

Chapter 64 - ZONING^[1]

Sec. 64-1. - Purposes.

- A. *Statement of authority and intent.* This zoning ordinance is adopted under authority of Section 11, Chapter 52, Article 4, of the Code of Alabama, 1940 [1975], as amended. The requirements set forth therein as prerequisite to the adoption of a zoning ordinance have been fulfilled. It is the intent of this ordinance, with the accompanying map, to provide for the harmonious development of the City of Mobile in accordance with the master plan heretofore made and adopted by the Mobile city planning commission, to lessen congestion in the public streets, secure safety from fire, provide adequate light and air, avoid undue concentration of population, promote health and the general welfare and conserve the value of buildings by encouraging the most appropriate use of the land by districting according to the peculiar suitability of the land for particular purposes, all to create conditions favorable to health, safety, convenience or prosperity.
- B. *Area of jurisdiction.* This ordinance, as adopted by the city council of the City of Mobile, shall apply to all land within the corporate limits of the City of Mobile as such corporate limits exist or may exist in the future.
- C. *Annexed territory.* Territory hereafter annexed to the City of Mobile shall be in the R-1 district until and unless changed in accordance with the amendment procedure set forth herein.
- D. *Application of regulations.* Except as hereinafter provided:
1. No land shall be used or occupied, no structure shall be designed, erected, altered, used or occupied, and no use shall be operated unless in conformity with the regulations herein prescribed for the district in which such structure or land is located.
 2. No structure shall be designed, erected, altered, used, or occupied to exceed the height limits herein established, to have less building site area, or to have narrower or smaller front, side and rear yards than herein prescribed for the district in which the structure is located.
 3. No part of a yard or other open space required about any structure for the purpose of complying with the provisions of this chapter shall be included as a part of the yard or other open space similarly required for another structure.
 4. No building site shall be so reduced or diminished that the building site area, yards, or other spaces shall be smaller than prescribed by this chapter.
 5. Every structure, other than an accessory structure, hereafter designed, erected, altered, used or occupied shall have provided and continuously maintained for it a separate building site as herein defined.

(Ord. No. 80-057, 5-16-67)

Sec. 64-2. - Definitions.

For the purpose of this chapter certain words and phrases used herein are defined as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "shall" is mandatory; the word "may" is permissive.

The words "used or occupied" include the words "intended, designed, or arranged to be used or occupied."

Accessory structure: A detached subordinate, located on the same building site with the main structure, the use of which is incidental to that of the main structure.

Accessory use: A use customarily incidental to the principal use of a building site or to a structure and located upon the same building site with the principal use.

Adult bookstore: An establishment having as a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult cabaret: A nightclub, bar, theater, restaurant or similar establishment which frequently features live performances by topless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas and/or which regularly feature films, motion pictures, videocassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description or specified sexual activities or specified anatomical areas for observation by patrons.

Adult drive-in theater: An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

Adult entertainment enterprise: Adult bookstores, adult motion picture theaters, adult mini motion picture theaters, adult motion picture arcades, adult cabarets, adult drive-in theaters, adult live entertainment arcade or adult service establishments, including, but not limited to topless car washes and topless cleaning services.

Adult live entertainment arcade: Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas.

Adult mini motion picture theater: An enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, videocassettes, slides or similar photographic reproductions in which time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult motion picture arcade: Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult motion picture theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, videocassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult service establishment: Any building, premises, structure or other facility under common ownership or control which provides services involving specified sexual activities or display of specified anatomical areas.

Alley: Any public space or thoroughfare twenty (20) feet or less in width which has been dedicated or deeded for public use.

Alteration: Any structural change in the supporting or load-bearing members of a building such as bearing walls, columns, beams or girders.

Alternative parking surface: Pervious or semi-pervious parking surface, having a design acceptable to the city engineer and the director of the urban development department, or her or his designee, capable of accommodating vehicles up to five thousand (5,000) pounds gross vehicle weight and maintained free of weeds, dust, trash and debris; an example of such a material being interlocking grass paving blocks, porous asphalt or grasscrete. Crushed limestone, gravel, shell or sod shall not be considered an acceptable alternative paving surface. Alternative paving surface design shall be appropriate to the intended use. Alternative parking surfaces may only be required as a condition of application approval for spaces requested in excess of the minimum ratio requirements of this chapter.

Amusement game arcade: A building or part of a building in which more than fifty (50) percent of the public floor area is devoted to amusement game machines, regardless of whether such amusement game machines constitute a primary or accessory use of the premises.

Amusement game machine: A coin-operated machine or device which, whether mechanical, electrical, or electronic, shall be ready for play by the insertion of a coin or token and may be operated by the public for use as a game, entertainment, or amusement, through the exercise of skill or chance. It shall include devices such as video or computer games, pinball machines, air-hockey, foos-ball, and skeebowls, but shall exclude pool tables and amusement or vending machines which provide a ride, sensation, electronic reading or weight, photograph, lamination, or item of merchandise.

Arcade: A series of piers topped by arches that support a permanent roof over a sidewalk.

Automobile service station: A business establishment where the primary function is the retail sale of gasoline, oil, grease, tires, batteries, and accessories. Services are limited to the installation of items sold, towing, tire changing, and automobile lubrication. Engine steam cleaning is prohibited.

Balcony: An open habitable portion of an upper floor that extends beyond or is recessed within a building's exterior wall that is not supported from below by vertical columns or piers but is instead supported by either a cantilever or brackets.

Bed and breakfast inn: A house, or portion thereof, where short term lodging rooms, with or without meals, are provided for compensation.

Block: A parcel or parcels of land entirely surrounded by streets, streams, railroad rights-of-way, parks or other public spaces or by a combination thereof.

Board: The board of adjustment established by this chapter.

Boarding house: A building where, for compensation and by prearrangement, five (5) or more persons other than occasional or transient customers are provided with meals.

Build-to zone: A build-to zone is a range of allowable distances from the front property line that the building shall be built to, in order to create a moderately uniform line of buildings along the street.

Building: Any covered structure intended for the shelter, housing or enclosure of persons, animals or chattels.

Building frontage: The width of a building facade that faces a street.

Building frontage percentage: The percentage of the width of a lot that is required to be occupied by the building's primary facade.

Building height: The vertical distance from grade to the highest finished roof surface in the case of flat roofs, or to a point at the average height of roofs having a pitch of more than one (1) foot in four and one-half (4½) feet. Within the TCD, building height shall instead be defined as a limit to the vertical extent of a building measured in stories from the mean elevation of the finished grade or sidewalk at the lot frontage, whichever is higher, to the eave of the roof, or cornice for a building with a parapet.

Building setback line: The line indicating the minimum horizontal distance between the street right-of-way line and the face of the buildings.

Building site: The land occupied or to be occupied by a structure and its accessory structures and including such open spaces, yards, minimum area, off-street parking facilities and off-street truck loading facilities as are required by this chapter; every building site shall abut upon a dedicated street for at least twenty-five (25) feet.

Business center: An area zoned, designed or used for school, commercial or industrial uses.

Business college or technical school: A nonacademic establishment offering courses such as secretarial, computer and data processing, drafting, electronic repair including radio/TV repair, commercial art, cosmetology, allied health care, real estate, banking, and restaurant operation. Instruction excludes vocational training such as automobile body and engine repair, construction equipment operation, building trades, truck driving, and mechanical and electrical equipment/appliance repair.

Business, drive-thru: Any business establishment providing automobile drive-thru service or window facilities, including but not limited to banks, dry cleaners, photographic supply and developing shops, restaurants, car washes, and convenience stores.

Car wash: A facility where the primary or secondary function is washing automobiles, pick-up trucks, and small vans, but not trailers or commercial trucks. Mechanical production line methods or self service equipment may be used. A car wash may also function as an accessory use to an automobile service station or other primary use.

Church: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Civic building: A building designed specifically for a civic function. Civic buildings include but are not limited to municipal buildings, churches, libraries, schools, recreation facilities, and places of assembly.

Civic space: Civic spaces are open spaces that are strategically placed to serve a community function. Civic spaces may be used for active or passive activities, and commonly include manicured green spaces, naturalistic green spaces, parks, squares, hard-scaped plazas, playgrounds, or community gardens. Civic Buildings may be located within civic spaces.

Clinic, dental or medical: A building in which a group of physicians, dentists, and allied professional assistants are associated for the purpose of carrying on their profession; the clinic may include a dental or medical laboratory but it shall not include in-patient care or operating rooms for major surgery.

Colonnade: A roofed structure, extending over the sidewalk and open to the street except for supporting columns or piers.

Communication tower: A free standing or elevated structure on which transmitting and/or receiving antennas or devices are located for the transmission or reception of information by radio, television, microwave or other electromagnetic energy signals.

Community residential facility: A facility providing seven days a week residential and habilitative services by resident staff to persons with developmental disabilities.

Completely enclosed structure: A building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.

Composting facility: A facility where presorted municipal solid waste organic materials are biologically decomposed through an aerobic (or oxygen rich) process for the purpose of waste reduction.

Core area, downtown: Also known as the central business district, the area is bounded on the north by St. Anthony Street from the Mobile River to Claiborne, then by St. Michael Street from Claiborne Street to Washington Avenue; on the west by Washington Avenue; on the south by Government Street from Washington Avenue to Claiborne Street; then by Church Street from Claiborne Street to Conception Street, then by Canal Street from Conception Street to Water Street; and on the east by Canal Street to the Interstate 10 tunnel, then by the Mobile River.

Courtyard building: A building that occupies the boundaries of its lot while internally defining one or more private patios.

Dauphin Street Overlay. Area within the Hank Aaron Loop bounded on the east by Water Street, the north by St. Francis Street, the west by Franklin Street, and on the south by Government Street.

Developmental disability: Defined by the Federal Developmental Disabilities Act, 1984 as a severe, chronic disability that:

1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
2. Is manifested before the person attains age 22;
3. Results in substantial functional limitations in three or more of the following areas of major life activity:
 - a. Self-care.
 - b. Receptive and expressive language.
 - c. Learning.
 - d. Mobility.
 - e. Self-direction.
 - f. Capacity for independent living.
 - g. Economic self-sufficiency.
 - h. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are lifelong or of extended duration and are individually planned and coordinated.

Diameter at breast height (DBH): The measurement of the width of the trunk of the tree at four and one-half (4½) feet above the existing grade. For multitrunk trees the DBH shall be the sum of the diameter of the trunks.

Distribution and/or assembly uses—light: A business where the primary function is the light distribution of goods or products. This type of light distribution is limited to a maximum of forty thousand (40,000) sq. ft. of gross floor area. Further, the use has limited tractor-trailer and truck shipments on a daily basis. Outside storage shall be permitted with the provision of a six (6) foot privacy fence, and further provided that inventory shall not be stacked higher than six (6) feet. The manufacturing of goods or products shall not be permitted.

Distribution and/or assembly uses—heavy: A business where the primary function is the heavy distribution of goods and products. This type of distribution is defined as having more than forty thousand (40,000) square feet of gross floor area. Unlimited tractor-trailer and truck activity is common. Outside storage may be approved by the planning commission on a case by case basis in B-3 and B-4 districts. Outside storage is allowed by right in I-1 and I-2 districts. The manufacturing of goods or products shall not be permitted.

Domiciliary care facility: A residential facility whose primary purpose is to furnish room, board, laundry, personal care, and other nonmedical services, for not less than twenty-four (24) hours in any week, to individuals not related by blood or marriage to the owner and/or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who because of age and/or disabilities, are incapable of living independently in their own homes or a commercial board and room situation, yet who do not require the medical and nursing services provided in a nursing home. These facilities may provide temporary limited medical care as an individual would receive if the individual were living in his or her own home.

Drip line: The circumference of the tree's natural, unaltered canopy extended vertically to the ground.

Dwelling unit: One (1) or more rooms in the same structure, connected together and constituting a separate, independent housekeeping unit for permanent residential occupancy and with facilities for sleeping and cooking.

Dwelling, one-family: A building containing only one (1) dwelling unit and used for residential purposes exclusively by one (1) family.

Dwelling, two-family: A building containing two (2) dwelling units and used for residential purposes by two (2) families living independently of each other.

Dwelling, multiple-family: A building containing three (3) or more dwelling units and used for residential purposes by three (3) or more families living independently of each other; the term includes apartment house.

Emergency shelter facility: A facility providing temporary residential housing for persons otherwise homeless or who seek shelter from abuse.

Enlargement: An increase in the size of the building, structure or premises in which the adult entertainment business is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same of an adjacent lot or parcel of land.

Establishing an adult entertainment business: Any of the following:

- (1) The opening or commencement of any such business as a new business;
- (2) The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein;
- (3) The addition of any of the adult entertainment businesses defined herein to any other existing adult entertainment business;
or
- (4) The relocation of any such business.

Family: One (1) or more persons living together as a single housekeeping unit, which may include not more than four (4) lodgers or boarders.

Foot candle: A unit for measuring illumination that equals one (1) lumen per square foot.

Fraternity or sorority house: A building occupied by and maintained exclusively for students affiliated with a regularly organized college or university fraternity or sorority, when such facility is regulated by the affiliated institution of learning.

Frontage: The portion of a lot which coincides with a street right-of-way or civic space.

Gallery: A frontage wherein the facade is aligned close to the frontage line, with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk.

Garden wall: A freestanding wall along the property line dividing private areas from streets, rear lanes, or adjacent lots.

Government street corridor: All lots having real property frontage along Government Street from the Mobile River to Dauphin Island Parkway.

Gross floor area: The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, and any exterior open porches or galleries which serve as an extension of those activities conducted within the enclosed structure; all horizontal dimensions shall be measured between the exterior faces of walls, including the walls or railings of roofed porches. The gross floor area of a building shall include the floor area of accessory buildings on the same building site, measured the same way.

Grubbing: The effective removal of understory vegetation such as, but not limited to, palmetto from the site. As herein defined, no tree greater than three (3) inches DBH will be removed.

Hank Aaron Loop: Area within and bounded by Water Street on the East, Beauregard Street on the North, Broad Street on the West, and Canal Street on the South, in addition to all lots having real property frontage on the north and west sides of Beauregard/Broad streets from North Lawrence Street to Canal Street.

Hazardous material or substance: A substance is considered hazardous when it has one of the following characteristics: flammable, explosive, corrosive, toxic, radioactive, or if it readily decomposes into oxygen at elevated temperatures.

Heritage live oak tree: A live oak tree which is at least twenty-four (24) inches DBH.

Heritage tree: Any of the following list of trees which is at least twelve (12) inches DBH: oak (excluding water oak and scrub oak), hickory, sycamore, yellow poplar, sweet gum, magnolia, cypress, and new trees required by section E or section H.4(f) of this article.

Historic district: A geographic area designated by the city council as a historic district, including all historic districts existing as of the date of this ordinance and future districts designated by the Mobile City Council.

Historic district overlay boundaries (HDOB): All property located within the boundaries of the seven city historic districts and any historic districts hereafter designated by the city council. These districts include: Ashland Place, Church Street East, DeTonti Square, Leinkauf, Lower Dauphin, Oakleigh and Old Dauphin Way. In addition, the HDOB includes all properties defined by the Hank Aaron Loop, and the Government Street Corridor.

Historic district overlay (HDO): Site development requirements that supersede specific regulations set forth in Section 3, B.—F. of the Zoning Ordinance; excluding properties zoned LB-2, B-2 and B-3.

Home occupation: An occupation for gain or support conducted only by members of a family residing in a dwelling and conducted entirely within the dwelling, provided that no article is sold or offered for sale except such as may be produced by members of the family residing in the dwelling and further provided that the occupation is incidental to the residential use of the premises and does not utilize more than twenty-five (25) percent of the floor area of the dwelling. Home occupations shall include, in general, personal services such as furnished by a physician, dentist, musician, artist, cosmetician, or seamstress when performed by the person occupying the building as his or her private dwelling, and not including the employment of any additional persons in the performance of such service.

Hotel: A building containing guest rooms in which lodging is provided, with or without meals, for compensation, and which is open to transient or permanent guests, or both; the term includes "motel."

Hospital: An institution providing health services, primarily for in-patients, and medical and surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

Improvement: Sidewalks, driveways and drainage necessary to a structure.

Land clearing: Those operations where trees and vegetation are removed and which occur previous to the construction of building; e.g., road right-of-way excavation or paving, lake and drainage system excavation, utility excavation, grubbing, and any other necessary clearing operations.

Landfill: A disposal site for the controlled burial of solid waste according to applicable governmental rules and regulations. Hazardous or radioactive waste disposal is not permitted in a sanitary landfill.

Landscape material: Living plant material which shall include, but not be limited to, trees, shrubs, flowers, vines, lawn grass and other ground cover; natural features and areas; and nonliving durable material commonly used in landscaping which shall include, but not be limited to, rocks, pebbles, sand, mulch, wood chips, exterior lighting fixtures, planters, fountains, reflecting pools, works of art, walkways, fences, walls, benches and other types of appropriate outdoor furniture. Nonliving landscape material shall not include artificial or synthetic material in the form of trees, flowers, shrubs, vines, or ground cover.

Landscaped area: An area which shall consist of landscape material, as defined, such that the use of living landscape material predominates over the use of nonliving landscape material.

Large tract: A tract of property of one (1) acre or more in size.

Liner building: A building or portion of a building specifically designed to mask a parking lot, parking structure, or other large-footprint use from a right-of-way or civic space.

Lot frontage: The portion of the lot adjacent to a property line or lines which coincides with a street right-of-way or civic space.

Lot of record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the probate court of Mobile County, or a lot described by metes and bounds, the description of which has been recorded in the office of the probate court of Mobile County.

Mobile home: A detached one-family dwelling unit with all of the following characteristics:

- a. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- b. Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.
- c. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.

Mobile home park: Any plot of ground on which two (2) or more mobile homes are located for long-term occupancy (for periods of thirty (30) days or more) for use as dwellings. Mobile home parks shall not be occupied by travel trailers.

Mobile Tree Act: The common name of the local law enacted by the Alabama State Legislature (Act. No. 929, Acts of Alabama, 1961 Regular Session, as amended, 1981) for the purpose of protecting the trees on both public and private property within the incorporated areas of the city.

Mobile tree commission: Hereafter called the "commission," [the Mobile tree commission] is the agency designated by the Alabama State Legislature to enforce the Mobile Tree Act.

Neighborhood center sub-district: One of sub-districts in the TCD. This district is intended to consist of a mixture of uses, including neighborhood-serving retail, residential, and civic. The neighborhood center is intended to serve the daily needs of residents located within surrounding residential neighborhoods. Buildings may be attached or detached and are separated from the street with wide sidewalks and regular street tree planting. Buildings may be separated from the sidewalk with small street yards.

Neighborhood general sub-district: One of sub-districts in the TCD. This district is intended to consist of a mixture of uses but primarily residential urban fabric. It may have a wide range of building types and uses, including residential (in attached and detached buildings), civic buildings, and limited retail including home occupations. Setbacks and landscaping are variable. This district has generous sidewalks and regular street tree planting.

Nonconforming structure: A building or part thereof lawfully existing on the effective date of this ordinance and which does not conform to all of the regulations of the district in which it is located.

Nonconforming use: A use which lawfully occupies a building or land on the effective date of this ordinance and which does not conform to the regulations of the district in which it is located.

Nursing home: A facility which provides chronic and/or convalescent care for not less than twenty-four (24) hours in any one (1) week to individuals not related by blood or marriage to the owner and/or administrator. Chronic and convalescent care includes care given because of prolonged illness or defect, or during recovery from injury or disease, and shall include any or all of the procedures commonly employed in waiting on the sick, application of dressings and bandages, and carrying out of treatments prescribed by a physician.

Overstory: The top portion or canopy of trees above a cluster of smaller trees.

Permitted structure: A structure meeting all the requirements established by this chapter for the district in which the structure is located.

Permitted use: A use meeting all the requirements established by this chapter for the district in which the use is located.

