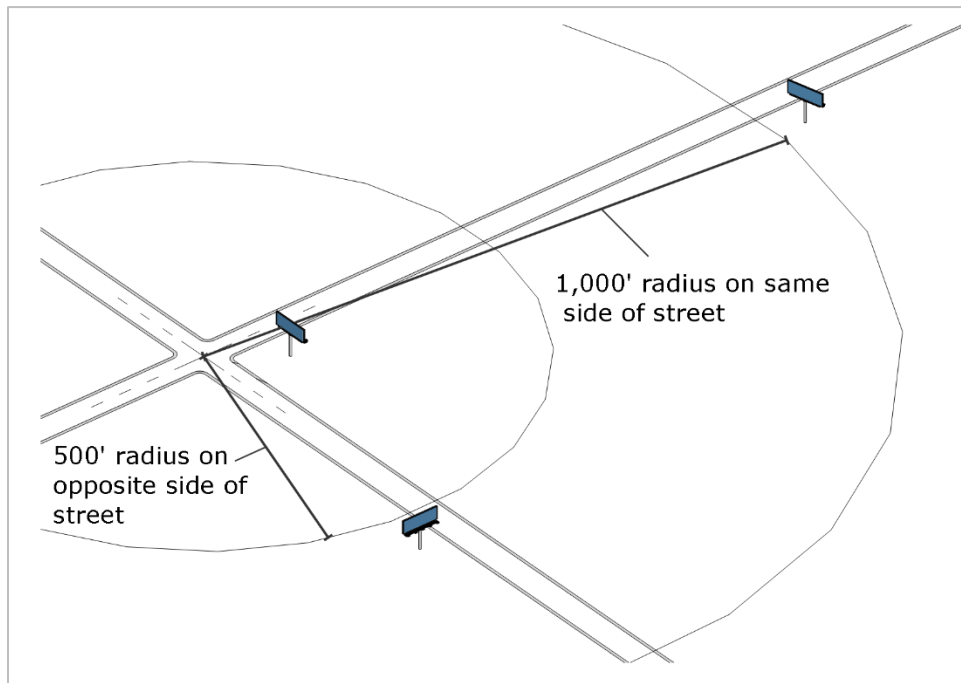
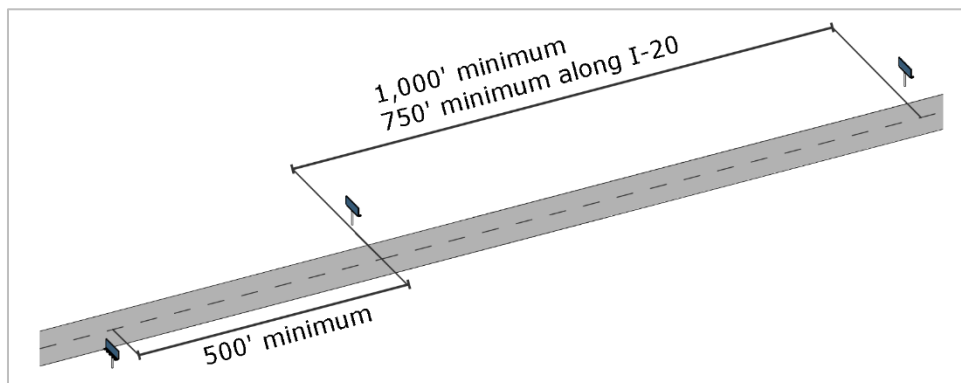


Figure 6-14: Non-Corner Lot Billboard Spacing Measurement

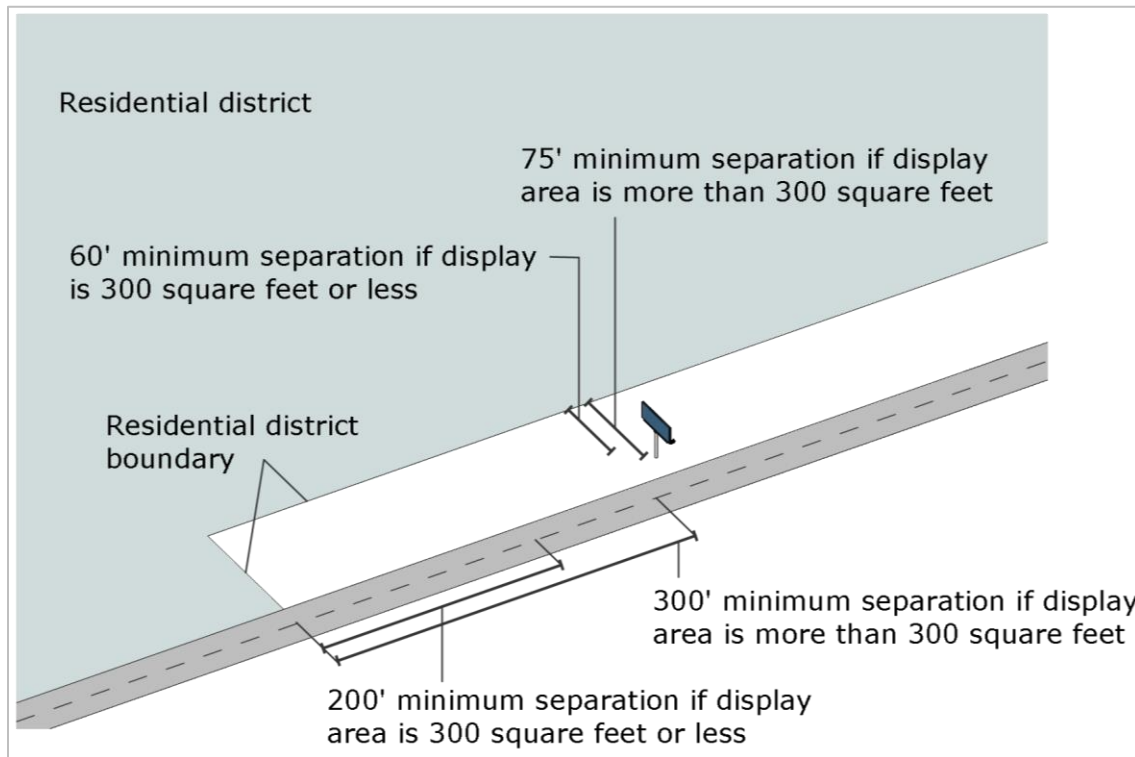


7. Minimum Setback from Residential Districts

Billboards shall be set back from all lands classified in Residential districts as follows (see Figure 6-15: Billboard Setback from Residential Districts):

- i. Billboards having a display area of 300 square feet or less and their supporting structures shall be set back at least 60 feet from all such lands, measured in a straight line, and at least 200 feet from such lands fronting the street on the same side of the street as the billboard, measured along the street frontage; and
- ii. Billboards having a display area of more than 300 square feet and their supporting structures shall be set back at least 75 feet from all such lands, measured in a straight line, and at least 300 feet from such lands fronting the street on the same side of the street as the billboard, measured along the street frontage.

Figure 6-15: Billboard Setback from Residential Districts



8. Design and Configuration

- i. No billboard or component thereof shall revolve, show, or allow movement or rotate, except tri-vision technology in accordance with the standards in this section.
- ii. Lighting of billboards shall be shielded upward to prevent beams or rays from being directed at any portion of a traveled roadway or an occupied residential area and shall not be of such intensity or brilliance as to cause glare or impair vision.
- iii. Billboards that include an electronic, digital, or video display or tri-vision technology shall comply with the standards that apply to electronic, digital, and video displays in Sec. 24-6.10.6.d.