Porch: A roofed area, attached at the ground floor level or first floor level, and to the front or side of a building, open except for railings and support columns.

Primary entrance: The entrance to a structure which is located along the primary frontage.

Primary frontage: Frontages are identified as either "primary" or "secondary" on the regulating plan, based on hierarchy of the quality of the pedestrian environment along the street networks. Primary frontages shall be held to the highest standards of this code.

Primary facade: The front plane of a building that faces a primary street or civic space.

Principal building: The main building on a lot, built to meet the specified sub-district requirements including build-to zone and frontage requirements.

Principal plane: The plane of a building closest to the front property line, not including stoops, porches, colonnades, galleries, or other attached architectural features.

Protection buffer: A wall, fence, or screen planting strip intended to physically separate unlike uses and minimize light, debris, and visual intrusion onto adjacent lots. Requirements for various buffers are found in Section 64.4D, supplementary yard regulations.

Protective barrier: A physical structure limiting access to a protected area, composed of wood or other suitable materials which assures compliance with the intent of this article. Variations of these methods may be permitted by the urban forester upon written request if they satisfy the intent of this ordinance.

Public tree: A tree located on any property owned by the City of Mobile, Alabama.

Recreational vehicle: A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation use. For purposes of these regulations, the term includes pick-up campers, camping trailers, travel trailers, RV's, and motorized homes (living facilities constructed as integral parts of self-propelled vehicles.)

Recreational vehicle park: Any plot of ground on which two or more travel trailers are located for short-term (less than thirty (30) days) occupancy during travel, recreational or vacation use. Recreational vehicle (or travel trailer) parks shall not be occupied by any travel trailer for thirty (30) days or more, nor by any mobile home.

Recyclable materials recovery facility: A facility that is not a junkyard and which recoverable resources, such as newspapers, glassware, and metal cans, are collected, sorted, stored, flattened, crushed, or bundled, and processed to a condition in which they may again be used for production.

Recycling drop-off center: An incidental use that serves as a neighborhood collection point for temporary storage of recoverable resources such as glass, paper, and aluminum. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.

Recycling plant: A facility that is not a junkyard and in which pre-sorted recoverable resources, 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 again be used for production.

Recycling transfer station: A permanent, fixed, supplemental collection and transportation facility, where pre-sorted solid waste materials are taken from smaller collection vehicles and placed in larger transportation units like railroad cars, barges, or truck trailers. In some transfer operations, compaction or separation for recycling may be done at the station.

Regulating plan: Part of the TCD code which identifies the location of sub-districts, primary and secondary frontages, and proposed new street locations.

Relocation: The digging up by a property owner of a tree from one (1) place on his property and the planting of the same tree in another place on the same property.

Rental/leasing activities: Establishments that involve retail sales may also engage in the rental or leasing of those items in the same districts, unless the rental or leasing of the item is specifically listed otherwise in the chart of permitted uses.

Residential care facility, youth: Provides 24-hour supervisory care for individuals less than eighteen (18) years of age.

Restaurant: A business which prepares, sells, and serves food and beverages to customers for consumption within the restaurant building or on the building site at the outside tables. Businesses of this type include, but are not limited to, cafe, cafeteria, dining room, tearoom, coffee shop, hot dog stand, and sandwich shop. Carry-out service may be provided, but not curbs-service or drive-thru window service.

Restaurant, drive-in: A restaurant providing automobile curbs-service in which the parking area is designated for the consumption of food which is served by an employee to the customer in his automobile. Carry-out and drive-thru window service may be provided.

Restaurant, drive-thru: A restaurant providing automobile drive-thru service or window facilities for the consumption of food on or off the premises. Automobile curbside service may not be provided.

Retirement home or elderly housing: A building or group of buildings containing dwelling units where the occupancy of the dwellings is restricted to the elderly (in which at least one resident per household is fifty-five (55) or older.) This does not include a development that contains convalescent or nursing facilities, but often includes the provision of special support services, such as central dining and limited medical care.

Rooming house: A building, other than a hotel, where for compensation and by prearrangement, five (5) or more persons other than occasional or transient customers are provided with lodging.

Secondary frontage: Frontages are identified as either "primary" or "secondary" on the regulating plan, based on hierarchy of the quality of the pedestrian environment along the street networks.

Services involving specified sexual activities or display of specified anatomical areas: Any combination of two (2) or more of the following activities:

- (1) The sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;
- (2) The presentation of films, motion pictures, videocassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities of specified anatomical areas for observation by patrons;
- (3) The operation of coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas;
- (4) Live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas;
- (5) The operation of a massage school, massage parlor, massage therapy clinic, bathhouse, sexual encounter center, escort service, body painting studio or nude modeling studio, as these terms are defined in [Chapter 64](#) of the Code of the City of Mobile, and any amendments thereto.

Small tract: A tract of property of less than one (1) acre in size.

Specified anatomical areas: Any of the following:

- (1) Less than complete and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts;
- (4) Flagellation or torture in the context of a sexual relationship;
- (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (6) Erotic touching, fondling or other such contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in (1) through (6) above.

Stoop: A small platform and/or entrance stairway at a house door, commonly covered by a secondary roof or awning.

Storefront: The portion of a building at the first story of a retail frontage that is made available for retail use.

Story: The portion of a building included between the upper surface of a floor to bottom of the lowest structural member that supports the floor or roof next above. Space at ground level is considered as the first story if it is five (5) feet or more in height. Space within a roofline that is entirely nonhabitable shall not be considered to be a story.

Street: A public right-of-way more than twenty (20) feet in width which provides vehicular access to adjacent properties.

Street frontage: The land extending the full width of the building site and located between the street line and a building wall fronting on a street.

Street line: The line or boundary separating the public right-of-way from the land or property adjoining.

Streetscape: The appearance or view of the street including trees, lighting fixtures, and street furnishings such as benches and trash receptacles.

Structure: Anything constructed or erected which requires location on the ground or is attached to something having a location on the ground; except (a) public utility poles, wires, guy wires, and cables; and, (b) fences and walls other than building walls.

Subdistrict: A categorization system that organizes elements of the urban environment by defining the character of physical form. The TCD defines subdistricts to which property within shall be assigned: Village center, neighborhood center, and neighborhood general. Subdistrict locations are defined on the regulating plan (see figures 3—5 of 64-3.H.).

Swimming pool: Any concrete or impervious masonry structure used for bathing or swimming purposes, and filled with a controlled water supply.

Teen club: Any club, business or establishment providing an on-going place of entertainment, to include but not limited to, night clubs, discotheques or such similar establishments, either with or without payment for persons between the ages of 13 and 18 on a full-time or occasional basis. A teen club does not include uses operated by public agencies or private non-profit or charitable organizations, such as religious youth centers, the boys' and girls' club, or youth community centers provided for recreation or congregation.

Traditional center district boundary (TCDB): All property located within the boundaries of the city traditional center districts.

Traditional center district (TCD): Overlay districts that contain site development requirements to enable and encourage traditional, walkable village and neighborhood centers within the city.

Trailer park: Any plot of ground on which two (2) or more travel trailers are located for short-term (less than 30 days) occupancy during travel, recreational or vacation use. Trailer parks shall not be occupied by any travel trailer for thirty (30) days or more, nor by any mobile home.

Travel trailer: A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation use. For purposes of these regulations, the term includes pickup campers, camping trailers, and motorized homes (living facilities constructed as integral parts of self-propelled vehicles).

Tree: Any self-supporting, woody plant of a species suitable for growing in the proposed environment as well as the City of Mobile.

Understory: The trees which grow beneath the overstory to include dogwood, crepe myrtles, Bradford pears, red buds and others approved by the urban forester.

Urban forester: The city employee specially trained in forestry, arboriculture and urbiculture, or his/her duly authorized designee.

Vehicular use area: All areas used by any and all types of vehicles, boats, trailers, or other equipment, whether such vehicles, boats, trailers, or equipment are self-propelled or not for the purpose of, including but not limited to, driving, parking, loading, unloading, storage, or display, such as, but not limited to, new and used car lots, and activities of a drive-in nature in connection with banks, restaurants, gas stations, grocery and dairy stores, and the like.

Village center sub-district: One of sub-districts in the TCD. This district is the most densely occupied sub-district, and consists of street-oriented, mixed-use buildings that may accommodate a range of uses, including retail, offices, residential, and civic uses. The village center serves the needs of the surrounding community; the walkable, park-once environment is accommodating to both pedestrians from surrounding neighborhoods, as well as those from the greater community. The district has wide sidewalks, regular street tree planting, and buildings set close to the sidewalks to create a regular street facade.

Vocational or trade school: A non-academic establishment offering vocational training, including but not limited to automobile body and engine repair, construction equipment operation, truck driving, building trades, and mechanical or electrical equipment/appliance repair. Courses offered normally would exclude those listed under business college or technical school.

Walkable street: A street that provides amenities for pedestrians as well as vehicles. Common amenities include sidewalks, shading devices (such as awnings, colonnades, second-floor balconies, or street trees), and on-street parking.

Yard: A required open space unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the building site upward; provided however that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility contained herein, and further provided that:

- a. Ordinary projections of sills, belt courses, cornices, buttresses, eaves, and similar architectural features, and necessary mechanical features may project not more than two (2) feet into any yard, and
- b. Open fire escapes may extend not more than three and one-half (3½) feet into any yard, and
- c. Open balconies at second floor or higher levels may extend as much as five (5) feet over a front or side yard in an R-B district.

Yard, front: A yard extending the full width of the building site across its front, with required depth measured at right angles to the front street line of the building site.

Yard, rear: A yard extending the full width of the building site across its rear, with required depth measured at right angles to the rear line of the building site.

Yard, side: A yard extending from the rear line of the front yard to the front line of the rear yard, with required width measured at right angles to the adjacent side lines of the building site. If no front and/or rear yard is provided, the front and/or rear lines of the building site shall be construed as front and/or rear boundaries of the side yard.

Youth organization camp: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character. It is intended that these types of facilities provide a camping environment for children and youth groups who may be affiliated with such organizations as the Girl or Boy Scouts of America, religious institutions, or other local community activity groups. It is not permitted to serve youth offender organizations.

(Ord. No. 80-014, 4-14-87; Ord. No. 80-055, § II, 7-23-91; Ord. No. 64-026, § III, 3-17-92; Ord. No. 64-083, § 2, 12-21-93; Ord. No. 64-061, § 1, 9-9-97; Ord. No. 64-002, § 1, 1-4-00; Ord. No. 64-002, § 1, 1-4-00; Ord. No. 64-005, § 1, 1-18-00; Ord. No. 64-026, § 1, 4-23-02; Ord. No. 64-090, § I, 12-17-02; Ord. No. 64-029, § I, 6-15-04; Ord. No. 64-053-2008, 8-26-08; Ord. No. 64-019-2012, § I, 8-7-12)

Sec. 64-3. - Districts.

A. *General provisions.*

1. *Creation of districts.* For the purpose of this chapter the City of Mobile is divided into the following districts:

R-A districts: Residential-agriculture districts

R-1 districts: One-family residence districts

R-2 districts: Two-family residence districts

R-3 districts: Multiple-family residence districts

R-B districts: Residential-business districts

T-B districts: Transitional-business districts

H-B districts: Historic business districts

B-1 districts: Buffer business districts

B-2 districts: Neighborhood business districts

B-3 districts: Community business districts

B-4 districts: General business districts

B-5 districts: Office-distribution districts

I-1 districts: Light industry districts

I-2 districts: Heavy industry districts

2. *Zoning map.* The zoning districts and the boundaries thereof are shown on the "Zoning Map of the City of Mobile, 1967," which map is hereby made a part of this chapter.
3. *District boundaries.* Except where specifically shown by dimensions or otherwise on the zoning map, the boundaries of districts are lot or property lines, the center lines of streets or alleys or such lines extended, railway right-of-way lines, natural boundary lines such as watercourses, and the municipal corporate limit lines as they may exist from time to time. In case of street vacation, where district boundaries are indicated as following lot lines at the edges of streets, such boundaries shall be construed as moving to the center line of the prior street. Questions concerning the exact location of any district boundary shall be decided by the board of adjustment.
4. *Amendment policy.* See [section 64-9](#).
5. *Sizes of new districts.* There are no minimum sizes for new districts created by amendment of this chapter; provided, however, that the minimum sizes set out below shall serve as general guides. New districts of smaller size may be created where unusual conditions or circumstances justify them in the opinion of the commission.
 - a. *R-2, R-3, R-B, B-3, B-4, B-5, H-B, I-1, and I-2 districts.* A proposed new R-2, R-3, R-B, B-3, B-4, B-5, H-B, I-1, or I-2 district should contain at least four acres of gross area; provided, however, that a proposed R-3 or R-B district which would abut an existing B-1, B-2, B-3, B-4, I-1 or I-2 district, a proposed B-3 district which would abut an existing B-4, H-B, I-1 or I-2 district, a proposed B-4 district that would abut an existing I-1 or I-2 district, and a proposed I-1 district which would abut an existing I-2 district shall be exempt from this guideline.
 - b. *B-1 and B-2 districts.* A proposed new B-1 or B-2 district should contain at least two acres of gross area; provided, however, that a proposed B-1 district which would abut an existing B-2, B-3, B-4, B-5, I-1 or I-2 district and a proposed B-2 district which would abut an existing B-3, or B-4 district shall be exempt from this guideline.
 - c. *R-1 districts.* There is no requirement of minimum size for new R-1 districts.

B. *Residential-agricultural districts.*

1. *R-A districts: residential-agricultural districts.* These districts are composed of mainly open subdivided lands that are vacant or in agricultural, forest, or single-family residential uses. It is intended that these districts provide for a full range of agricultural and farming activities and protect these established uses from encroaching development. The farmer has a right to farm without being restricted by neighboring residential districts or nonagricultural uses. It is further intended that the districts protect existing natural resources and scenic values and provide a spacious residential environment for residents of the community. In accordance with these intentions, the following provisions for the protection of agricultural uses will apply:
 - a. *Permitted uses.* Any agricultural or forestry use of land is permitted, including activities relating to the raising or caring of farm animals or pets. See chart at end of this section.
 - b. *Secondary uses.* Activities related to farming, such as the operation of machinery used in production or processing of agricultural products, is permitted. The sale of agricultural products on the farm where they were produced is permitted.
 - c. *Building site area.* Except where provided in section 64.4, the minimum building site area shall be:

	Square feet
For a one-family dwelling	7,200
For any other permitted use	10,000

- d. *Building site coverage.* The maximum building site coverage by all buildings shall be thirty-five (35) percent.
- e. *Building height limit.* Except as provided in section 64.4, no structure shall be designed, erected or altered to exceed thirty-five (35) feet.

f. *Yards required.* Except as provided in section 64.4, the minimum dimensions of yards shall be:

	Feet
Front yard	25
Side yard	8

(The sum of the widths of the two side yards shall be at least twenty (20) feet)

	Feet
Rear yard	8

g. *Buffer protection between districts.* The planning commission may impose additional buffer protection strips where necessary to protect abutting agricultural districts from the impact of the subdivisions hereafter approved.

C. *Residential districts.*

1. *R-1 districts: One-family residential districts.* These districts are composed of both developed and largely undeveloped areas. The developed areas contain mainly one-family dwellings and small open areas, usually subdivided, where residential development seems likely to occur; few two-family and multiple-family dwellings are found in these developed areas. It is anticipated that most of the large undeveloped areas will ultimately be developed for residential use. The district regulations are designed to protect the residential character of the developed areas by prohibiting all commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met. Reclassification of the land or other appropriate residential, commercial or industrial categories shall be in accordance with the amendment procedure set forth herein.

a. *Permitted uses.* See chart at end of chapter.

b. *Building site area.* Except as provided in section 64-4, the minimum building site area shall be:

	<i>Square feet</i>
For a one-family dwelling	7,200
For any other permitted use	10,000

c. *Building site coverage.* The maximum building site coverage by all buildings shall be thirty-five (35) percent.

d. *Building height limit.* Except as provided in section 64-4, no structure shall be designed, erected or altered to exceed thirty-five (35) feet.

e. *Yards required.* Except as provided in section 64-4, the minimum dimensions of yards shall be:

	<i>Feet</i>
Front yard	25

Side yard	8
(The sum of the widths of two (2) side yards shall be at least twenty (20) feet)	
Rear yard	8

2. *Districts: Two-family residence districts.* These districts are composed mainly of areas containing a mixture of one-family and two-family dwellings and open areas where similar residential development seems likely to occur. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met.

a. *Permitted uses.* See chart at end of chapter.

b. *Building site area.* Except as provided in section 64-4, the minimum building site area shall be:

	<i>Square feet</i>
For a one-family dwelling	7,200
For a two-family dwelling	8,000
For any other permitted use	10,000

c. *Building site coverage.* The maximum building site coverage by all buildings shall be forty (40) percent.

d. *Building height limit.* Except as provided in section 64-4, no structure shall be designed, erected, or altered to exceed thirty-five (35) feet.

e. *Yards required.* Except as provided in section 64-4, the minimum dimensions of yards shall be:

	<i>Feet</i>
Front yard	25
Side yard	8
(The sum of the widths of the two (2) side yards shall be at least 20 feet)	
Rear yard	8

3. *R-3 districts: Multiple-family districts.* These districts are composed mainly of areas containing a mixture of one-family, two-family, and multiple-family dwellings; in many of them there is evident a trend toward increased population density through conversion of large houses into apartments and through use of remaining vacant land for apartment buildings. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities; to encourage

a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; to prevent overcrowding of the land by requiring certain minimum yard and other open spaces for all buildings; and to avoid excessive population density by requiring a certain minimum building site area for each dwelling unit.

- a. *Permitted uses.* See chart at end of chapter.
- b. *Building site area.* Except as provided in section 64-4, the minimum building site area shall be:

	Square feet
For a one-family dwelling	7,200
For a two-family dwelling	8,000
For a multiple-family dwelling	8,000
First two dwelling units	8,000
Each additional dwelling unit	1,500
For any other permitted use	10,000

- c. *Building site coverage.* The maximum building site coverage by all buildings shall be forty-five (45) percent.
- d. *Building height limit.* Except as provided in section 64-4, no structure shall be designed, erected or altered to exceed forty-five (45) feet.
- e. *Yards required.* Except as provided in section 64-4, the minimum dimensions of yards shall be:

	Feet
Front yard	25
Side yard	8
(The sum of the widths of the two (2) side yards shall be at least 20 feet)	
Rear yard	8

D. *Residence-business districts.*

1. *R-B districts: Residence-business districts.* Usually located near the downtown center of the city, these districts are composed of a mixture of residential and light commercial uses. They may contain buildings marked by the Historic American Buildings Survey or by the Historic Preservation Society for their architectural or historic interest and value. The district regulations are designed to protect the character of the area or to encourage further appropriate development, with a mixture of residential, public and semipublic and light commercial uses.

- a. *Permitted uses.* See chart at end of chapter.
- b. *Building site area.* Except as provided in section 64-4, the minimum building site area shall be:

	Feet

For a one-family dwelling	5,000
For a two-family dwelling	6,000
For a multiple-family dwelling:	
First two (2) dwelling units	6,000
Each additional dwelling unit	1,500

For any other permitted use there is no minimum building site area required except that sufficient area shall be provided for off-street parking and off-street loading spaces as required in section 64-6.

- c. *Building site coverage.* The maximum building site coverage by all buildings shall be seventy-five (75) percent.
- d. *Building height limit.* Except as provided in section 64-4, no structure shall be designed, erected or altered to exceed forty-five (45) feet.
- e. *Yards required.* Except as provided in section 64-4, the minimum dimensions of yards shall be:

	<i>Feet</i>
Front yard	5
Side yard	None
Rear yard	None

- 2. *T-B districts: Transitional-business districts.* The transitional business district (TB) is intended for small sites in or near dense residential neighborhoods on, at or near a major or collector street. The district regulations encourage the provision of small-scale retail and service uses for nearby residential areas. Some uses that are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. Uses are restricted in size, number and character to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be pedestrian-oriented and compatible with the scale of surrounding residential areas. Parking areas are restricted, since their appearance is generally out of character with the surrounding residential development and the desired orientation of the uses.

- a. *Permitted uses.* See Chart at end of chapter.
- b. *Building site area.* Except as provided in section 64-4, the minimum building site area shall be:
 - For a one-family dwelling: Five thousand (5,000) square feet.
 - For a two-family dwelling: Six thousand (6,000) square feet.
 - For a multiple-family dwelling:
 - First two dwelling units: Six thousand (6,000) square feet.
 - Each additional dwelling unit: One thousand five hundred (1,500) square feet.

For any other permitted use there is no minimum building site area required except that sufficient area shall be provided for off-street parking and off-street loading spaces as required in section 64-6.

- c. *Building site coverage:* The maximum building site coverage by all buildings shall be fifty (50) percent.
- d. *Building height limit:* Except as provided in section 64-4, no structure shall be designed, erected or altered to exceed

forty-five (45) feet.

1. Maximum building size: Freestanding buildings shall be limited to 7,500 square feet; multi-tenant buildings shall be limited to 5,000 square feet per unit and 10,000 square feet overall.

e. *Yards required.* Except as provided in section 64-4, the minimum dimensions of yards shall be:

Front yard: Ten (10) feet

Side yard: None

Rear yard: None

The maximum dimensions of yards shall be:

Front yard: Shall be within two (2) feet of the average front yard of developed lots on the same block face, with a maximum setback of forty-five (45) feet.

Side yard: None

Rear yard: None

f. *Parking configuration and design.* No more than a single row of angled parking stalls shall be located between the principle structure and a street. Minimum required parking facilities shall be in accordance with section 64-6 of this chapter; however, for general business/retail/office uses, a maximum parking ratio of one (1) space per two hundred (200) square feet of gross floor area will be allowed. Any parking spaces provided in excess of the ratio of one (1) space per two hundred (200) square feet shall be of an alternative parking surface, as defined in section 64-2 of this chapter. Also, restaurants and other food/beverage uses shall be limited to a maximum parking ratio of one (1) space per seventy-five (75) square feet. Any parking spaces provided in excess of the ratio of one (1) space per seventy-five (75) square feet shall be of an alternative parking surface, as defined in section 64-2 of this chapter.

g. *Drive-thrus.* Drive-thrus are not permitted in a T-B district.

h. *Signage.* Signage shall be in accordance with subsections 1 through 8 of section 64-11 of this chapter; however, a certificate of appropriateness is not required, unless the site is located in those areas of historic significance as designated by the zoning ordinance.

i. *Hours of operation.* Hours of operation of uses located in T-B districts shall be limited to the following:

Retail: 6 a.m. to 10 p.m.

Restaurants: 6 a.m. to 12 a.m.

E. *Business districts.*

1. *B-1 districts: Buffer business districts.* These districts are composed of land and structures occupied by or suitable for such uses as offices, studios and automobile storage (commercial), including parking lots. Although usually located between residential areas and business areas, these districts are in some instances free-standing in residential areas or they may include hospital, college or other public or semipublic groups and related uses. The district regulations are designed to protect and encourage the buffer character of the districts by limiting the permitted uses to dwellings and uses of a semicommercial nature and to protect the abutting and surrounding residential areas by requiring certain minimum yard and area standards to be met, standards that are comparable to those called for in the residence districts.

a. *Permitted uses.* See chart at end of chapter.

b. *Building site area.* Except as provided in section 64-4, the minimum building site area shall be seven thousand two hundred (7,200) square feet.

c. *Building site coverage.* The maximum building site coverage by all buildings shall be forty-five (45) percent.

d. *Building height limit.* Except as provided in section 64-4, no structure shall be designed, erected or altered to exceed forty-five (45) feet.

e. *Yards required.* Except as provided in section 64-4, the minimum dimensions of yards shall be:

	<i>Feet</i>
Front yard	25

Side yard	5
Rear yard	5

2. *B-2 districts: Neighborhood business districts.* These districts are composed of land and structures occupied by or suitable for furnishing the retail goods, such as groceries and drugs, and the services, such as barbering and shoe repairing, to satisfy the daily household needs of the surrounding residential neighborhoods. Often located on a thoroughfare or near the intersection of two (2) thoroughfares, these districts are small and are within convenient walking distance of most of the areas they will serve. The district regulations are designed to permit the development of the districts for their purpose and to protect the abutting and surrounding residential areas by requiring certain minimum yard and area standards to be met, standards that are comparable to those called for in residential districts. It is intended that additional neighborhood business districts will be created, in accordance with the amendment procedure set forth herein, as they are needed to serve new residential areas. To insure that such new districts are actually developed to supply the business needs of the neighborhoods, the amendment creating the district may set a time limit for its development.

- a. *Permitted uses.* See chart at end of chapter.
- b. *Building site area.* There is no minimum required building site area.
- c. *Building site coverage.* The maximum building site coverage by all buildings shall be fifty (50) percent.
- d. *Building height limit.* Except as provided in section 64-4, no structure shall be designed, erected or altered to exceed forty-five (45) feet.
- e. *Yards required.* Except as provided in section 64-4, the minimum dimensions of yards shall be:

	<i>Feet</i>
Front yard	25
Side yard	None
Rear yard	None

2.5. *Limited B-2 (LB-2) districts: Limited-neighborhood business district.* These districts are composed of land and structures occupied by or suitable for furnishing retail goods, such as groceries and drugs, and services, such as barbering and shoe repairing, to satisfy the daily household needs of the surrounding residential neighborhoods. Locational guidelines for LB-2 districts are the same as for B-2 districts. Often located on a thoroughfare or near the intersection of two (2) thoroughfares, these districts are small and are within convenient walking distance of most of the areas they will serve. The district regulations are designed to permit the development of the districts for their purpose and to protect the abutting and surrounding residential areas by prohibiting certain commercial uses and requiring certain minimum yard and area standards to be met with standards that are comparable to those called for in residential districts. LB-2 does not supplant or replace B-1, but is another option for certain permitted uses in lieu of B-2. It is intended that additional limited-business districts will be created in accordance with the amendment procedure set forth herein, as they may be needed to serve residential areas. To ensure that such new districts are actually developed to supply the business needs of the neighborhoods, the amendment creating the district may set a time limit for its development.

- a. *Permitted uses.* See chart at end of the chapter.
- b. *Building site area.* There is no minimum required building site area.
- c. *Building site coverage.* The maximum building site coverage by all buildings shall be fifty (50) percent.
- d. *Building height limit.* Except as provided in section 64-4, no structure shall be designed, erected or altered to exceed forty-five (45) feet.
- e. *Yards required.* Except as provided in section 64-4, the minimum dimensions of yards shall be:

	<i>Feet</i>
Front yard	25 feet
Side yard	None
Rear yard	None

Editor's note— Ord. No. 64-002, § 1, adopted February 4, 2003, amended the Code by adding a new subsection E.3 to § 64-3. In order to prevent duplication of subsection numbers, the editor has designated the new provisions as subsection E.2.5 of § 64-3.

3. *B-3 districts: Community business districts.* These districts are composed of land and structures used to furnish, in addition to the retail goods and services found in neighborhood business districts, such less frequently needed goods as clothing and automobiles—the wider range of retail goods and services to satisfy all the household and personal needs of the residents of a group or community of neighborhoods. Light or heavy distribution uses may be allowed as defined in the chart of permitted uses. Usually located on a thoroughfare or near the intersection of two (2) thoroughfares, these districts are large and are within convenient driving distance of the group of neighborhoods they will serve. The district regulations are designed to permit the development of the districts for their purpose in a spacious arrangement.

To protect the abutting and surrounding residential areas certain restrictions are placed on uses. It is intended that additional community business districts will be created in accordance with the amendment procedure set forth herein, as they are needed to serve groups of new neighborhoods. To insure that such districts are actually developed to supply the business needs of the groups of neighborhoods, the amendment creating the district may set a time limit for its development.

- a. *Permitted uses.* See chart at end of chapter.
- b. *Building site area.* There is no minimum building site area required.
- c. *Building site coverage.* The maximum building site coverage by all buildings shall be fifty (50) percent.
- d. *Building height limit.* Except as provided in section 64-4, no structure shall be designed, erected or altered to exceed forty-five (45) feet.
- e. *Yards required.* Except as provided in section 64-4, the minimum dimensions of yards shall be:

	<i>Feet</i>
Front yard	25
Side yard	None
Rear yard	None

4. *B-4 districts: General business districts.* These districts are composed of land and structures used to furnish, in addition to the retail goods and services found in the community business district, the wider range of retail goods and services required by transients and by residents of the metropolitan area and of the trade area, as well as certain wholesale and limited manufacturing and distributing in support of the main uses. Located at the convergence of the principal thoroughfares and highways, as well as transit lines, the central business district is the largest district of this type and contains the high concentration of commercial activities, that is the distinguishing characteristic of the general business district.

The district regulations are designed to regulate the development of the districts for their purposes, subject to limitations designed to prevent the congestion that would result from overintensive development.

- a. *Permitted uses.* See chart at end of chapter.

- b. *Building site area.* There is no minimum building site area.
 - c. *Building site coverage.* The maximum building site coverage by all buildings shall be one hundred (100) percent.
 - d. *Building height limit.* There is no maximum height limit.
 - e. *Yards required.* No yards are required.
5. *B-5 districts: Office-distribution districts.* These districts are intended for a mixture of certain commercial and light industrial uses such as administrative offices of business and industrial concerns, uses engaged in the handling, warehousing and distribution of materials and equipment, manufacturing uses limited to assembly or repair operations, and research activities for scientific and technological businesses. Design standards for site development should promote a commercial, rather than industrial, atmosphere. All activities shall take place entirely within the structure.

Desirable locations for these districts, which should serve as a transition between commercial and industrial districts, include sites with interstate access, along principal thoroughfares and highways, areas convenient to major commercial or industrial concentrations, and to a lesser extent, along rail lines.

- a. *Permitted uses.* See chart at end of chapter.
- b. *Building site area.* There is no minimum building site area required.
- c. *Building site coverage.* The maximum building site coverage by all buildings shall be fifty (50) percent.
- d. *Building height limit.* Except as provided in section 64-4, no structure shall be designed, erected or altered to exceed forty-five (45) feet.
- e. *Yards required.* Except as provided in section 64-4, the minimum dimensions of yards shall be:

	<i>Feet</i>
Front yard	25
Side yard	None
Rear yard	None

- f. *Loading area limitations.* Loading operations shall be conducted in such a way that in the process of loading or unloading, no vehicle will block the passage of other vehicles on the service drive or extend into any other private drive or public right-of-way used for traffic circulation. A minimum distance of sixty-five (65) feet from the loading area to the right-of-way is recommended for truck maneuverability.
6. *H-B districts: Historic-business district.* These districts are composed of areas containing architecturally or historically valuable buildings. By reason of location and accessibility, the districts are suitable for specialty shopping and entertainment activities for tourist and local trade. The district regulations are designed to protect the special character of the areas, to encourage restoration of architecturally and historically valuable buildings and their adaptation to house permitted uses and to encourage further appropriate development for a limited number of mutually supporting light business and cultural uses.

- a. *Permitted uses.* See chart at end of zoning ordinance for the City of Mobile.

In addition to the uses shown in the chart, the following uses are permitted under the conditions specified:

Dwellings for one (1) or more families: Permitted as a use by right above the first or ground floor.

Offices: Permitted as a use by right above the first or ground floor.

Specialty shops for foods, arts and crafts, leather goods, coins and stamps and similar items not specifically listed in the chart of permitted uses; permitted as a use by right.

- b. *Building site area.* There is no minimum building site area required.
- c. *Building site coverage.* The maximum building site coverage by all buildings shall be fifty (50) percent.
- d. *Building height limit.* No structure shall be designed, erected or altered to exceed forty-five (45) feet except as provided in section 64-4.

- e. *Yards required.* The minimum dimensions of yards shall be as follows except as provided in section 64-4:

	<i>Feet</i>
Front yard	5
Side yard	5
Rear yard	None

F. *Industry districts*

1. *I-1 districts: Light industry districts.* These districts are composed of land and structures used for light manufacturing or wholesaling, or suitable for such uses, where the use and its operation do not directly adversely affect nearby residential and business uses. These districts are usually separated from residential areas by business areas or by natural barriers. The district regulations are designed to allow a wide range of industrial activities subject to limitations designed to protect nearby residential and business districts.

- a. *Permitted uses.* See chart at end of chapter.
- b. *Building site area.* The minimum building site area shall be ten thousand (10,000) square feet.
- c. *Building site coverage.* The maximum building site coverage by all buildings shall be seventy-five (75) percent.
- d. *Building height limit.* Except as provided in section 64-4, no structure shall be designed, erected or altered to exceed forty-five (45) feet.
- e. *Yards required.* Except as provided in section 64-4, the minimum dimensions of yards shall be as follows:

	<i>Feet</i>
Front yard	25
Side yard	None
Rear yard	None

2. *I-2 districts: Heavy industry districts.* These districts are composed of land and structures used for heavy manufacturing and related activities or suitable for such uses. Located for convenient access from existing and future arterial thoroughfares, highways and railway lines, these districts are in many instances separated from residential areas by business or light industry areas or by natural barriers; where they are adjacent to residential areas some type of artificial separation may be required. The district regulations are designed to permit the development of the district for almost any industrial uses, subject to the minimum regulations necessary for the mutual protection of the uses.

- a. *Permitted uses.* See chart at end of chapter.
- b. *Building site area.* The minimum building site area shall be ten thousand (10,000) square feet.
- c. *Building site coverage.* The maximum building site coverage by all buildings shall be seventy-five (75) percent.
- d. *Building height limit.* Except as provided in section 64-4, no structure shall be designed, erected or altered to exceed one hundred (100) feet.
- e. *Yards required.* Except as provided in section 64-4, the minimum dimensions of yards shall be:

	<i>Feet</i>
Front yard	25

Side yard	None
Rear yard	None

G. *Historic district overlay.*

1. *Findings and purpose.* The City of Mobile has worked vigorously to protect and enhance its numerous historic resources. Through the enactment of the historic preservation maintenance ordinance and minimum housing codes, many of the city's historically significant properties have been restored and maintained. However, vacant structures and underutilized land within these historic districts remain. To encourage more development activity, the historic district overlay (HDO) has been formulated to promote and encourage development within the city's historic districts and other identified areas.

The purpose of the historic district overlay (HDO) is to establish flexible land development requirements that preserve and maintain the existing character of historically significant areas by formulating site development standards that: 1) allow compatible or similar development within the city's historic districts and other defined areas; and 2) simplify and streamline the site plan review and approval process by reducing the necessity for variances and waivers. The site design elements to be addressed by the HDO will deal specifically with guidelines formulated for the "building envelope" (i.e. setbacks, site coverage, and building height requirements) for all zoning classifications with the exception of properties zoned LB-2, B-2 and B-3. Future evaluation will be conducted to address the application of site development standards for properties zoned LB-2, B-2 and B-3.

2. *Applicability.* The regulation and criteria set forth in this section are applicable to the geographic areas defined in the Historic District Overlay Boundary (HDOB) with respect to specific site development requirements. However, the underlying zoning standards regulating the use of land remain applicable. For example, all regulations for permitted land uses, trees, landscaping, parking, buffers etc. will remain in place as outlined in their respective ordinances. This HDO ordinance shall not apply to properties zoned LB-2, B-2 and B-3.
3. *Building envelope.* The following are setback, site coverage and height requirements for structures located in the Historic District Overlay Boundary. If there are no existing buildings within 150 feet of the proposed development, then the building envelope criteria may be determined using the dimensions and placement of the buildings on the next adjoining block.

- a. *Yard Dimensions.*

- (1) *Front yard setback:* The front yard setback shall be no greater or lesser than the setback of those structures on the same side of the street within 150 feet of both sides (exclusive of right-of-way) of the proposed building site (See Diagram 1).

- (2) *Side yard setback (each side):* The side yard setback may be no less than the side yards of those structures on the same side of the street within 150 feet of both sides (exclusive of right-of-way) of the proposed building site. In the case of an addition to an existing structure, the addition may be in line with the existing building (See Diagram 2).

Side yard setbacks on side streets may be no less than the side yard setback of the other corner lots, along the same side street, at the same intersection. If there is no structure by which to measure, then the setback requirements of section 64-4-D4 shall apply.

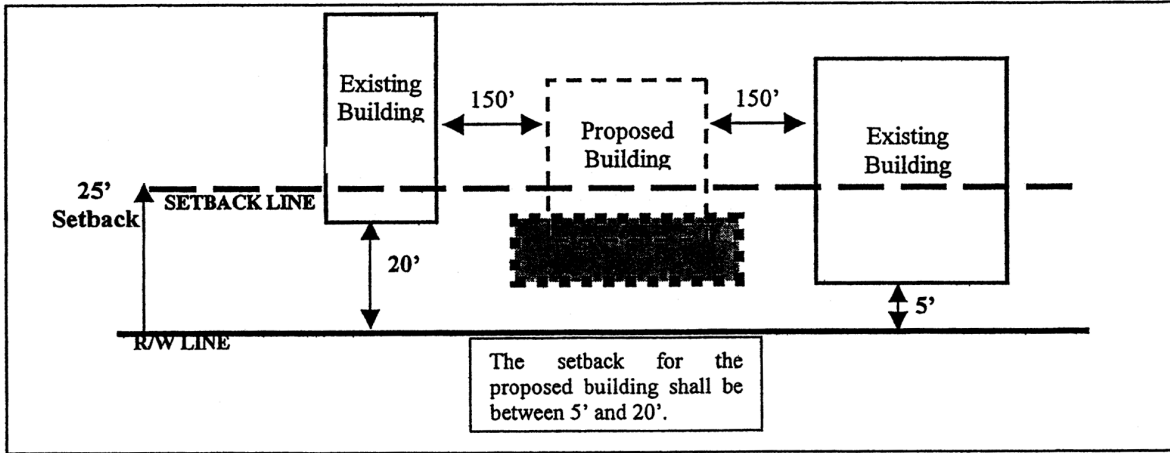
- (3) *Rear yard setback:* The rear yard setback may be no less than the rear yards of those structures on the same side of the street within 150 feet of both sides (exclusive of right-of-way) of the proposed building. In the case of an addition to an existing structure, the addition may be in line with the existing building (See Diagram 3).

If a side or rear setback is less than five (5) feet from the property line, gutters and downspouts shall be provided.

- b. *Maximum building coverage.* The maximum building site coverage by all buildings shall not exceed 50 percent; excluding lots zoned R-B, B-4, I-1 and I-2. In cases of commercial development, the maximum coverage allowed does not override the requirement of other development regulations (i.e. provision of trees, landscaping, parking, buffers, etc.).
- c. *Building height.* Building height shall be no higher than the highest building on the same side of the street within 150 feet of both sides (exclusive of right-of-way) of the proposed building site; excluding lots zoned B-4, I-i and 1-2 (See Diagram 4).

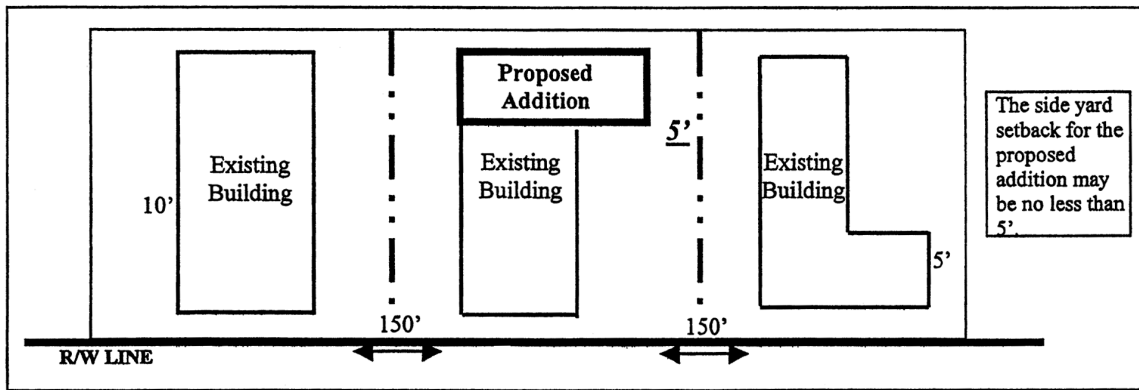
d. Diagrams.