- iv. Billboards that include an electronic, digital, or video display or tri-vision technology shall comply with the following spacing requirements:⁸¹⁸
 - (a) Except as provided in subsection (b) below, each billboard that includes an electronic, digital, or video display or tri-vision technology shall be separated by at least 2,000 feet from any other such billboard, measured along the centerline of the adjacent street, or, if the billboard is located on a corner lot, radially from the center point of the adjacent intersection.
 - (b) The spacing requirement of subsection (a) above shall not apply, and the spacing requirement of subsection 6 above shall apply, for a single new billboard that includes an electronic, digital, or video display or tri-vision technology, if the owner of the new billboard removes two existing billboards in accordance with the standards of this section, provided that the existing billboards:
 - (1) Were erected more than 15 years before the date that the new billboard with an electronic, digital, or video display is installed;
 - (2) Do not include an electronic, digital, or video display or tri-vision technology; and
 - (3) Are within 4,000 feet of where the new billboard will be installed, measured along the centerline of the adjacent street, or, if the billboard is located on a corner lot, radially from the center point of the adjacent intersection,
- v. Sign copy shall not be placed on any portion of the billboard supporting structure other than a sign face.
- vi. Each billboard may have a maximum of two sign faces, provided a billboard having two sign faces shall be configured in one of the following configurations:
 - (a) As a "V"-type billboard, with the two sign faces forming an interior angle of 25 degrees or less;
 - (b) With the two sign faces facing opposite directions, the two sign faces parallel and no more than five feet apart;
 - (c) With the two sign faces facing the same direction and not having a combined display area greater than 672 square feet; or
 - (d) If the billboard has electronic, digital, or video display or tri-vision technology installed behind the sign faces, the two sign faces shall be parallel and no more than ten feet apart.
- vii. The sign supporting structure shall not be larger than is reasonably necessary to support the sign.
- viii. Exposed back of signs, poles, and other components of supporting structures shall be painted white, black, dark green, or dark brown to present an attractive and finished appearance which will blend with natural surroundings in order to further accomplish the purposes of this section and this Ordinance.
- ix. No billboard may be mounted or displayed as a roof sign or wall sign or on any structure not intended specifically for use as a billboard.

⁸¹⁸ This is a new provision that incentivizes billboard owners to remove two older billboards by allowing installation of a new digital billboard that is subject to the standard separation requirements of 500 feet (on opposite sides of the street) and 1,000 feet (on the same side of the street), instead of the 2,000 feet separation requirement that generally applies between digital billboards. The regulations are designed to encourage the removal of older billboards, and requires they be near the proposed new digital billboard to ensure there is not excessive concentration of billboards along a stretch of road.

- x. No billboard shall be located on, or project over, any public property, right-of-way, utility easement or drainage easement. No part of any billboard supporting structure, including the sign face, shall extend over a building setback line or property line.
- xi. No billboard shall be mounted, affixed, or attached to a vehicle, motor vehicle or trailer and operated, maneuvered, or towed in or upon any street, avenue, alley, or right-of-way within the corporate limits of the City. This prohibition shall include vehicles, motor vehicles, or trailers designed and built or used specifically for and as mobile advertising billboards. For the purposes of this section, such vehicles shall not be considered delivery vehicles or vehicles used in the ordinary course of business as a means to circumvent this ordinance.

SEC. 24-6.10.10. TEMPORARY SIGNS⁸¹⁹

Except as otherwise specified in this section, the temporary signs allowed by this section are not exclusive, meaning any one or more types of allowed temporary signs may be displayed on a lot at any given time in accordance with the requirements of this Ordinance.

a. Banners⁸²⁰

1. Banners are allowed as temporary signs for uses on sites other than shopping centers in accordance with the following standards:
 - i. A single banner is allowed on a lot for no more than 14 consecutive days, no more than four times per calendar year,
 - ii. The maximum display area of each banner shall be 32 square feet.
2. Banners are allowed as temporary signs for uses in shopping centers in accordance with the following standards:
 - i. A maximum of three banners may be posted simultaneously in the shopping center.
 - ii. Each tenant within the shopping center is allowed a single banner for no more than 14 consecutive days, no more than four times per calendar year.
 - iii. The maximum display area of each banner shall be 32 square feet.
 - iv. Each banner shall be spaced at least 50 feet from all other banners on the same premises or site.

b. Temporary Construction Signs⁸²¹

A temporary sign may be placed at each principal entrance to an area where construction activities of any type are being performed, with an active building permit, in accordance with the following standards:

1. The sign shall not be artificially illuminated.
2. The maximum display area of the sign shall be 32 square feet.
3. The maximum height of the sign shall be eight feet.

⁸¹⁹ The regulations allowing search lights in Sec. 24-135(12) of the current Zoning Ordinance have been removed.

⁸²⁰ Standards for banner signs for special events have been merged in this section with the commercial banner standards in order to avoid distinctions that may be problematic based on court decisions. The current permit requirement has been removed but the substantive limitations have been retained. Standards have been updated to allow additional flexibility for shopping centers.

⁸²¹ This section consolidates and simplifies standards for temporary construction signs in the current Zoning Ordinance. This varies from the current standard in order to simplify the standards somewhat. Rather than allowing one sign per every 50 lots, it allows one sign per principal entrance to the subdivision, or to a subdivision phase consisting of 50 or more lots.