Front Yard Setback Example (Diagram 1).



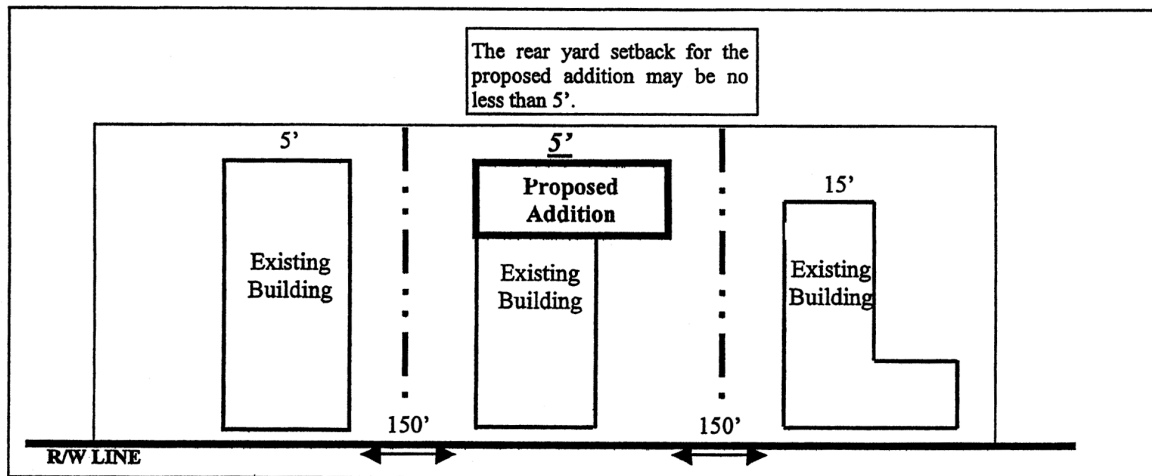
Front Yard Setback Example (Diagram 1).

Side Yard Setback Example (Diagram 2).

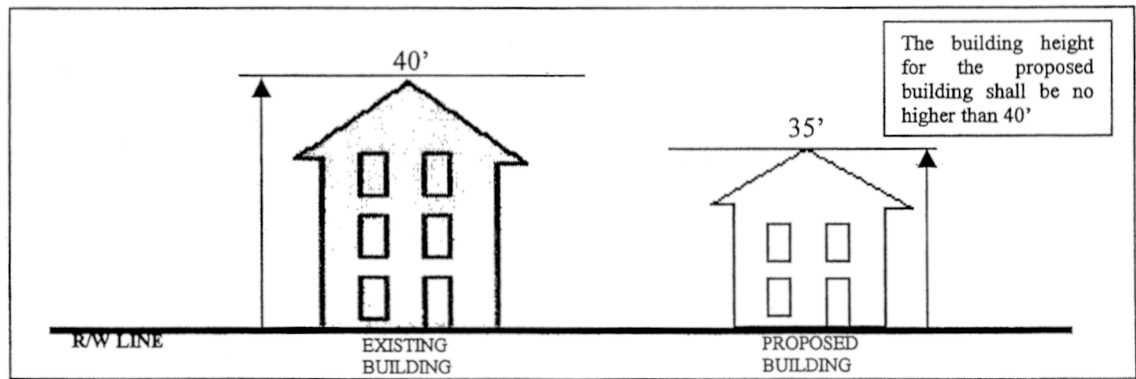


Side Yard Setback Example (Diagram 2).

Rear Yard Setback Example (Diagram 3).



Rear Yard Setback Example (Diagram 3).

Building Height Example (Diagram 4).*Building Height Example (Diagram 4).*H. *Traditional center district.*

1. *Purpose and intent.* The city seeks to create a traditional center district (TCD), which establishes land development requirements that enable and encourage traditional, walkable village and neighborhood centers, and bring a balance between vehicular and pedestrian-oriented design. These standards were created to
 - 1) Enable street-oriented, pedestrian-friendly development within the defined TCD areas by approving building placement and parking requirements conducive to walkable districts, and
 - 2) Encourage the creation of traditional centers by prescribing building standards, signage requirements, and other details that contribute to the pedestrian realm.
2. *Administration*
 - a. *Applicability.* The regulations and criteria set forth in this section are applicable to the geographic areas within the traditional center district boundary (TCDB), with respect to specific site and land development requirements (See figures 1 and 2). Properties being developed or redeveloped within the TCDB shall either comply with all existing applicable regulations or comply with all applicable regulations of the TCD. A property owner may elect to develop or redevelop a property under the applicable regulations of the TCD by filing a written statement when submitting application for a building permit; unless that election is made, each respective property will be governed by the existing non-TCD regulations set forth in the city zoning ordinance. Once TCD designation has been elected, except where explicitly provided to the contrary, whenever the requirements of these overlay regulations are in conflict with the requirements of chapter 64, zoning ordinance of the city, the requirement within this overlay ordinance shall supersede. However, the underlying requirements remain applicable where this overlay remains silent.
 - b. *Graphics and illustrations.* In case of conflict between any figure and any text in this overlay ordinance, the text shall apply and supersede the graphic or illustration.
 - c. *Guide to using the TCD.*
 - (1) Identify the properties that are part of the TCD (as shown on figures 1 and 2).
 - (2) Refer to the regulating plans (figures 3—5), and identify the subdistrict within which the property is located.
 - (3) Amendments to the regulating plan shall follow the standard procedures to amend the zoning ordinance and the comprehensive plan.
 - (4) Refer to section 64-3.H.3, subdistricts, for regulations on building form, placement, and height, specific to the subdistrict.
 - (5) Refer to section 64-3.H.4, supplementary regulations in the TCD, for additional standards that apply to all subdistricts, including building standards and landscape standards.
 - (6) Refer to section 64-3.H.5, planned unit developments, for guidance on planned unit developments on property within the TCD.
 - (7) Refer to section 64-3.H.6, off-street parking and loading, to identify parking and loading location and design standards.

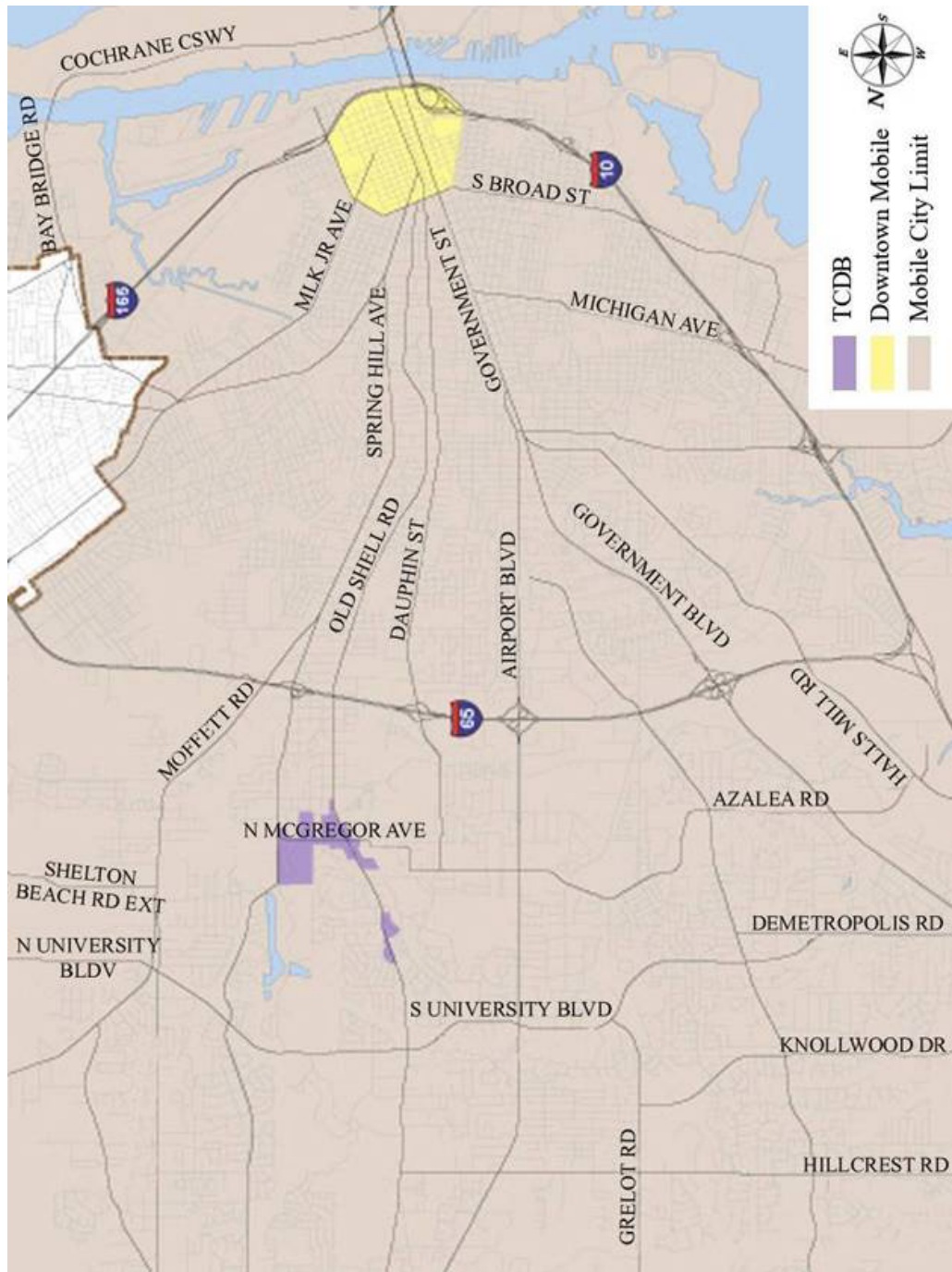


Figure 1: Traditional Center District Boundary Location Map

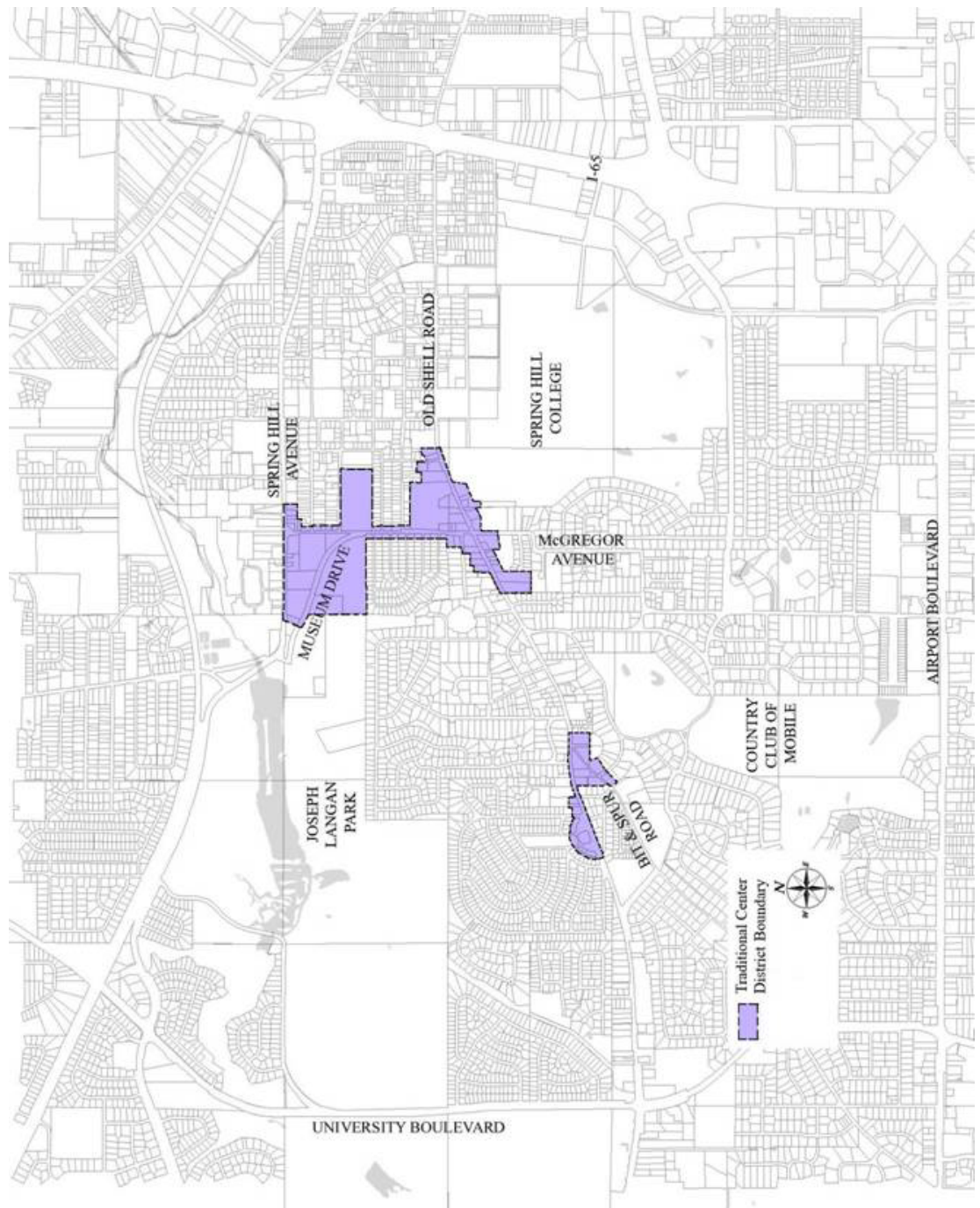


Figure 2: Traditional Center District Boundary Detail Location Map

- (8) Refer to section 64-3.H.7, signs in the TCD, to identify the types of signage allowed in the TCD, and size and placement requirements.
3. *Subdistricts.* The TCD is divided into designated subdistricts, as shown on the regulating plans (see figures 3—5). The subdistricts reflect the character in the various areas within the TCD. The subdistricts are identified as:
- Village center
 - Neighborhood center
 - Neighborhood general
- a. *Regulating plans.* Figures 3—5 contain the regulating plans for the TCD. The regulating plans identify the location of the subdistricts, and primary and secondary frontages for all properties within the TCD. Proposed new streets located on the regulating plans are permitted, but not required. At the time of development or redevelopment of a property, the inclusion of a new street is at the discretion of the property owner. These new street locations are schematic to allow flexibility in the design of the site plan.
- (1) *Amendments to a regulating plan.* Amendments to a regulating plan shall follow procedures as required for any

amendment to the zoning ordinance or comprehensive plan. Such procedures shall include a call for public hearing, legal advertisements, and public hearing(s) by the planning commission and city council. A recommendation on the amendment is forwarded by the planning commission to the city council. The city council shall either approve or deny the proposed amendment.

- b. *Village center subdistrict.* This district is the most densely occupied subdistrict, and consists of street-oriented, mixed-use buildings that may accommodate a range of uses including retail, offices, residential, and civic uses. The village center serves the needs of the surrounding community; the walkable, park-once environment is accommodating to both pedestrians from surrounding neighborhoods, as well as those from the greater community. The district has wide sidewalks, regular street tree planting, and buildings set close to the sidewalks to create a regular street facade.
 - (1) *Permitted uses.* Permitted uses in the underlying zoning requirements remain applicable.
 - (2) *Building envelope.* The following apply to buildings within the village center subdistrict:
 - (a) *Building site area.* There is no minimum building site area required.
 - (b) *Building site coverage.* The maximum building site coverage by all buildings shall be ninety (90) percent.

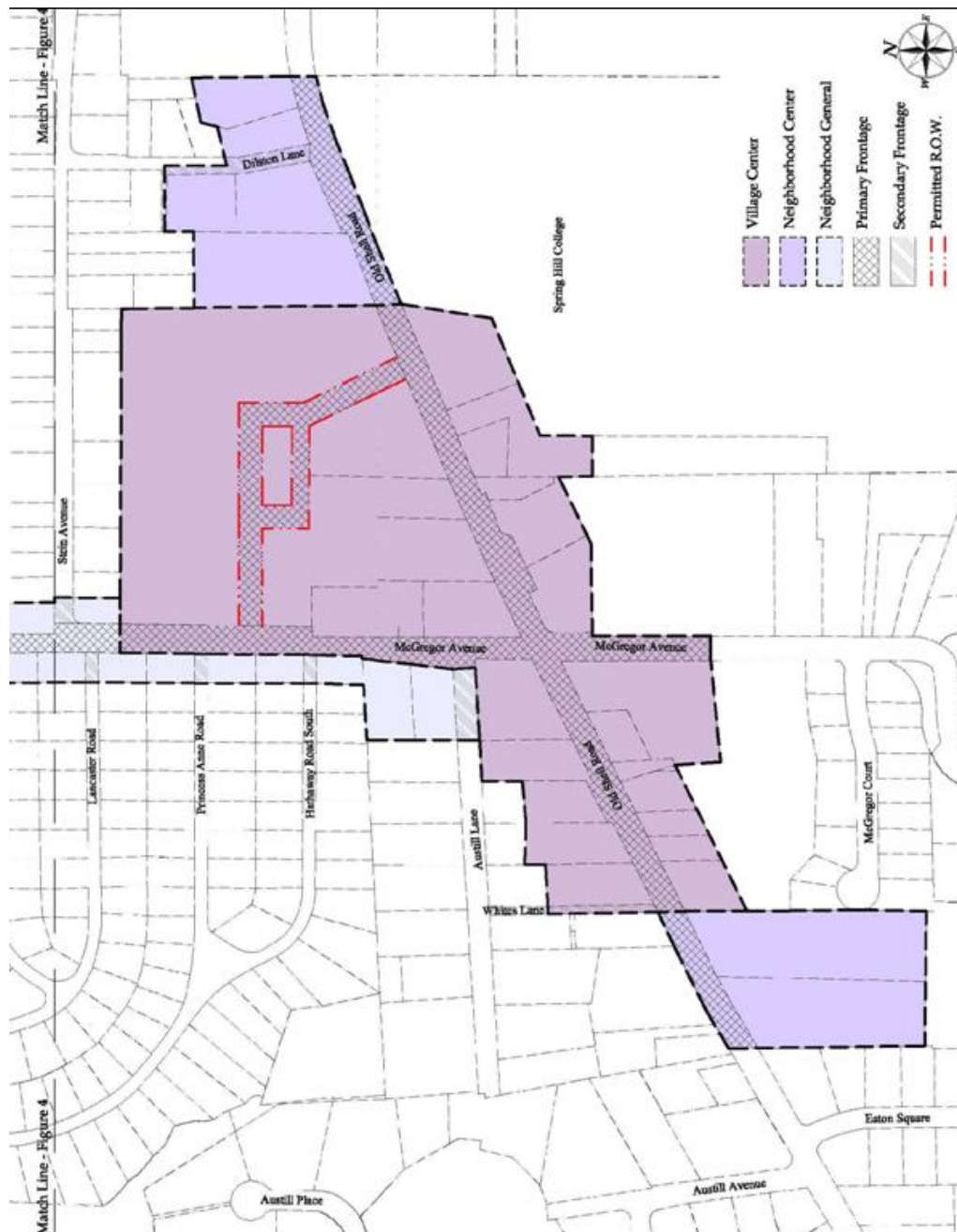


Figure 3: Regulating Plan - Old Shell Road and McGregor Avenue

(A larger version of the regulating plan is available on file with the planning department of the urban development department of the city)