4. The sign shall be set back at least 15 feet from the pavement edge and outside of all Sight Triangles.
5. A windscreen placed on construction fencing is not subject to the display area restrictions of this subsection b.

c. Temporary Real Estate Signs

One temporary sign may be located on any real property actively marketed for sale, lease, or rent, in accordance with the following standards:

1. A maximum of one such sign is allowed to face each street adjacent to the property.
2. The maximum display area of each sign shall be as follows:
 - i. In Residential districts, six square feet per side of the sign, not to exceed 12 square feet; and
 - ii. In all other districts, 32 square feet.
3. The maximum height of the sign shall be as follows:
 - i. In Residential districts, four feet; and
 - ii. In all other districts, eight feet.
4. The sign shall be set back at least five feet from the curb or street edge and outside of all rights-of-way and City property.
5. All such signs on the property shall be removed within two days of the property no longer being offered for sale, lease, or rent.

d. Temporary Yard Signs⁸²²

Up to three temporary signs may be displayed in the yards of lots in the Residential district containing uses other than Multifamily Dwellings or Multifamily Student Dwellings, in accordance with the following standards:

1. Each such sign shall have a display area of six square feet or less; and
2. Each such sign shall be set back at least five feet from the curb or street edge, and shall be located outside of all rights-of-way and City property.

e. A-Frame Signs

Each establishment may display one A-frame sign that:

1. Has no more than six square feet of copy area;
2. Has a maximum height of six feet;
3. Is located within ten feet of the use it is serving;
4. Is not located in the right-of-way (other than an alley), unless for a sidewalk café and only with the appropriate City permit; and
5. Is taken indoors during non-business hours.

⁸²² The limit of three temporary signs is new, and they are prohibited in multifamily dwellings, multifamily student dwellings, and in non-residential districts.

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. PURPOSE⁸²³

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 REQUIRED⁸²⁴

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.

⁸²³ 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.

⁸²⁴ This new section clearly states that compliance with all provisions of the Zoning Ordinance is required.

SEC. 24-7.3. VIOLATIONS⁸²⁵

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;

⁸²⁵ 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 PERSONS⁸²⁶

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 GENERALLY⁸²⁷

SEC. 24-7.5.1. RESPONSIBILITY FOR ENFORCEMENT⁸²⁸

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. INSPECTIONS⁸²⁹

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 VIOLATIONS⁸³⁰

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 PROCEDURE⁸³¹

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,

⁸²⁶ 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.

⁸²⁷ 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.

⁸²⁸ This section builds on Sec. 24-171 of the current Zoning Ordinance.

⁸²⁹ This section builds on Sec. 24-171 of the current Zoning Ordinance.

⁸³⁰ This is a new section.

⁸³¹ 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 PENALTIES⁸³²

SEC. 24-7.6.1. AVAILABLE REMEDIES⁸³³

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 PENALTIES⁸³⁴

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 CUMULATIVE⁸³⁵

- 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.

⁸³² This section recognizes civil, equitable, and criminal penalties, detailing the range of penalties and remedies available.

⁸³³ This section builds on Sec. 24-171 of the current Zoning Ordinance.

⁸³⁴ 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.

⁸³⁵ This section is new.

SEC. 24-7.6.4. PRIVATE CIVIL RELIEF⁸³⁶

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.

⁸³⁶ This provision is new.

ARTICLE 24-8. NONCONFORMITIES⁸³⁷

Commentary on Draft:

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

Section 24-8.2, General Applicability, states the purpose and scope of the article.

Section 24-8.2, General Applicability, establishes the rules that generally apply to all nonconformities.

Section 24-8.3, Nonconforming Uses, establishes the specific rules governing nonconforming uses.

Section 24-8.4, Nonconforming Structures, establishes the specific rules governing nonconforming structures.

Section 24-8.5, Nonconforming Lots of Record, addresses nonconforming lots of record. It carries forward the rules established in Section 24-142, with some modest refinements.

Section 24-8.6, Nonconforming Signs and Billboards, generally carries forward, with refinements and clarification, Section 24-138, Nonconforming, illegal, and abandoned signs, of the current Zoning Ordinance, and Section 24-135 (4), on nonconforming billboards.

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

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

SEC. 24-8.1. PURPOSE AND SCOPE

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

⁸³⁷ This article builds on the rules in the current Zoning Ordinance governing nonconformities (Article XI. Nonconforming Uses, Structures, and Lots and Section 24-138, Nonconforming, illegal, and abandoned signs). It refines some of the current provisions, includes best practice provisions that are found in modern codes, and where appropriate, adds a few provisions to better support project goals.

SEC. 24-8.2. GENERAL APPLICABILITY

SEC. 24-8.2.1. AUTHORITY TO CONTINUE⁸³⁸

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

SEC. 24-8.2.2. DETERMINATION OF NONCONFORMITY STATUS⁸³⁹

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

SEC. 24-8.2.3. MINOR REPAIRS AND MAINTENANCE⁸⁴⁰

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

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

SEC. 24-8.2.4. CHANGE IN TENANCY OR OWNERSHIP⁸⁴¹

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

SEC. 24-8.3. NONCONFORMING USES⁸⁴²

SEC. 24-8.3.1. GENERAL

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

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

- a. A nonconforming use shall not be extended, expanded, or moved to occupy a different area of a structure or lot, except an existing nonconforming use may extend into any portion of a structure

⁸³⁸ This new subsection recognizes that all lawfully established nonconformities will be allowed to continue in accordance with the standards of this article.

⁸³⁹ This new subsection includes a provision that clearly establishes that the landowner, not the City, has the burden of proving the existence of a lawful nonconformity.

⁸⁴⁰ This new subsection states that routine maintenance of nonconforming structures, structures housing nonconforming uses, nonconforming signs, and nonconforming site features, will be allowed to keep these nonconformities in the same condition they were in at the time the nonconformity was established. It builds on Section 24-146, Repairs and maintenance, of the current Zoning Ordinance with refinements.

⁸⁴¹ This new subsection states that change of tenancy or ownership will not, in and of itself, affect nonconformity status.

⁸⁴² This section establishes specific rules governing nonconforming uses. It builds on Section 24-143, Nonconforming uses of land or land with minor structures only, of the current Zoning Ordinance with refinements to modernize and clarify the rules and to clarify that the general impact of the nonconforming use may not be increased.

that was clearly designed or arranged for the particular use when the use became nonconforming.⁸⁴³

- b. A nonconforming use shall not be increased in intensity or impact with regard to its impact on surrounding properties due to noise, smoke, odor, glare, vibration, radiation, or fumes on neighboring properties.

SEC. 24-8.3.3. CHANGE IN USE

- a. An existing nonconforming use may be converted to another nonconforming use, subject to approval of a special exception permit (see Sec. 24-3.4.5, Special Exception Use Permit) with the following additional findings:⁸⁴⁴
 - 1. The new nonconforming use is equally appropriate or more appropriate to the district than the existing nonconforming use;
 - 2. The new nonconforming use would improve the character of the immediate neighborhood; and
 - 3. Any appropriate conditions are placed on the use to ensure compliance with these findings and the standards for a special exception use permit in accordance with Sec. 24-3.4.5, Special Exception Use Permit.
- b. Except as provided in subsection a above, a nonconforming use may only be changed to a use that is permitted in the zoning district in which it is located. Once a nonconforming use is converted to a conforming use, it shall not be changed back to a nonconforming use.

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

- a. If a nonconforming use ceases to operate or is discontinued or abandoned for a period of six consecutive months or longer, or 18 months within a three year period, it shall not be reestablished and shall only be replaced with a conforming use.⁸⁴⁵
- b. Any property owner executing a lease, as lessor, after ____ [*insert the effective date of this Ordinance*] shall be determined to have notice of this provision, and any discontinuance of a nonconforming use by a lessee under such a lease shall be conclusively presumed to have been with the knowledge and consent of the lessor.⁸⁴⁶

SEC. 24-8.3.5. STRUCTURES USED FOR NONCONFORMING USE

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

⁸⁴³ This section carries forward an existing provision in Section 24-145 of the current Zoning Ordinance.

⁸⁴⁴ This carries forward existing provisions, with refinements.

⁸⁴⁵ This carries forward Section 24-145(5) of the current Zoning Ordinance, modified to remove the value threshold.

⁸⁴⁶ This carries forward an existing provision.

SEC. 24-8.4. NONCONFORMING STRUCTURES⁸⁴⁷

SEC. 24-8.4.1. GENERAL

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

SEC. 24-8.4.2. RELATIONSHIP WITH CONFORMING AND NONCONFORMING USES⁸⁴⁸

Where a nonconforming principal structure contains a conforming use, only the nonconforming structure is subject to the standards and limitations in this section. Where a nonconforming structure contains a nonconforming use, the nonconforming structure is subject to the standards and limitations of this section and the nonconforming use is subject to the standards and limitations in Sec. 24-8.3.