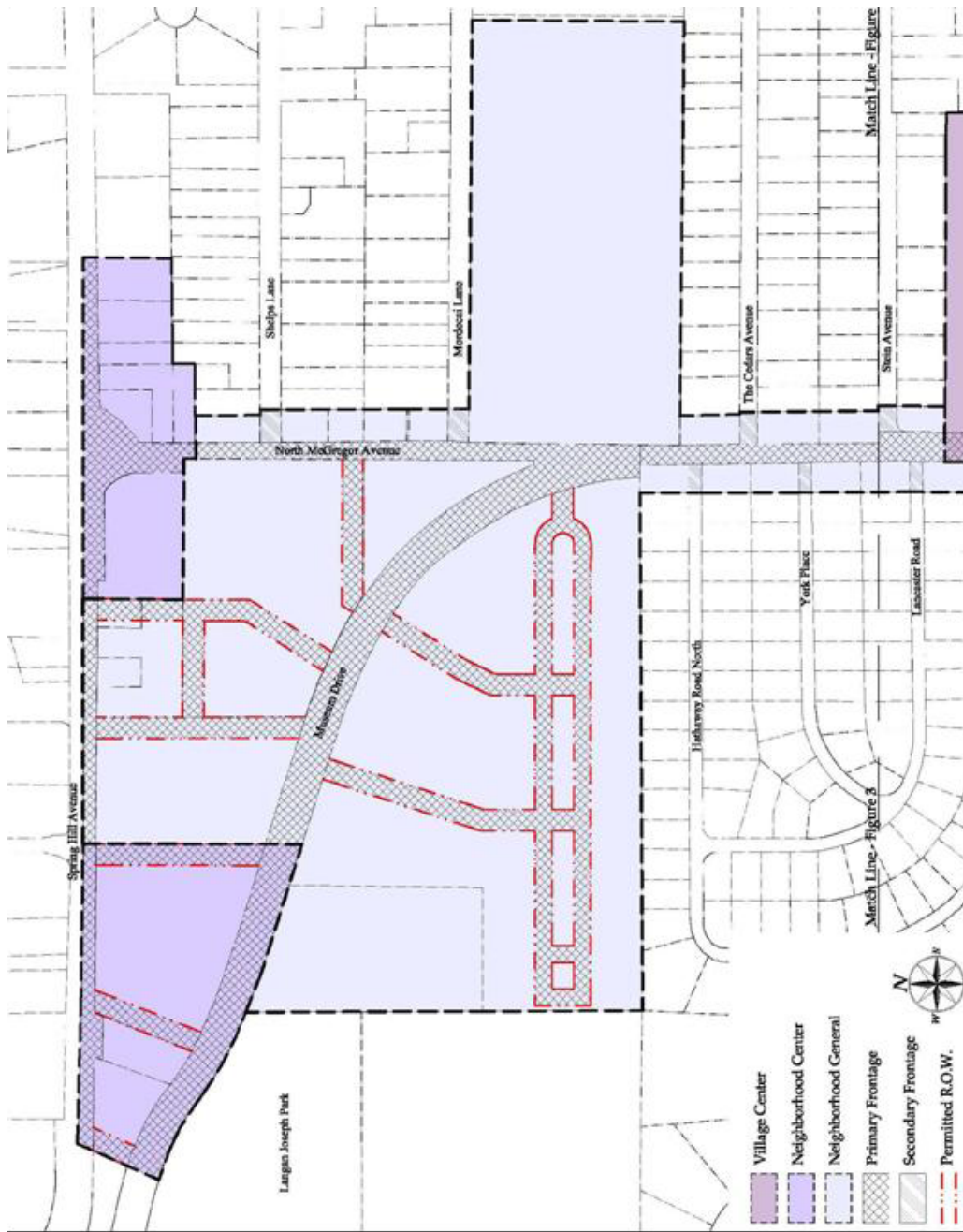


Figure 4: Regulating Plan - Museum Drive

(A larger version of the regulating plan is available on file with the planning department of the urban development department of the city)

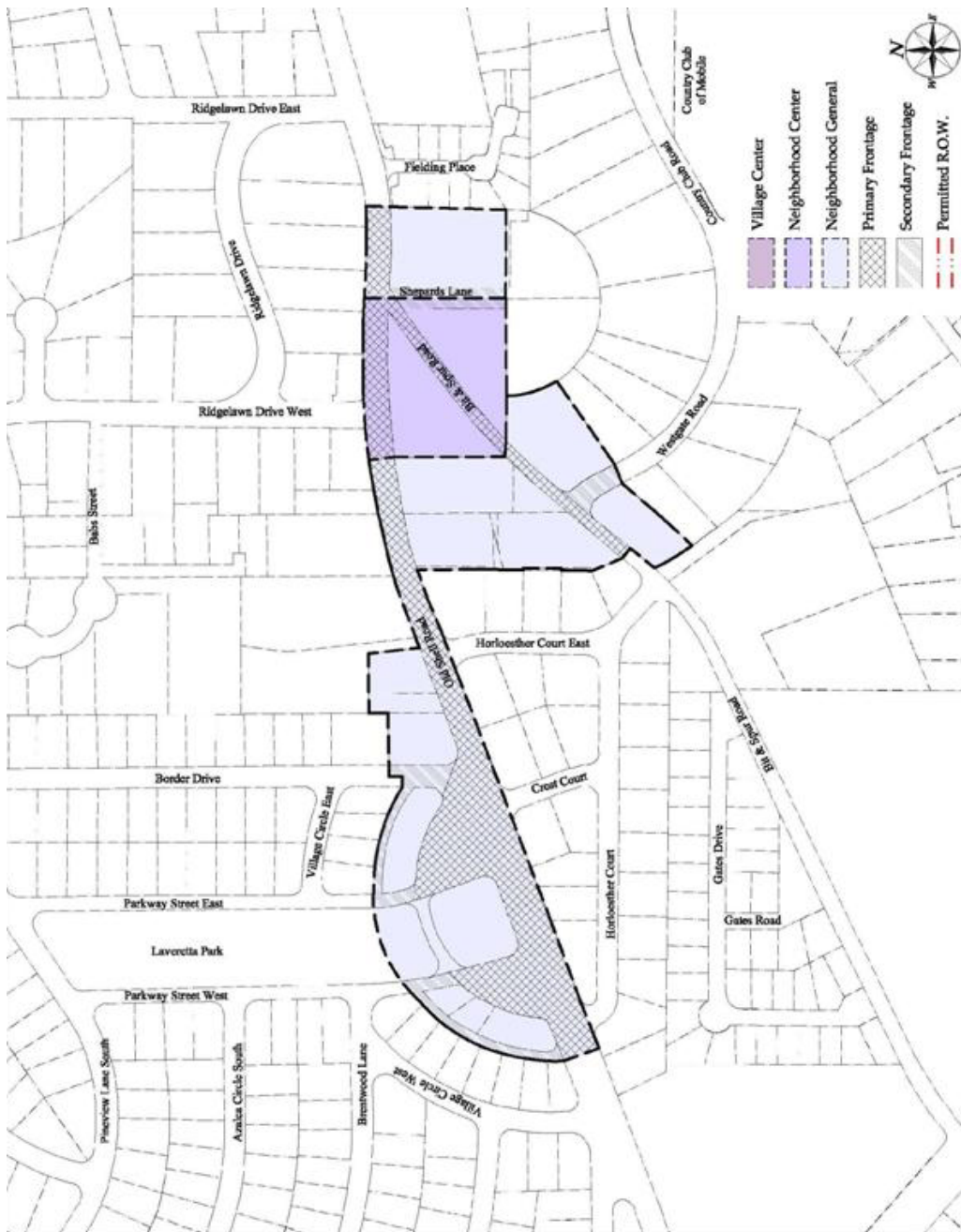


Figure 5: Regulating Plan - Old Shell Road and Bit & Spur Road

(A larger version of the regulating plan is available on file with the planning department of the urban development department of the city)

- (c) *Building height limit.* No principal building along a lot frontage shall be designed, erected or altered to exceed four (4) stories.
- (d) *Building yards required.* The minimum dimensions of yards shall be:

Front build-to zone	<p>The principal facade of a building shall be built within a build-to zone that is located between a line zero feet from the front property line and a line five (5) feet from the front property line. The build-to zone shall be adjusted to meet the minimum sidewalk requirement (see item 64-3.H.3.b(2)(e), below). To avoid trees with DBH greater than twelve (12) inches, the build-to zone shall be adjusted one foot for every one inch of DBH. A permit from the urban development department must be obtained to remove any tree within the front built-to zone protected under the 1992 tree ordinance.</p> <p>Civic buildings are exempt from build-to requirements.</p>
Side yard	No minimum
Rear yard	No minimum

- (e) *Minimum sidewalk.* A minimum sidewalk width of twelve (12) feet shall be maintained along the back edge of curb along the existing primary frontage within the village center subdistrict (see figure 3), to allow ample space for sidewalks to accommodate pedestrians and street improvements such as street lights and street trees. Sidewalks shall be a maximum of fifteen (15) feet. All other streets in the village center shall maintain a minimum sidewalk width of twelve (12) feet. In locations where the minimum sidewalk dimension cannot be met within the existing right-of-way, the remaining required sidewalk width shall be dedicated to the city, and the build-to zone shall begin at the back edge of the sidewalk. Existing buildings located forward of the minimum sidewalk dimension shall be permitted to remain.
- (f) *Sidewalk and streetscape improvements.* At the time of development or redevelopment, sidewalk and/or streetscape improvements required by this ordinance shall be constructed adjacent to the parcel.
- (g) *Building frontage.* The required building frontage shall be eighty (80) percent to one hundred (100) percent of the lot frontage as measured from side property line to side property line at the principal facade line. Properties with a frontage width less than one hundred twenty (120) feet that are unable to access the rear of the property by other means (such as through an alley or adjacent parking lot) may retain twenty-four (24) feet of frontage for vehicular access to the rear of the property. Civic buildings are exempt from building frontage requirements.
- c. *Neighborhood center subdistrict.* This district is intended to consist of a mixture of uses, including neighborhood-serving retail, residential, and civic. The neighborhood center is intended to serve the daily needs of residents located within surrounding residential neighborhoods. Buildings may be attached or detached and are separated from the street with wide sidewalks and regular street tree planting. Buildings may be separated from the sidewalk with small street yards.
- (1) *Permitted uses.* In addition to those uses already permitted, all properties within the neighborhood center subdistrict shall be permitted those uses allowed in the T-B (transitional business) district.
- (2) *Building envelope.* The following apply to buildings within the neighborhood center subdistrict:
- (a) *Building site area.* There is no minimum building site area required.
- (b) *Building site coverage.* The maximum building site coverage by all buildings shall be eighty (80) percent. For building sites equal to or less than four thousand (4,000) square feet, there shall be no maximum.
- (c) *Building height limit.* No principal building along a lot frontage shall be designed, erected or altered to exceed three (3) stories.
- (d) *Building yards required.* The minimum dimensions of yards shall be:

Front build-to zone	<p>The principal facade of a building shall be built within a build-to zone that is located between a line zero feet from the front property line and a line twelve (12) feet from the front property line. The build-to zone shall be adjusted to meet the minimum sidewalk requirement (see item 64-3.H.3.c(2)(e), below). To avoid trees with DBH greater than twelve (12) inches, the build-to zone shall be adjusted one foot for every one inch of DBH. A permit from the urban development department must be obtained to remove any tree within the front built-to zone protected under the 1992 tree ordinance.</p> <p>Civic buildings are exempt from build-to requirements.</p>
Side yard	No minimum
Rear yard	5 feet minimum

- (e) *Minimum sidewalk.* A minimum width of twelve (12) feet shall be maintained along the back edge of curb on all streets, to allow ample space for sidewalks to accommodate pedestrians and street improvements such as street lights and street trees. In locations where the minimum sidewalk dimension cannot be met within the existing right-of-way, the remaining required sidewalk width shall be dedicated to the city, and the build-to zone shall begin at the back edge of the sidewalk. Existing buildings located forward of the minimum sidewalk dimension shall be permitted to remain.
- (f) *Sidewalk and streetscape improvements.* At the time of development or redevelopment, sidewalk and/ or streetscape improvements required by this ordinance shall be constructed adjacent to the parcel.
- (g) *Building frontage.* The building frontage shall be seventy (70) percent to one hundred (100) percent of the lot frontage as measured from side property line to side property line at the principal building facade line. Properties with a frontage width less than eighty (80) feet that are unable to access the rear of the property by other means (such as through an alley or adjacent parking lot) may retain twenty-four (24) feet of frontage for vehicular access to the rear of the property. Civic buildings are exempt from building frontage requirements.
- d. *Neighborhood general subdistrict.* This district consists of a mixture of uses but primarily residential urban fabric. It may have a wide range of building types and uses, including residential (in attached and detached buildings), civic buildings, and limited retail including home occupations. Setbacks and landscaping are variable. This district has generous sidewalks and regular street tree planting.
- (1) *Permitted uses.* Permitted uses in the underlying zoning requirements remain applicable.
- (2) *Building envelope.* The following apply to buildings within the neighborhood general subdistrict.
- (a) *Building site area.* There is no minimum building site area required.
- (b) *Building site coverage.* The maximum building site coverage by all buildings shall be seventy (70) percent. For building sites equal to or less than four thousand (4,000) square feet, there shall be no maximum.
- (c) *Building height limit.* No building shall be designed, erected or altered to exceed three (3) stories.
- (d) *Building yards required.* The minimum dimensions of yards shall be:

Front build-to zone	The principal facade of a building shall be built within a build-to zone that is located between a line six (6) feet from the front property line and a line eighteen (18) feet from the front property line. Single-family residential units that enfront existing primary frontage streets may be set back an additional seven (7) feet for a maximum of twenty five (25) feet. To avoid trees with DBH greater than twelve (12) inches, the build-to zone shall be adjusted one foot for every one inch of DBH. A permit from the urban development department must be obtained to remove any tree within the front built-to zone protected under the 1992 tree ordinance. Civic buildings are exempt from build-to requirements.
Side yard	No minimum
Rear yard	5 feet minimum

(e) *Sidewalk and streetscape improvements.* At the time of development or redevelopment, sidewalk and/ or streetscape improvements required by this ordinance shall be constructed adjacent to the parcel.

(f) *Building frontage.* The building frontage shall be sixty (60) percent to one hundred (100) percent of the lot frontage as measured from side property line to side property line at the principal building facade line. Properties with a frontage width less than sixty (60) feet that are unable to access the rear of the property by other means (such as through an alley or adjacent parking lot) may retain twenty four (24) feet of frontage for vehicular access to the rear of the property. Civic buildings are exempt from building frontage requirements.

4. *Supplementary requirements.* Whenever the requirements of this section are in conflict with those found in section 64-4 (supplementary regulations) the regulations of this section apply.

a. *Primary and secondary frontages.* The regulating plans (see section 64-3.H.3 figures 3—5) establish a designation of frontages as either "primary" or "secondary", for both existing and proposed future street locations. Buildings which face primary frontages shall be held to the highest standard of the TCD regulations, in support of pedestrian activity.

Building standards.

- (1) *Primary entrance.* The primary entrance of every building must directly face a street or a civic space; a second door may be provided at the rear, convenient to parking.
- (2) *Doors and Windows.* Each floor of any building facing a primary street or civic space shall have between twenty (20) percent and seventy five (75) percent of each story as transparent windows (see figure 6). For windows to be considered transparent, the window glass, whether integrally tinted or with applied film, must transmit at least fifty (50) percent of visible daylight. In addition, storefronts must comply with the following:
 - (a) The ground story's primary facade must have transparent storefront windows covering no less than fifty (50) percent of its principal plane in order to provide clear views of merchandise in stores and to provide natural surveillance of exterior street spaces (see figure 6).
 - (b) Doors allowing public access to streets must be provided at intervals no greater than fifty (50) feet to maximize street activity, to provide pedestrians with frequent opportunities to enter buildings, and to minimize any expanses of inactive wall.
 - (c) *Figures.*

Figure 6: Facade Transparency Example



- (3) *Liner buildings.* The character of some uses of land, such as theaters, grocery stores, parking structures, and other large-footprint uses would preclude their buildings from complying with the door and window requirements of this overlay code. Such buildings shall be constructed in a manner that they will be separated from primary frontages by liner buildings (see figure 7):
- (a) Liner buildings shall be at least as tall as the building they are screening, and must comply with the height requirements of the subdistrict in which they are located. Liner buildings shall be no less than twenty (20) feet in depth.
 - (b) Liner buildings may be detached from or attached to the buildings they are concealing.
 - (c) Liner buildings may be used for any purpose allowed on the lot on which they are located except for parking.
 - (d) Liner buildings shall meet the primary facade transparency requirements in subsection H.4.b.(2) of this ordinance.
 - (e) *Figures.*

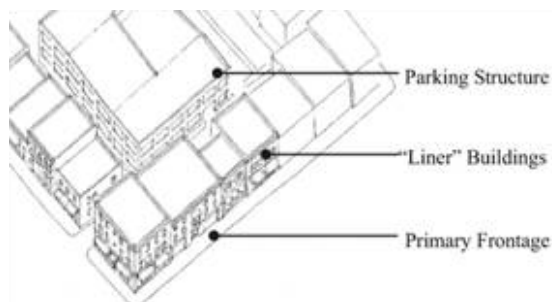


Figure 7: Liner Building Example

- (4) *Large footprint buildings.* Buildings with a footprint greater than twenty thousand (20,000) square feet may be built within neighborhood center subdistricts. Such buildings must abide by requirements in the TCD overlay ordinance with the following:
- Large footprint buildings may be permitted to be one story in height on any frontage except Old Shell Road and McGregor Avenue, but shall be at least twenty four (24) feet in height. This may be accomplished with higher ceiling heights and/ or parapets or by having a liner building between the one story building and the frontage on Old Shell Road and/ or McGregor Avenue.
 - Buildings shall not be larger than a single block.
- (5) *Frontage percentages.* Frontage percentage is the percentage of the width of a lot that is required to be occupied by its building's primary facade. Sections 64-3.H.3.b through 64-3.H.3.d provides minimum and maximum frontage percentages for each subdistrict.
- The location of the primary facade's principal plane is not changed by facade extensions such as bay windows, awnings, porches, balconies, stoops, colonnades, galleries, or arcades, or by upper stories that are closer to or further from the street.
 - Up to fifty (50) percent of the width of the primary facade may be counted as meeting the frontage percentage requirement even though it may be set back up to ten (10) feet further from the street than the primary facade's principal plane (see figure 8).
 - Forecourts.* A portion of the building's primary facade may be set back up to twenty (20) feet further from the street than the primary facade's principal plane if this space is constructed as a forecourt, chamfered corner, or pedestrian entryway that is open to the sidewalk. This recessed portion may be up to forty (40) percent of the total width of the primary facade and may not be used by vehicles (see figure 9). On courtyard buildings, this forecourt may extend beyond twenty (20) feet into a central garden or courtyard.
 - Civic spaces and civic buildings.* Civic spaces and civic buildings are except from frontage percentage requirements.
 - Figures.*