SEC. 24-8.4.3. CONTINUATION OF NONCONFORMING STRUCTURES⁸⁴⁹

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

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

- a. Nothing in this section shall be construed to prevent the restoration of an historical or architectural landmark, as designated by the local, state, or federal government.
- b. Nonconforming structures shall not be expanded or enlarged unless such expansion or enlargement complies with all applicable dimensional standards in the district in which it is located.
- c. No nonconforming structure occupied by a nonconforming use shall be enlarged, extended, constructed, reconstructed, or moved except in changing the use of the structure to a use permitted in the district in which it is located.
- d. Removal or destruction of a nonconforming structure, except an historical or architectural landmark, as designated by the local, state, or federal government, shall eliminate the nonconforming status of the property. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the structure's assessed value at time of destruction.⁸⁵⁰

SEC. 24-8.4.5. RECONSTRUCTION OR REPAIR⁸⁵¹

- a. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- b. If any official charged with protecting the public safety deems emergency repairs to a nonconforming structure or portion of a structure containing a nonconforming use to be necessary

⁸⁴⁷ This section establishes specific rules governing nonconforming structures. It carries forward the rules in Section 24-144, Nonconforming structures, of the current Zoning Ordinance with modest refinements. It also builds on Section 24-145 in establishing rules for nonconforming structures housing nonconforming uses.

⁸⁴⁸ This is a new section.

⁸⁴⁹ This is a new section.

⁸⁵⁰ This provision carries forward Sec. 24-145(6) of the current Zoning Ordinance.

⁸⁵¹ This section carries forward provisions in Section 24-146 of the current Zoning Ordinance with updates to reduce ambiguity,

and orders such repairs, nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any such structure or portion of a structure.

SEC. 24-8.5. NONCONFORMING LOTS OF RECORD⁸⁵²

SEC. 24-8.5.1. GENERAL

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

SEC. 24-8.5.2. STRUCTURES ON NONCONFORMING LOTS⁸⁵³

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

SEC. 24-8.5.3. COMBINATION OF LOTS TO ELIMINATE NONCONFORMITY⁸⁵⁴

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

SEC. 24-8.5.4. REQUIREMENTS⁸⁵⁵

- a. In any zoning district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single nonconforming lot of record (not subject to Sec. 24-8.5.3 above), if it complies with the other dimensional standards of the zoning district in which it is located. If the other dimensional standards do not comply, a variance must be obtained through approval of a variance permit in accordance with Sec. 24-3.4.8, Variance.
- b. Any vacant lot cannot be sold or built upon if the action will create a setback violation on an adjacent lot of record under the same ownership, unless prior approval is granted by the Zoning Board of Adjustment. (Lots of record purchased prior to [] [insert effective date of this Ordinance] are exempt from this requirement.)
- c. In any zoning district in which duplexes are permitted, a duplex may be built on a nonconforming lot of record which was of record on [] [insert effective date of this Ordinance], which is at least 65 feet wide and 6,500 square feet in area.

⁸⁵² This provision addresses nonconforming lots of record and carries forward the rules in Section 24-142 of the current Zoning Ordinance.

⁸⁵³ This is a new subsection.

⁸⁵⁴ This section carries forward and modifies provisions under Sections 24-142(a) and 24-142(c) of the current Zoning Ordinance.

⁸⁵⁵ This section carries forward provisions under Section 24-142 of the current Zoning Ordinance.

- d. If the nonconforming lot is in a zoning district where nonresidential uses are permitted and can be used in conformity with all of the regulations applicable to the intended use, except the lot of record is smaller than the required minimums in the zoning district, then the lot may be used as proposed. However, no use that requires a greater lot size than the established minimum lot size for a particular zoning district is permitted on a nonconforming lot.⁸⁵⁶

SEC. 24-8.6. NONCONFORMING SIGNS AND BILLBOARDS⁸⁵⁷

SEC. 24-8.6.1. GENERAL

a. Applicability

A nonconforming sign or billboard may be continued. It shall be maintained in accordance with this section.