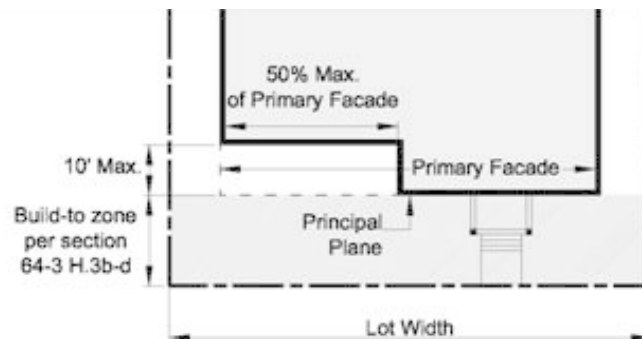


Figure 8: Primary Facade Frontage

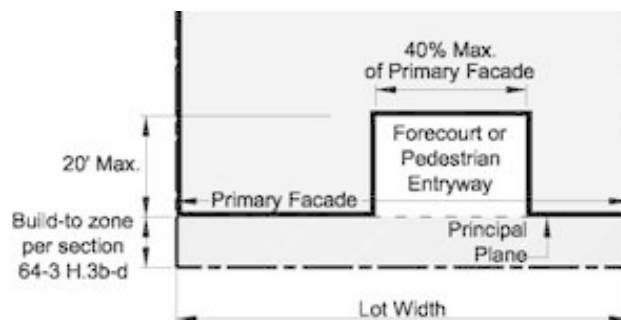


Figure 9: Forecourt Primary Facade Frontage

- (6) *Garden walls, fences and hedges.* As development and redevelopment occur, fences, garden walls, or hedges are required along all un-built property lines which abut primary frontages, unless the primary frontage is being utilized as a civic space, and along secondary streets, side yards, and rear yards where the development is adjacent to or across the street from residentially zoned properties. The following requirements shall be met:

- (a) *Front yard height:* Front yard height requirement as per section 64-4.D.6 City of Mobile Code shall remain applica
- (b) *Rear yards and side yards* (behind the principal plane of the principal building): minimum height of thirty six (36) inches, maximum height six (6) feet.
- (7) *Shading of sidewalks.* Each building with a non-residential or non-civic use on the ground story is required to have awnings, marquees, balconies, colonnades, galleries, or arcades facing all primary frontages. When providing a required awning, marquee, balcony, colonnade, gallery, or arcade, or one that extends over a public right-of-way, the following design requirements apply:
- (a) *Awnings.* (see figure 10) Awnings over ground-story doors or windows shall have a depth of at least five (5) feet and a clear height of at least eight (8) feet above the sidewalk. Awnings must extend over at least twenty five (25) percent of the width of each primary facade. Back-lit, high-gloss, or plasticized fabrics are prohibited.
- (b) *Marquees.* (see figure 10) Marquees shall have a depth of at least five (5) feet and a clear height of at least ten (10) feet above the sidewalk. Marquees shall extend over at least twenty five (25) percent of the width of each primary facade.
- (c) *Second-story balconies.* (see figure 11) Second-story balconies shall have a depth of at least six (6) feet and a clear height below of at least ten (10) feet above the sidewalk. These balconies shall extend over at least twenty-five (25) percent of the width of each primary facade. These balconies may have roofs but must be open toward the street.
- (d) *Awnings, marquees, and second-story balconies.* May extend forward of the build-to zone and/ or into the public right-of-way, provided they do not extend within the planting strip or tree well areas.
- (e) *Colonnades, galleries, and arcades* (See figure 12) must have a clear width from the interior face of their support columns to the building's primary facade of at least ten (10) feet and a clear height above the sidewalk of at least ten (10) feet. Support columns can be spaced no further apart than they are tall. Colonnades, galleries and arcades must extend over at least seventy-five (75) percent of the width of each primary facade. Colonnades, galleries, and arcades may extend forward of the build-to zone and/ or into the public right-of-way provided they maintain twenty-four (24) inches of horizontal clearance from a parking lane or travel lane.
- (f) *Figures.*

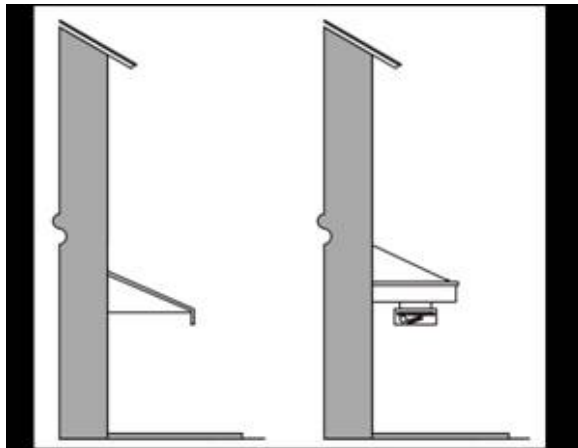


Figure 10 - Awnings and Marquees

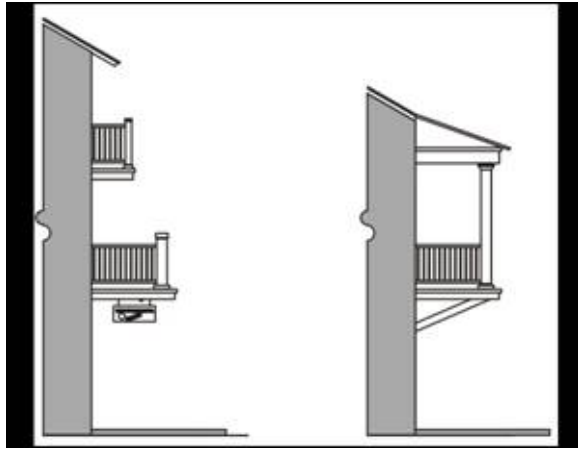


Figure 11 - Second-story Balconies



Figure 12 - Galleries, Colonnades, and Arcades

- (8) *Front porches.* Front porches shall be a minimum eight (8) feet deep and may extend up to ten (10) feet forward of the build-to zone. Front porches are required to be open and un-air-conditioned. No more than twenty-five (25) percent of the floor area of a porch may be screened if the porch extends forward of the build-to zone. Partial walls and railings on porches may be no higher than forty-two (42) inches. Porches may not extend into the right-of-way.
- (9) *Stoops.* Stoops may extend forward of the build-to zone. Partial walls and railings on stoops may be no higher than forty-two (42) inches. Stoops may extend into the right-of-way, provided that a minimum five (5) feet clear sidewalk access is maintained for pedestrians, and a right-of-way permit is obtained.

Story heights. The ground story of commercial and mixed-use buildings must be from twelve (12) feet to eighteen (18) feet tall. The ground story of residential buildings must be from ten (10) to fourteen (14) feet tall. Each story above the ground story in commercial and residential buildings must be from eight (8) feet to twelve (12) feet tall; any upper story taller than twelve (12) feet will count as two (2) stories. Story heights are measured from the finished floor to the bottom of the lowest structural member that supports the story or roof structure above.

- (10) *Residential floor elevation.* Residential buildings must have the floor of their first habitable story elevated at least two and one-half (2½) feet above the adjacent sidewalk. If this floor is more than five (5) feet above the adjacent sidewalk, the space below counts as the ground (first) story for purposes of measuring building height.
- (11) *Exterior building lighting.* The treatment of exterior building lighting is important with an impact on public safety and welfare. Lighting should be done in such a way as to avoid intense point-sources of light.
- (a) All outdoor lighting shall be shielded or directed so that all of the illumination falls upon either the surface of the structure to be illuminated, or on the ground.
 - (b) Light fixtures shall be downcast or low cut-off fixtures to prevent glare and light pollution.
 - (c) At the front of the building, exterior lights shall be mounted between six (6) feet and fourteen (14) feet above

adjacent grade.

(d) Floodlighting shall not be used to illuminate building walls (i.e. no up-lighting).

b. *Supplementary yard regulations in the TCD.*

(1) Properties within the TCD shall present an acceptable appearance to adjacent residential districts, which includes the adequate shielding of parking facilities and adequate shielding to afford protection from visual encroachment to maintain and protect the privacy of adjacent residential properties.

c. *Landscaping percentage requirements in the TCD.*

(1) As development and redevelopment occur within the village center and neighborhood center subdistricts, ten (10) percent of the total building site being developed or redeveloped shall be required to be landscaped. Within the village center subdistrict a parking garage with liner buildings fronting all streets and civic spaces may be exempt from this requirement. Within the village center and neighborhood center subdistricts, there shall be no landscaping percentage requirements on property between the street line and the building wall, due to the proposed location of street trees within the right-of-way and the desired close proximity of building wall to sidewalk to create traditional, walkable village and neighborhood centers. Street trees located adjacent to the lot frontage shall be counted toward the applicable tree requirements. In such case that the required number of trees cannot fit within the minimum landscaped area, remaining trees shall instead be donated to the city tree commission to be planted as public trees.

(2) Street trees adjacent to the lot frontage shall be provided by the applicant and shall be spaced approximately thirty (30) feet on center.

d. *Design standards for drive-thru businesses in the TCD.*

(1) Drive-thru service windows may be permitted only to the side or rear of the principal building, in mid-block and alley accessed locations.

5. *Planned unit developments in the TCD.* Whenever the requirements of this section are in conflict with those found in section 64-5 (planned unit developments) the regulations of this section apply.

a. Planned unit developments (PUD) are permitted within the TCD district provided that the PUD comply with the requirements of the specified subdistrict they are in and are developed in accordance with the TCD. Standards set forth in the TCD supersede regulations in section 64-5.B of the Code.

6. *Off-street parking and loading.* Whenever the requirements of this section are in conflict with those found in section 64-6 (off-street parking and off-street truck loading) the regulations of this section apply.

a. *Off-street parking requirements in the TCD.* The intent of these parking regulations is to encourage a balance between compact pedestrian oriented development and necessary car storage.

(1) *Minimum amount of off-street parking facilities required.* The proposed mixed-use land pattern of the TCD area fosters more pedestrian trips and fewer automobile trips than other more automobile dependant commercial districts in the city. As such, development must provide the minimum amount of parking as required for the Hank Aaron Loop, except for the following:

General business, commercial personal service establishments, commercial amusements, offices, repair shops, medical and dental clinics, libraries, art galleries, clubs, lodges.	One space per 450 square feet gross floor area.
Industrial, manufacturing, warehouse, and distribution establishments	One space per 450 square feet gross floor area.
Office—distribution mixed use establishments.	One space per 450 square feet gross floor area.

(2) *Maximum amount of off-street surface parking facilities.* The maximum amount of off-street surface parking

provided shall be twenty (20) percent more than the prescribed minimum parking requirement amounts stated in section 64-6.A.6 of the Code for all uses excluding the Hank Aaron Loop requirements.

- (3) *Maximum amount of off-street structured parking facilities.* There are no maximum parking requirements for off-street structured parking provided that spaces in excess of maximum surface parking requirements be made available to public use.
 - (4) *Site design.* Parking shall be located to the side or rear of the principal building. Surface parking lots shall be set back a minimum of thirty (30) feet from the property line facing a street or civic space to reserve space for either liner buildings or other screening between parking and the lot frontage. Parking lot aisles shall connect across adjacent property lines, when feasible. A property internal to a block that redevelops prior to its neighbors is not required to construct parking that connects to its neighbor's property; however, the site plan shall reflect a parking layout that provides room for future connections when neighboring properties redevelop.
 - (5) *Vehicular parking access.* Access to parking shall be from secondary frontages or alleys wherever possible. The vehicular entrance of a parking lot or structure shall be a minimum of twenty-four (24) feet and a maximum of thirty (30) feet for two-way traffic.
- b. *Loading and service location in the TCD.* In the TCD, access to loading and service entries shall be allowed only on secondary frontages (as identified on the regulating plans (see 64-3H figures 3-5), alleys, and within parking lots and structures. Loading docks, service areas and trash disposal facilities shall not face primary streets or civic spaces. For those properties with frontages only on primary streets, loading and service entries shall be permitted, but loading and service facilities shall be adequately shielded from view of pedestrians on the street or from civic spaces through use of a garden wall, fence or hedge. Shared off street loading facilities between adjoining uses and parcels is encouraged.
7. *Signs in the TCDO.* Whenever the requirements of this section are in conflict with those found in section 64-11 (sign regulation provisions) the regulations of this section apply.
- a. *Purposes.* The purposes of this subsection is: to encourage the effective use of signs as a means of communication, while maintaining a high-quality pedestrian environment; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; and to enable the fair and consistent enforcement of these sign regulations. These regulations prescribe pedestrian and slow movement vehicle scaled signage that are appropriate means of communication in traditional, walkable village and neighborhood centers. Large signage meant to attract the attention of fast moving vehicles is not appropriate for such environments.
 - b. *Applicability effect.* A sign may be erected, placed, established, painted, created, or maintained within the TCD, only in conformance with the standards, and requirements of this section. If any standard or regulation adopted pursuant to this section differs or conflicts with the standards prescribed by section 64-11, zoning ordinance of the city, the most restrictive standard shall apply.
 - c. *Definitions and interpretation.* Words and phrases used in this section shall have the meanings set forth in section 64-11.7.c. of the Code unless otherwise defined in this section. Words and phrases not defined in this section or within section 64-11.7.c. of the Code but are defined elsewhere in the zoning ordinance of the city shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.
 - (1) *Wall menu board:* A sign attached to a building typically by the front door listing items and prices legible to passing pedestrians.
 - d. *Permissible signs in the TCD.* The following signs are permissible in the TCD provided they comply with all of the requirements stated in this chapter and are appropriately permitted. In calculating the maximum allowable signage for all signs, except for banners and sandwich board signs, no sign shall exceed one and one-half (1.5) square feet per linear foot of the primary building wall, for a maximum of sixty-four (64) square feet per tenant. All sides of projecting signs containing a commercial message shall be included.
 - (1) Awning signs;
 - (2) Banners. Banners that comply with section 64-11 of the City of Mobile Code, as amended;
 - (3) Building marker;
 - (4) Canopy signs. Maximum copy size shall not exceed that allowed for wall sign;
 - (5) Changeable copy signs;

- (6) Marquee signs;
 - (7) Menu board signs. Maximum size shall not exceed ten (10) square feet;
 - (8) Projecting signs. Limited to a maximum of six (6) square feet; no sign shall extend five (5) feet beyond the building wall; signs may project into the right-of-way a maximum of two-thirds ($2/3$) of the distance to the roadway, but no sign may project five (5) feet from the building wall and no sign shall be closer than two (2) feet to a roadway; and minimum height to bottom of sign shall be eight (8) feet;
 - (9) Sandwich board signs;
 - (10) Suspended signs. Maximum size shall not exceed six (6) square feet. Minimum height to the bottom of the sign shall be eight (8) feet;
 - (11) Wall menu board signs. Maximum size shall not exceed five (5) square feet;
 - (12) Wall signs, fifteen (15) percent of usable wall area maximum; and
 - (13) Window signs, ten (10) percent of window area maximum.
- e. *Permissible sign placement in the TCD.* Figure 13 shall be used as a guideline to make a determination of appropriateness of the placement of signage on a case by case basis, when signage is submitted for permitting.
- (1) *Figures.*

Figure 13: Permissible and Impermissible Signage Placement

- f. *Signs prohibited in the TCD.* The following signs are prohibited in the TCD:
- (1) Animated signs;
 - (2) Beacons;
 - (3) Inflatable signs and tethered balloons;
 - (4) Off-premise signs;
 - (5) Pennants;
 - (6) Portable signs;
 - (7) Roof signs;
 - (8) Strings of lights, not permanently mounted to a rigid background, except those allowed under the holiday lights provision stated in subsection g.;
 - (9) Temporary signs;
 - (10) Freestanding signs;
 - (11) Monument signs; and

- (12) All other signs prohibited in [section 64-11](#).
- g. *Signs exempt from regulation under this section.* The following signs shall be exempt from regulation in the TCD:
- (1) Any sign that is declared exempt with section 64-11.7 of the Code, as amended;
 - (2) Any public notice or warning, to be displayed on any lot or structure within the TCD, required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- I. *Downtown development district.*
1. *Authority and intent.*
 - (a) The purpose of this subsection I is to create a new zoning code for the downtown development district ("DDD") as defined herein. The new code may be known as and referred to as the "DDD code."
 - (b) The council is authorized to adopt the DDD code by Alabama Code §§ 11-52-70—11-52-84 (1975) and by [section 64-9](#) of this chapter.
 - (c) The DDD code is intended to:
 - (1) Implement the purposes and objectives of the city's comprehensive plan, including the New Plan for Mobile;
 - (2) Guide the siting, form, and use of private property and buildings to support walkability, safe streets, and safe public spaces;
 - (3) Guide building siting and form to vary by context and intensity in coordination with community identity and preferences;
 - (4) Build on the work of the Mobile Historic Development Commission in protecting and enhancing the historic and cultural heritage of the city's historic downtown.
 2. *Applicability.*
 - (a) The DDD code applies to all properties located within the DDD (see plate A, regulating plan).
 - (b) The provisions of the DDD Code shall be the complete zoning code for the DDD. Where the DDD Code is in conflict with engineering ordinances, with the exception of the Storm Water Management and Flood Control Ordinance, the DDD Code shall govern. Where the DDD Code is silent on engineering issues, engineering ordinances shall govern. Where the DDD Code is in conflict with lot sizes allowed by the Subdivision Regulations, the DDD Code shall govern.
 - (c) Terms used throughout the DDD code shall take their commonly accepted meanings or as defined herein (the "definitions"). In the event conflicts arise between the definitions and definitions in the existing local codes, the definitions take precedence.
 - (d) The definitions contain regulatory language that is integral to the DDD code.
 3. *Establishment of sub-districts.*
 - (a) The DDD is divided into the following zoning sub-districts, referred to herein as transect sub-districts, and special districts:
 - (1) T-6: a mixed-use district of high intensity.
 - (2) T-5: a mixed-use district of medium intensity. T-5 is further subdivided into T-5.1 and T-5.2 sub-districts.
 - (3) T-4: a mixed-use district of low intensity, primarily residential uses and neighborhood retail.
 - (4) T-3: a low-density residential district.
 - (5) SD-WH: a special district established to guide the redevelopment of the portion of the DDD primarily dedicated to warehousing, manufacturing and buildings of similar characteristics.
 - (6) SD: all special districts except SD-WH require a master plan be completed in coordination with the planning section. Transect sub-districts are assigned through the master plan process. Master plans shall be approved by the planning commission and the city council.
 - (b) The transect sub-districts and special district boundaries are as shown on the DDD regulating plan (see plate A). Unless otherwise noted, transect sub-district boundaries are mapped along thoroughfare centerlines, and rear property lines and side property lines.
 - (c) Regulations of subsection 64-3.1. pertaining to T-5 apply to all sub-districts of T-5.
 - (d) Planned unit development, as set forth in [section 64-5](#) of the City Code, is not applicable within the DDD.

Plate A

Plate B

4. *Administration, instruction, amendments and variances.*

(a) *Administration.*

(1) The administration of the plan review process within the Downtown Development District (DDD) shall be conducted by the Consolidated Review Committee (CRC) which shall have a maximum of five (5) members, and comprised of a representative from Planning & Zoning, an architect from the A/E Department, a representative from the Historic Development Department, and up to two (2) other designees as the mayor may appoint. The actions of the Consolidated Review Committee shall be coordinated by the Planning & Zoning Department. The CRC shall expedite the permitting process by providing a single interface between the developer and the agencies.

I. The CRC shall be authorized to make minor adjustments to Site, Place and Building Design Documents so that minor deviations may be resolved administratively. Minor adjustments shall be limited to:

- i. Landscaping and tree requirements;
- ii. Dimensional adjustments that do not constitute an increase or decrease of more than 15% for the following design elements: awnings, balconies, canopies, galleries, stoops, terraces and signage.
- iii. Alternate building materials may be considered where the materials proposed are considered equivalent or better than the materials listed and regionally-available materials are preferred.
- iv. Transparency requirements for windows may be reduced up to five (5) percent of the minimum percentage required.

II. The CRC is not authorized to approve dimensional adjustments for lot size, set backs or building heights.

(b) *Instructions.*

- (1) This Section sets forth the standards applicable to the development and substantial improvement of structures and other elements of the built environment within private properties.
- (2) Plans required by this Section are subject to approval by the Planning & Zoning Department (herein referred to as Planning & Zoning).
- (3) All applications for development in the DDD require predevelopment meetings. The predevelopment meetings shall include the applicant, the applicant's design professionals, the associated City Departments, and the CRC. Planning & Zoning will be responsible for ensuring the applicable City Departments attend any predevelopment meetings.

Predevelopment meetings will be scheduled at the request of the applicant.