b. Requirements⁸⁵⁸

1. A nonconforming sign or billboard shall not be:
 - i. Structurally changed to another nonconforming sign, but the sign face and message may be changed;
 - ii. Structurally altered to prolong the life of the sign, including the addition or replacement of any structural supports and or ground or foundation supports;
 - iii. Expanded or altered in any manner that increases the degree of nonconformity; or
 - iv. Continued in use after a new freestanding sign or sign structure is erected on the same parcel or unit.
2. Should any nonconforming structure of a sign or billboard, or nonconforming portion of any structure be removed, destroyed, or become structurally deteriorated (excluding foundations) by any means to an extent of more than 50 percent of the structure as determined by the Chief Building Official, it shall not be reconstructed except in conformity with Sec. 24-6.10, Signs and Billboards, or removed.

SEC. 24-8.6.2. ILLEGAL SIGNS AND BILLBOARDS

a. Applicability

An illegal sign or billboard is a sign or billboard which:

1. Does not conform to the standards in Sec. 24-6.10, Signs and Billboards; and
2. Was erected or maintained in violation of the applicable requirements or ordinances in effect at the time it was erected.

b. Removal or Conformance

Illegal signs shall be removed, or made to conform to the standards in Sec. 24-6.10, Signs and Billboards, by the owner or user of the sign, or by the owner of the premises upon which it is located.

⁸⁵⁶ This is a new provision.

⁸⁵⁷ This section generally carries forward, with refinements and clarification, Section 24-138, Nonconforming, illegal, and abandoned signs, of the current Zoning Ordinance, and Section 24-135(4), on nonconforming billboards.

⁸⁵⁸ This subsection carries forward current standards.

SEC. 24-8.6.3. NONCONFORMING BILLBOARDS

a. Applicability

No new billboards shall be constructed except in accordance with this section and Sec. 24-6.10, Signs and Billboards.

b. Requirements⁸⁵⁹

1. The number of current billboards and their supporting structures existing on [redacted] [*insert effective date of this Ordinance*] shall be capped except that such cap shall not apply to the Interstate 20/59 corridor where billboards may be constructed subject to and in accordance with the requirements of this Ordinance. Billboards that were in compliance with the requirements of the Ordinance on December 4, 2007, are deemed to be conforming billboards. Billboards that were nonconforming on December 4, 2007, are deemed to be nonconforming billboards and shall be subject to the provisions of this section and Sec. 24-6.10, Signs and Billboards.
2. Existing nonconforming billboards may be converted to accommodate electronic, digital, video, or tri-vision technology, subject to Sec. 24-6.10, Signs and Billboards, provided that such structures are structurally able and capable to support a conversion to electronic, digital, video, or tri-vision technology. The existing foundation, ground-supporting poles or beams shall not be reinforced to accommodate electronic, digital, video or tri-vision technology except that an existing monopole structure may be modified to accommodate electronic, digital, video or tri-vision technology by limiting such modifications to the foundation and header of the pole. The conversion of any existing nonconforming billboard shall be permitted by the Chief Building Official.
3. The owner of an existing nonconforming billboard may remove the existing billboard from a nonconforming site to an approved and conforming location, including such areas annexed into the City subsequent to [redacted] <*insert effective date of this Ordinance*> provided that such areas are not included in the billboard-free zone, only after a permit is obtained as set forth in Sec. 24-3.4.7, Sign Permit and Sec. 24-6.10, Signs and Billboards, and compliance with all other provisions of this section, this article, and this Ordinance. Permits to erect or construct a billboard along federal or state-controlled highways in conforming locations must be obtained from the City and the Alabama Department of Transportation.

SEC. 24-8.7. NONCONFORMITIES CREATED BY EMINENT DOMAIN OR VOLUNTARY DONATION OF LAND FOR A PUBLIC PURPOSE⁸⁶⁰

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

- a. Complies with Sec. 24-5.2, Principal Uses;
- b. Complies with the dimensional standards of the zoning district in which it is located, to the maximum extent practicable;
- c. Complies with the off-street parking and landscaping standards of this Ordinance, to the maximum extent practicable;

⁸⁵⁹ This section carries forward provisions under Sections 24-135(4)a, d, & e.

⁸⁶⁰ This new section provides relief for those nonconformities created by eminent domain actions, or nonconformities created by the voluntary donation of land for a public purpose.

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

- d.** Complies with all other standards and requirements of this Ordinance; and
- e.** Is designed and configured in a way that is compatible with surrounding development.