- (4) This Section requires two types of submittals: Site Plan and Building Design Documents. The Building Design Documents required for zoning review do not include construction documents required for building permit review. Both sets shall be submitted together. Building Design Documents and Site Plans shall be sealed by a licensed design professional with the exception of a site plan for a single-family, detached dwelling less than 3 stories.
 - (5) Site Plans submitted for approval shall comply with:
 - I. Nonconformities, if any (paragraph 64-3.1.5);
 - II. Site plan: Property standards (paragraph 64-3.1.8);
 - III. Site plan: Property use restrictions (paragraph 64-3.1.9);
 - IV. Site plan: Building placement standards (paragraph 64-3.1.10);
 - V. Site plan: garbage collection standards (paragraph 64-3.1.12).
 - (6) Building design documents submitted for approval shall demonstrate compliance with:
 - I. Building design documents: Building and parking deck height standards (paragraph 64-3.1.13);
 - II. Building design documents: Building material standards (paragraph 64-3.1.14);
 - III. Building design documents: Frontage standards (paragraph 64-3.1.15);
 - IV. Building design documents: Signage standards (paragraph 64-3.1.16).
 - (7) Work in historic districts. All properties located in the DDD and a local historic district shall, in addition to complying with the development standards in 64-3.1.9 through .16, receive a certificate of appropriateness from the architectural review board as required by section 44-76 of the City Code prior to receiving a building permit and/or undertaking work. Any deviation from the DDD requirements, as may be required by the ARB, will require a zoning variance prior to receiving a building permit and/or undertaking work.
- (c) *Planning approval.* Uses in the chart identified by "P" in any column are permitted in that particular district upon approval of their location and site plan by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities; as not causing undue traffic congestion or creating a traffic hazard; and as being in harmony with the orderly and appropriate development of the district in which the use is located. Such uses are also subject to any conditions and limitations imposed by the planning commission.
- (d) *Regulating plan amendments.*
- (1) Adjustments to the transect sub-district and special district boundaries are limited to the following:
 - I. Increases to the next higher transect sub-district provided the lot is adjacent to a lot of the higher transect sub-district for which the increase is requested. Adjustments to transect sub-districts require approval by the planning commission and city council.
 - II. Reconciliations of transect sub-district require approval by the planning commission and city council.
 - III. Modifications of boundaries resulting in a change from SD-WH to an adjacent mapped transect sub-district require approval by the planning commission and city council.
 - (2) Master plans executed for special district according to paragraph 64-3.1.3 that assign or modify transect sub-district and special district boundaries must be recorded as an amendment to a regulating plan.
- (e) *Variances.*
- (1) An applicant may appeal any decision of the planning & zoning department and/or the CRC to the board of zoning adjustment.
 - (2) An applicant may request a variance from the requirements of section 64-3.1
 - (3) All applications to the board of zoning adjustment shall be filed pursuant to section 64-8.

5. *Nonconformities.*

(a) *Uses.*

- (1) Continuance of nonconforming uses. Except as hereinafter provided, the lawful operation of a nonconforming use, as such use existed on the effective date of this ordinance, or any amendment hereto, by which the use became a nonconforming use, may be continued. The number of dwelling units in a nonconforming dwelling use shall not be increased over the number of dwelling units existing in the nonconforming use on the effective date of this ordinance.

- (2) Expansion or enlargement of nonconforming uses. A nonconforming use may be expanded or enlarged only within the nonconforming use was located on the effective date of this ordinance or on the effective date of any amendment hereto that became a nonconforming use. Premises as used in this subsection shall mean the building in which the use is being carried on, buildings, appurtenances, driveways, parking and loading spaces, and the curtilage thereof.
 - (3) Abandonment of nonconforming uses. A nonconforming use that has been abandoned or discontinued for a period of two (2) years shall not thereafter be re-established.
- (b) *Structures.*
- (1) Continuance of nonconforming structures. Except as hereinafter provided, any nonconforming structure may be occupied and operated and maintained in a state of good repair.
 - (2) Expansion or enlargement of nonconforming structures. A nonconforming structure may be expanded or enlarged on the premises owned on the effective date of this ordinance or on the effective date of any amendment hereto by which the structure became a nonconforming structure; provided, however, that the enlargement or expansion shall conform to the requirements of the DDD code.
 - (3) Restoration of damaged nonconforming structures. A nonconforming structure damaged in any manner and from any cause whatsoever may be restored, provided restoration is begun within one (1) year and completed within two (2) years of the date of the damage. The board of adjustment may grant an extension of the one-year or two-year period upon application and showing of hardship.
- (c) *Parking lots.* Parking lots in existence as of the effective date of this ordinance shall conform to the requirements of 64-3.1.11(b)3 not later than November 2017. Compliance may be phased with wall or fencing to be installed by November 30, 2017. If the fence and landscaping option is chosen, required landscaping to follow within eighteen (18) months of installation of the fence. Existing evergreen vegetative buffers that accomplish the intent of 64-3.1.11(b)3 are an acceptable alternative, provided they are maintained. For properties along Broad, Beauregard, Water and Canal Streets, compliance shall coincide with the completion of physical improvements for the city projects along said streets adjacent to the property. Location of masking required by this paragraph is subject to line of sight review and approval by traffic engineering. Any parking lot that fails to timely conform shall be deemed an unlawful use and shall be discontinued.
6. *Complete demolition permits.*
- (a) "Complete demolition," for the purposes of this section, is defined as the razing of one or more structure(s).
 - (b) Any applicant seeking a permit for complete demolition within the DDD must provide the urban development department with the following minimum information:
 - (1) The date the owner acquired the property, purchase price, and condition on date of acquisition;
 - (2) If and when the structure has been cited or received a notice of violation of the city code;
 - (3) Whether the owner has complied with or attempted to bring the building into compliance with the city's International Property Maintenance Code (IPMC) and International Existing Building Code (IEBC); and if not, why? The amount of money it will cost to bring the building into minimal compliance with IPMC and/or rectify any notices of violation;
 - (4) Whether the property has been listed for sale, prices asked and offers received, if any;
 - (5) Redevelopment plans for the property in question, the amounts expended upon such plans and the dates of such expenditures;
 - (6) The opinion from a licensed structural engineer that the structure is in danger of collapse, if the applicant proposes the demolition in order to protect public health and safety;
 - (7) Any such other information as may reasonably be required by the urban development department.
 - (8) The above notwithstanding, if the applicant is able to produce substantial evidence that the structure is beyond repair and structurally unsound, the consolidated review committee may recommend approval of a permit application for demolition based on this evidence alone.
 - (c) Upon review of the above information, the urban development department may approve or deny the demolition permit based on the following criteria:
 - (1) Whether the demolition will impair the unique character of the DDD;
 - (2) Whether there are redevelopment plans for the site;
 - (3) Whether the redevelopment plans conform to the DDD code;
 - (4) Whether the demolition of the structure in question is necessary for the public health and safety due to the physical

condition of the structure.

- (d) Any applicant denied a demolition permit by operation of this Code may appeal to the board of zoning adjustment (BZA). The BZA may permit the structure to be demolished if it finds the structure is a hazard to the public health and safety due to its condition or that the enforcement of this code presents an unreasonable economic hardship on the owner.
 - (1) This exception for unreasonable economic hardship shall be applicable to owners (or the owner's assignee or lessee) of structures who have expended significant sums of money on development plans involving the demolition of such structures.
 - (2) In determining whether to grant a waiver under this exception, the BZA shall weigh the economic hardship and investment expectations of the owner (or the owner's assignee or lessee) against the potential damage to the structure and of the surrounding built environment in question.
 - (3) The mere purchase of a structure for future development without further development expenditures shall not be classified as an unreasonable economic hardship.
 - (e) An owner or authorized representative of an owner appealing to the BZA pursuant to subparagraph 64-3.1.6(d) shall submit by affidavit to the BZA at least the following:
 - (1) Replacement construction plans for the property in question and amounts expended upon such plans, including an itemization of each and every expenditure, and the dates of such expenditures.
 - (2) Whether there are definite plans for reuse of the property if the proposed demolition is carried out.
7. *Noise restrictions in the DDD.* The noise regulations in section 39-96 of the City Code shall apply throughout the DDD. The noise restriction regulations in paragraph 39-96.1 of the City Code shall apply to all sub-districts where residential uses are allowed by right.
8. *Site plan: Property standards.*
- (a) The portion of a property abutting a right-of-way is assigned a primary frontage or secondary frontage as follows:
 - (1) Properties abutting more than one (1) street shall designate a primary frontage. The primary frontage shall be an A street if one (1) is abutted.
 - (2) Elements of the built environment within the front setback are subject to all the requirements of paragraphs 64-3.1.13 through .16.
 - (b) Newly platted properties, subdivisions of existing properties and newly assembled properties shall comply with the following property width restrictions as measured along their primary frontage:
 - (1) T-3: Forty (40) feet minimum, one hundred twenty (120) feet maximum.
 - (2) T-4: Eighteen (18) feet minimum, one hundred twenty (120) feet maximum.
 - (3) T-5.1 & T-5.2: Fourteen (14) feet minimum, one hundred eighty (180) feet maximum.
 - (4) T-6: Fourteen (14) feet minimum, no maximum.
 - (5) In any sub-district, a property that exceeds the maximum property size as set forth above and existing as of the effective date of this section, may be developed as one (1) property.
 - (c) Properties may be assembled with planning commission approval according to the following:
 - (1) Where multiple properties to be assembled into a single property are within more than one (1) transect sub-district, the assembly requires a regulating plan amendment.
 - (d) Setbacks and buildings per lot shall comply with the following standards as set out in table 1:

Table 1: Site Configuration

Sub-District	Element	Setbacks				Buildings Per Lot ²
		Primary Frontage ³	Secondary Frontage	Side	Rear	
T-3	Primary Buildings	10 ft—18 ft	5 ft min.	10 ft min. ¹	20 ft min.	2 max.

	Outbuildings	To rear of the facade		Unrestricted if fire rating requirements are met	
	Parking			Unrestricted	
T-4	Primary buildings	12 ft max.		Unrestricted if fire rating requirements are met	3 max.
	Outbuildings	To rear of the facade			
	Parking			Unrestricted	
T-5.1	Primary buildings	12 ft max. ¹		Unrestricted if fire rating requirements are met	No max.
	Outbuildings	To rear of the facade			
	Parking			Unrestricted	
T-5.2	Primary Buildings	5 ft max. ¹	12 ft max. ¹	Unrestricted if fire rating requirements are met	No max.
	Outbuildings	To rear of the facade			
	Parking			Unrestricted	
T-6	Primary buildings	10 ft max.	12 ft max.	Unrestricted if fire rating requirements are met	No max.
	Outbuildings	To rear of the facade at ground floor unrestricted upper stories			
	Parking			Unrestricted	
SD-WH	Primary buildings	10 ft max.	Unrestricted if fire rating requirements are met		No max.
	Outbuildings	Unrestricted if fire rating requirements are met			
	Parking	Unrestricted			

¹ May match setbacks of adjacent buildings (along the same street frontage) where they differ from the standard.

² Structures containing enclosed conditioned space.

³ Buildings along Government Street may be set back an additional 12 feet beyond the maximum front setback.

Table 2: Use Table

Use Category	Use Sub-Category	Transect Sub-Districts and Special Districts					
		T-3	T-4	T-5.1	T-5.2	T-6	SD-WH
Industrial	Warehousing & Mini-Storage	-	-	R	R	R	R

	Mixed-use Light Manufacturing Component	-	-	R	R	R	R
	Manufacturing—Light (5,000 sf max, non-toxic)	-	-	R	R	R	R
	Manufacturing—Heavy (over 5000 sf, non-toxic)	-	-	-	-	-	R
	Processing of Food and Beverage Products	-	-	-	-	-	R
	Laboratory Facility	-	-	-	R	R	R
	Distribution Facility	-	-	-	-	-	R
Agricultural	Nursery Stock Growing, Processing & Sales	-	R	R	R	R	R
	Produce Growing, Processing & Sales	-	R	R	R	R	R
Education	Private Educational Facility (Daycare)	R	R	R	R	R	R
	Private Educational Facility (Elementary)	-	R	R	R	R	R
	Private Educational Facility (All Levels)	-	-	R	R	R	R
Civic Support	Religious institution (including educational)	R	R	R	R	R	R
	Funeral home	-	R	R	R	R	R
	Hospital, medical offices, veterinary medicine, ambulance service	-	R	R	R	R	R
	Mystic society meeting hall	-	R	R	R	R	R
Automotive	Automotive Services—Light (5,000 sf max)	-	-	R	R	R	R
	Automotive Services—Heavy (over 5000 sf)	-	-	-	-	-	R
	Parking Structure	-	-	-	R	R	R
	Gas Station	-	-	C	C	C	C
Residential	Single-Family Dwelling	R	R	R	R	R	R
	Two-Family Dwelling	R	R	R	R	R	R
	Multi-Family Dwelling	-	R	R	R	R	R
	Accessory Dwelling Unit	R	R	R	-	-	R
	Senior & Elderly Housing	R	R	R	R	R	R
	Nursing & Retirement Housing	R	R	R	R	R	R

	Boarding Houses & Dormitories	R	R	R	R	R	R
	Homeless & Emergency Shelter	-	P	P	P	P	P
	Mixed-use Residential Component	-	R	R	R	R	R
Lodging	Hotel (no room limit)	-	-	-	R	R	R
	Inn (up to 20 rooms)	-	R	R	R	R	R
	Bed and Breakfast (up to 5 rooms)	R	R	R	R	R	R
Office	Home-office (non-primary use)	R	R	R	R	R	R
	Live-work (office up to 15% of building sf.)	R	R	R	R	R	R
	Work-live (office up to 80% of building sf.)	-	R	R	R	R	R
	Mixed-use Office Component	-	R	R	R	R	R
	Office Building	-	R	R	R	R	R
Commercial	Live-work (retail up to 15% of building sf.)	R	R	R	R	R	R
	Work-live (retail up to 80% of building sf.)	-	R	R	R	R	R
	Mixed-use Retail Component	-	R	R	R	R	R
	Retail Building	-	R	R	R	R	R
	Café	-	R	R	R	R	R
	Restaurant, bar, catering, entertainment, theater or brewpub with occupancy load over 100 persons. *Occupancy load under 100 is permitted by right	-	-	P*	P*	R	R
	Drive-thru Retail	-	P	P	P	P	P
NOTE: None of the above permitted uses include an "Adult Entertainment Enterprise" as defined in 64.2							

KEY

R Permitted By-Right

P Planning Approval

9. *Site plan: Property use restrictions.*

(a) Property use is limited according to table 2.

(b) Parking, except structured parking, is subordinate to uses permitted under this ordinance and shall not be used as a

primary use on a property.

10. *Site plan: Building placement standards.*

- (a) Property coverage by buildings in T-3 and T-4 shall not exceed seventy-five (75) percent of net property area.
- (b) The number of buildings permitted on one (1) property shall not exceed the maximum buildings per property according to table 1. Where multiple buildings occupy a single property a principal building shall be designated.
- (c) Buildings shall be set back from the boundaries of their properties according to Table 1. Buildings along Government Street may be set back an additional twelve (12) feet beyond the Table 1 standards.
- (d) The facade shall be parallel to the primary front property line. The primary entrance shall be through the facade. Facades are not required to be parallel to the primary front property line within twenty (20) feet of corners.

11. *Site plan: Parking standards.*

(a) *Required vehicular parking.*

- (1) Vehicular parking is not required in T-3, T-4, T-5 and SD-WH, or for structures existing before the date of the adoption of this form-based code.
- (2) Within T-6 parking shall be provided for all new construction at the following minimum rates:
 - I. Office: Three (3) spaces per one thousand (1,000) square feet.
 - II. Lodging: One (1) space per bedroom.
 - III. Residential: One (1) space per unit.
 - IV. Retail: no required parking.
 - V. Restaurant and café: no required parking.
- (3) On-street parking spaces in parking lanes corresponding to property frontages may be counted towards required parking in T-6. On-street parking shall remain available to the public and cannot be restricted to use by the fronting properties.
- (4) Required parking in T-6 may be provided off-site by purchase or lease from a civic parking reserve or private parking lot or structure within one thousand five hundred (1,500) feet of the property.

(b) *Vehicular parking design requirements.*

- (1) All off-street parking spaces and aisles shall meet AASHTO size and configuration standards.
- (2) Parking structures and parking lots over twenty (20) spaces are prohibited in T-3 and T-4.
- (3) For parking lots along frontages, one (1) of the following masking options is required:
 - I. Liner buildings may be used to mask parking lots.
 - II. A hedge, evergreen vines, other evergreen planting materials, combined with a metal fence or masonry wall, with or without a hedge or evergreen plantings, may be used to mask parking lots. Alternative materials for fences or walls may be considered by the CRC provided the intent of masking is achieved and sufficient documentation is provided to justify allowance of the alternative material. Shrubs for hedges shall be a minimum of three (3) feet in height at the time of planting, evergreen vines or other evergreen planting materials shall be of a variety that will form an evergreen barrier as would be formed by a hedge; walls and fences shall be a minimum of three (3) feet in height.
 - III. When parking lots are surfaced with crushed stone, brick, rolled concrete pavers, or cellular grassed concrete pavers, masking requirements may be satisfied by trees spaced a maximum of thirty (30) feet on center.
- (4) For parking structures along frontages, one (1) of the following masking options is required:
 - I. Liner buildings shall wrap a minimum of seventy (70) percent of the width of parking structures at ground floor frontages.
 - II. Within B-street frontages, a hedge, evergreen vines, or other evergreen planting materials combined with a metal fence or masonry wall, with or without a hedge, may be used to mask parking structures. Alternative materials for fences or walls may be considered by the CRC provided the intent of masking is achieved and sufficient documentation is provided to justify allowance of the alternative material. Shrubs for hedges shall be a minimum of three (3) feet in height at the time of planting, evergreen vines or other evergreen planting materials shall be of a variety that will form an evergreen barrier as would be formed by a hedge; walls and fences shall be a minimum of three (3) feet in height.
- (5) One interior heritage tree shall be planted for every fifteen (15) spaces for parking lots over fifty (50) spaces.

- (6) Parking lot accessory structures.
 - I. Attendant huts, pay kiosks and other structures shall be permitted in parking lots. Such accessory structures shall only be sized and used to shelter collection and security operations related to the parking use.
 - (c) *Vehicular parking access.*
 - (1) Parking shall be accessed from the secondary frontage where available.
 - (2) Where secondary frontages are not available, parking may be accessed by driveways at the primary frontage provided the property width exceeds the following:
 - I. T-3 & T-4: Forty-two (42) feet minimum.
 - II. T-5: Fifty-four (54) feet minimum.
 - III. T-6: Seventy-two (72) feet minimum.
 - IV. SD-WH: Fifty-four (54) feet minimum.
 - (3) Driveways are limited to twenty-five (25) feet in width within the frontage. Driveways in T-3 and T-4 are limited to ten (10) feet in width within the front setback along primary frontages.
 - (4) Crushed stone surfaces shall be limited to driveways.
 - (5) A maximum of one (1) curb cut per property frontage may be permitted. Curb cuts shall meet specifications established in chapter 57 article IV, Driveways.
 - (d) *Bicycle parking.*
 - (1) Property owners in T-5 and T-6 may install bicycle racks within the right-of-way adjacent to their frontage subject to the following restrictions:
 - I. Bicycle racks shall be inverted-U, pole and ring, or removable ring types.
 - II. Bicycle racks shall not be located within the following areas:
 - i. Within five (5) feet of fire hydrants.
 - ii. Within four (4) feet of loading zones and bus stop markers.
 - iii. Within three (3) feet of driveways and manholes.
 - iv. Within two (2) feet of utility meters and tree boxes.
 - v. Sidewalks where the distance from the face of the curb to the property line is less than seven (7) feet.
 - vi. Bicycle racks parallel to the curb shall be set back from the curb two (2) feet. Bicycle racks perpendicular to the curb shall allow 1 foot of setback between a fifty-six-centimeter bicycle properly locked and the curb. Where rings are added to existing poles, these requirements do not apply.
 - vii. Bicycle rack placement shall not reduce the pedestrian sidewalk path to less than four (4) feet considering the placement of a fifty-six-centimeter (twenty-two-inch) bicycle properly locked.
 - viii. Bicycle racks shall be spaced a minimum of thirty (30) inches where installed parallel to the curb and forty-eight (48) inches where installed perpendicular to the curb.
12. *Site plan: Garbage collection standards.*
- (a) Garbage containers may only be placed on the sidewalk with the following restrictions:
 - (1) Containers shall be removed from the public right-of-way within two (2) hours of garbage collection and shall not be placed in the right-of-way between 7:00 a.m. and 5:00 p.m.
 - (2) Grease containers shall not be placed outside within twenty (20) feet of a sidewalk at any time.
 - (b) *Dumpsters.*
 - (1) The placement of a dumpster in the primary frontage or in the street right-of-way shall be prohibited.
 - (2) Waste removal of a dumpster by a sanitation truck shall take place entirely within the paved surface of the building site. The street right-of-way may not be used by the truck for maneuverability.
 - (3) All dumpsters shall be enclosed within an enclosure of at least the height of the dumpster which is being enclosed, but in no case to exceed eight (8) feet in height. The dumpster enclosure materials shall comply with materials as specified in 64-3.1.14, and may also be equipped with a door or gate constructed of wood or other opaque material that opens outward and which remains closed unless the dumpster is being filled or emptied. The dumpster enclosure must be of sufficient size to allow for placement and removal of dumpster without causing damage to the enclosure.

- (4) If required/provided, dumpster enclosures must be kept in good repair and condition by the property owners for the dumpster/enclosure requirement.
 - (5) The floor or pad of the dumpster enclosure must be equipped with a connection to the sanitary sewer, and any discharge or runoff from the enclosure shall not be allowed to drain into any storm water drain, as required by the city engineering department, or an alternative, approved by the city engineer, that does not allow leakage of contaminants.
 - (6) Construction dumpsters, used for construction projects, are exempt from this paragraph.
13. *Building specification: Building and parking deck height standards.*
- (a) Building height is measured in stories for each above-ground level according to the following:
 - (1) Stories are measured from finished floor to finished ceiling.
 - (2) Stories above the ground floor are limited to a maximum of fourteen (14) feet. Stories combined to exceed fourteen (14) feet are counted as multiple stories.
 - (3) For residential uses, ground floor height exceeding eighteen (18) feet is counted as multiple stories.
 - (4) For non-residential and mixed-uses, ground floor height exceeding twenty-five (25) feet in all transect sub-districts and thirty-five (35) feet in SD-WH is counted as multiple stories.
 - (5) Unfinished attics are not included in building height measurement.
 - (6) Height may be increased to match structures on contiguous lots within the same transect sub-district.
 - (7) For free-standing parking structures, building height is measured in feet.
 - (b) Building height is limited to the following maximum heights:
 - (1) Two (2) stories in T-3 and T-4,
 - (2) Three (3) stories in T-5.1,
 - (3) Five (5) stories in T-5.2, except for buildings fronting Bienville Square that may be up to eight (8) stories, and
 - (4) Six (6) stories in SD-WH.
 - (5) There are no building height restrictions in T-6.
 - (6) Height may be increased to match structures on contiguous lots within the same transect sub-district.
 - (c) Parking deck height is limited to the following maximum heights:
 - (1) Thirty-four (34) feet in T-5.1,
 - (2) Sixty (60) feet in T-5.2 and SD-WH, and
 - (3) Eighty (80) feet in T-6.
 - (4) For parking structures attached to a building(s) for at least fifty (50) percent of their total perimeter or eighty (80) percent of their perimeter along frontages, the parking structure height may exceed the limit provided they not exceed the eave height of the attached building(s).
 - (d) Ground floor non-residential uses shall have a minimum story height of fourteen (14) feet and ground floor residential uses shall have a minimum story height of ten (10) feet.
 - (e) Outbuildings are limited to two (2) stories in T-3 and T-4, in all other transect sub-districts outbuildings shall be no higher than the principal building.
14. *Building specification: Building materials standards.*
- (a) Mechanical equipment including, but not limited to, electric meters, gas meters, water meters, exhaust fans, HVAC equipment, and refuse storage shall not be located along frontages. Mechanical equipment must be masked if visible from the street or sidewalk.
 - (b) All openings, including but not limited to porches, galleries, doors and windows, with the exception of shopfronts, shall be square or vertical in proportion.
 - (c) Where multiple exterior materials are used on a single building, they shall only be combined on each facade horizontally, with the heavier material below the lighter.
 - (d) Exterior finish.
 - (1) Where multiple exterior materials are used on a single building, they shall only be combined on each facade horizontally, with the heavier material below the lighter.
 - (2) Exterior finish in all sub-districts shall be wood or cementitious clapboard, shingles, board and batten, stucco, brick

or stone.

(e) Roofs.

- (1) Roofing material shall be tile, standing seam metal, metal shingles, five v-crimp, and shingles including: asphalt, fiberglass, cement fiber, wood, or slate. Built-up or membrane roofing shall only be used on roofs with slopes less than three (3) and twelve (12) where hidden from view from the public right-of-way. Modern synthetic materials designed to resemble acceptable materials may be used.
- (2) The following roofing materials are prohibited: corrugated fiberglass, asphalt roll roofing, corrugated metal, panel & batten, colored metal.
- (3) Rooftop equipment such as turbine vents, skylights, satellite dishes, and T.V. antennae shall not be visible from the street.

(f) Foundations.

- (1) Foundation requirements do not apply to slab on grade construction as allowed in the following frontage types: common entry, pedestrian forecourt, vehicular forecourt, gallery and shopfront.
- (2) Foundations of new additions may match those of the existing building.
- (3) Raised foundations shall be pier and fill-panel construction, or chain wall construction with panels inset to resemble pier and infill panel construction, or raised slab foundations with piers faced with brick, stone or stucco.
- (4) Lattice, if used, should be hung below the skirt board or siding between the piers and framed with trim. Lattice secured to the face of the foundation is inappropriate.
- (5) Any solid infill between the piers should be recessed.
- (6) Foundations shall be brick, stone, or stucco. Where another type of structural material is used, it must be faced with brick, stone or stucco.
- (7) The following foundation materials are prohibited: metal infill, plywood panels, mineral board panels, plastic or vinyl sheeting, unfinished concrete block, wood piers, imitation brick or stone, vinyl lattice. Wood supports are acceptable for wood stairs.

(g) Fences.

- (1) Fences and walls shall only be permitted in frontages where explicitly allowed in the frontage standards.
- (2) A fence or wall may be installed along the side and rear property lines beyond the front façade of the building, with a maximum height of eight (8) feet (up to ten (10) feet may be approved in SD-WH).
- (3) Unimproved lots may have fences with a maximum height of six (6) feet along any property line.
- (4) Fences and walls shall be made of the following materials: wood picket, wood slat, wood lattice, iron or steel, brick, stone, stucco over masonry, aluminum that appears to be iron.
- (5) Prohibited fence materials.
 - I. Barbed and concertina wire is prohibited in frontages and in all areas that are visible from frontages.
 - II. Chain link fences are prohibited in frontages and only allowed along interior property lines behind the façade of the building.

(h) Transparency.

- (1) The use of reflective glass is prohibited along public frontages within the first six (6) stories from the ground level. Tinted glass may be allowed as follows:
 - I. A minimum visible transmittance rating of .78 for all glass on the first and second floors. Awnings are preferable to tint if solar gain is an issue. On third stories and above, a minimum transmittance rating of .68 if an awning or sun screen is not a viable or preferred option.
- (2) All building facades along public frontages shall have a minimum of twenty (20) percent transparency measured on each floor. Higher percentages are required for some frontage types as stipulated in section 64-3.1.15.
- (3) Security bars on windows or doors shall not be visible from the street.

(i) Transparency.

- (1) The use of tinted or reflective glass is prohibited along public frontages within the first six (6) stories from the ground level.
- (2) All building facades along public frontages shall have a minimum of twenty (20) percent transparency measured on each floor. Higher percentages are required for some frontage types as stipulated in subsection 64-3.1.15.

- (3) Security bars on windows or doors shall not be visible from the street.

15. *Building specification: Frontage standards.*

(a) *Frontages general.*

- (1) The frontage is the area of a property that faces a street or other public space and an assembly of components within that area. Frontage components include:
- I. The building facade;
 - II. Structures that project from the facade such as porches, terraces, stoops, awnings, canopies, and bay windows;
 - III. Any front yard landscape elements between the building facade and the public street or space.
- (2) Frontage build-out shall be a minimum of eighty (80) percent in T-5.1, and one hundred (100) percent in T-5.2 and T-6. In the absence of a building facade along any part of a frontage in T-5 or T-6 up to the minimum required frontage build out, a streetscreen is required as follows:
- I. Streetscreens shall be between four (4) and eight (8) feet in height.
 - II. Openings in the streetscreen for vehicular access shall be no wider than thirty (30) feet.
 - III. Streetscreens shall be made of the following materials: brick, stone, stucco over masonry, iron, steel or aluminum that appears to be iron. Non-opaque streetscreens require planting behind to increase opacity.
 - IV. Streetscreens are not considered fences for the purposes of the regulations of this section.
- (3) Frontages are divided into the following types: lawn, terrace, stoop, common entry, pedestrian forecourt, vehicular forecourt, gallery, and shopfront.
- (4) Property owners shall designate which frontage type corresponds to the building(s) they own or are proposing to build and shall comply with the standards for that type when new construction or substantial improvement is proposed, or when the frontage type is changed or when the primary frontage of the property is redesignated to another street on a corner lot. New additions to existing buildings are not required to designate frontage types.
- (5) A shop front frontage is required for all ground floor commercial uses fronting the A-Street portions of Dauphin, Conti, and St. Joseph Streets shown on Plate B, "Regulating Plan—Street Hierarchy." All other T-5 and T-6 ground floor commercial uses must have transparent windows covering a minimum of thirty (30) percent of the surface between two (2) and twelve (12) feet above the abutting sidewalk.
- (6) Where buildings have multiple frontages or multiple buildings are located on one (1) property, similar frontage types should be selected for all frontages.
- (7) Walkways providing access to the primary entrance and secondary entrances are limited to one (1) per frontage no wider than five (5) feet each.
- (8) Loading docks and service areas up to a combined width of thirty (30) feet may be incorporated into frontages as follows:
- I. At secondary frontages towards the rear of the property.
 - II. At primary frontages where properties have no secondary frontage and property width exceeds one hundred twenty (120) feet.
 - III. At all frontages within SD-WH.
- (9) First floor elevation requirements in this section may be exceeded where the one hundred-year flood plain (AE) and five hundred-year flood plain (X-shaded) requires buildings be raised beyond the specified ranges.
Note: On commercial developments only, flood proofing may be used to achieve compliance with the storm water management and flood control ordinance and is an alternative to elevating the structure (see [section 17-26\(e\)\(3\)](#)).

(b) *Encroachments general.*

- (1) Balconies may project from the façade three (3) feet and may extend into the right-of-way with a permit and right-of-way use agreement from the city engineer.
- (2) Permanent encroachments/permanent structures greater than three (3) feet in height constructed in the right-of-way require a permit from the city engineer and a right-of-way use agreement. The right-of-way permit and the right-of-way use agreement may require procurement and maintenance of general liability insurance naming the city as an additional insured.

Awnings and canopies shall not be considered permanent structures and do not require a permit from the city engineer.

(c) *Frontage standards for additions to existing buildings.*

- (1) Additions to existing buildings in general.
 - I. Existing nonconforming buildings are not required to meet frontage type requirements unless the frontage is reoriented.
 - II. Additions to existing buildings may match the foundations, porch depth, and finished floor elevations of the existing building.
 - III. New addition encroachments into the front setback are permitted as follows:
 - i. Porches, stairs, stoops, and ramps may encroach into the front setback as follows:
 - a. Up to fifty (50) percent of the front setback depth in T-3 and one hundred (100) percent in all other sub-districts.
 - b. Porches shall be no less than eight (8) feet deep in T-3, and five (5) feet deep in T-4.
- (2) Additions to existing buildings in T-3 sub-districts.
 - I. The finished floor elevation, shall be between sixteen (16) and forty-eight (48) inches above average grade along the front property line if it does not match that of the existing structure.
 - II. The front yard may be raised up to thirty-six (36) inches above sidewalk grade to form a terrace.
 - III. A fence or wall may be installed along the front property line and the side lot lines to the façade of the building, with a maximum height of four (4) feet.
 - IV. Shopfronts and galleries are prohibited in T-3.
- (3) Additions to existing buildings in T-4 sub-districts.
 - I. The first floor finished floor elevation, if it does not match the existing, shall be between sixteen (16) and forty-eight (48) inches above average grade along the front property line. If a shopfront frontage is incorporated, the finished floor may be at sidewalk level.
 - II. The front yard may be raised up to thirty-six (36) inches above sidewalk grade to form a terrace.
 - III. A fence with or without masonry piers is permitted at the front property line and the side lot lines to the façade of the building, with a maximum height of four (4) feet.
 - IV. T-4 Frontages may be paved up to one hundred (100) percent of their area. Paving shall consist of unit masonry or concrete.
 - V. Shopfronts maybe permitted in T-4. Galleries are prohibited.
- (4) Additions to existing buildings in T-5 sub-districts.
 - I. The finished floor elevation, if it does not match the existing, shall be a maximum of thirty (30) inches above average grade along the front property line.
 - II. A raised terrace is permitted in the frontage up to twenty (20) inches above sidewalk grade.
 - III. A fence with or without masonry piers is permitted at the front property line and the side lot lines to the façade of the building, with a maximum height of four (4) feet. Wood fences are not allowed in T-5.2.
 - IV. Walkways providing access to the building entrances are limited to one (1) per entrance no wider than five (5) feet each.
 - V. Frontages may be paved up to one hundred (100) percent of their area. Paving shall consist of unit masonry or concrete.
 - VI. A primary entry courtyard may be incorporated into the frontage with a portion of the facade recessed more than the maximum front setback. The primary entry courtyard shall not exceed six hundred (600) square feet in yard area.
 - VII. Shopfronts and galleries are permitted in T-5.
- (5) Additions to existing buildings in T-6 sub-districts.
 - I. The finished floor elevation, if it does not match the existing, shall be a maximum of thirty (30) inches above average grade along the front property line.
 - II. A raised terrace is permitted in the frontage up to twenty (20) inches above sidewalk grade.

- III. A fence with or without masonry piers is permitted at the front property line and the side lot lines to the façade c height of four (4) feet. Wood fences are not allowed in T-6.
- IV. Frontages may be paved up to one hundred (100) percent of their area. Paving shall consist of unit masonry or concrete.
- V. A primary entry courtyard may be incorporated into the frontage with a portion of the facade recessed more than the maximum front setback. The primary entry courtyard shall not exceed one thousand six hundred (1,600) square feet in yard area.
- VI. Shopfronts and galleries may be permitted in T-6.
- (6) Additions to existing buildings in SD-WH sub-districts.
- I. The finished floor elevation, if it does not match the existing, shall be a maximum of thirty (30) inches above average grade along the front property line.
- II. A raised terrace is permitted in the frontage up to twenty (20) inches above sidewalk grade.
- III. An iron fence with or without masonry piers is permitted at the front property line and the side lot lines to the façade of the building, with a maximum height of six feet.
- IV. Frontages may be paved up to one hundred (100) percent of their area. Paving shall consist of unit masonry or concrete.
- V. A primary entry courtyard may be incorporated into the frontage with a portion of the facade recessed more than the maximum front setback. The primary entry courtyard shall not exceed one thousand six hundred (1,600) square feet in yard area.
- VI. Shopfronts may be permitted in SD-WH. Galleries are prohibited.

Table 3: Frontage Type Summary

Frontage Type	Transect sub-districts					
	T-3	T-4	T-5.1	T-5.2	T-6	SD-WH
Lawn	<input type="checkbox"/>	<input type="checkbox"/>	-	-	-	<input type="checkbox"/>
Terrace	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	-	<input type="checkbox"/>
Stoop	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Common Entry	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	-	<input type="checkbox"/>
Pedestrian Forecourt	-	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicular Forecourt	-	-	-	-	<input type="checkbox"/>	<input type="checkbox"/>
Gallery	-	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	-
Shopfront	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Key: - Prohibited □ Permitted

(d) *Frontage standards for new construction.*

(1) New construction frontage type: Lawn (permitted in T-3, T-4, and SD-WH only).

- I. General characteristics: The facade is set back from the front property line with the first story elevated from the sidewalk for privacy and principal entry accessed by a porch or stoop.
- II. The finished floor elevation of the first floor shall be a minimum of sixteen (16) inches and a maximum of forty-eight (48) inches above average grade along the front property line.
- III. Encroachments into the front setback are permitted as follows:
 - i. Porches, stairs, and ramps may encroach into the front setback up to fifty (50) percent of its depth in T-3 and one hundred (100) percent in T-4. Porches shall be no less than eight (8) feet deep in T-3 and four (4) feet deep in T-4.
 - ii. Bay windows, roof overhangs, cornices, window and door surrounds and other facade decorations may encroach into the front setback up to two (2) feet.
 - iii. Stoops may encroach into the front setback up to four (4) feet.
 - iv. Stoops may be covered by a roof structure supported by columns or wall brackets.
- IV. Fences may be permitted as follows:
 - i. A fence or wall may be installed along the front property line and the side lot lines to the façade of the building, with a maximum height of four (4) feet.
 - ii. A fence or wall may be installed along the side and rear property lines beyond the front façade of the building, with a maximum height of eight (8) feet (up to ten (10) feet may be approved in SD-WH).
 - iii. Fences and walls shall be made of the following materials: wood picket, wood slat, wood lattice, iron or steel, brick, stone, stucco over masonry, aluminum that appears to be iron.
- V. Walkways providing access to the primary entrance and secondary entrances are limited to one (1) per frontage no wider than five (5) feet each.
- VI. Building foundations shall be brick, stone, or stucco pier and inset fill-panel construction, or chain wall construction with panels inset to resemble pier and infill panel construction. Infill between piers shall be brick, stone, stucco, wood lattice, or vertical wood picket and shall be recessed so that piers protrude from the infill.

(2) New construction frontage type: Terrace (permitted in T-4, T-5, and SD-WH only).

- I. General characteristics: The facade is set back from the front property line by an elevated patio.
- II. The finished floor elevation of the first floor shall be a minimum of twenty (20) inches and a maximum of thirty-six (36) inches above average grade along the front property line.
- III. A raised terrace is required as follows:
 - i. A terrace between twenty (20) and thirty-six (36) inches above sidewalk grade shall encroach into the front setback for one hundred (100) percent of the width of the facade at the primary frontage, except where driveways are permitted in which case the terrace may occupy less than one hundred (100) percent of the frontage. Additions to existing non-compliant structures are not required to meet percentage-specified requirement.
 - ii. The terrace shall be a minimum of eight (8) feet deep and may extend to the front property line. Terrace surfaces may be paved or landscaped.
- IV. Awnings are permitted as follows:
 - i. Awnings shall be fabric and may be fixed or movable.
 - ii. Awnings at ground floor level shall span a minimum of eighty (80) percent of the frontage without gaps except between separate businesses and where an awning covers only the primary entrance, it shall be the width of the primary entrance.
 - iii. Awnings on the second floor or above shall cover only a window or door and shall be the width of the

- window or door.
- iv. An awning may be installed over doors on secondary frontages provided that it projects no more than six (6) feet from the building.
 - v. Awnings at the ground floor level shall extend from the facade a minimum of six (6) feet and shall not extend beyond a terrace, if one exists. Exceptions are:
 - a. That an awning covering only the primary entrance may extend a minimum of three (3) feet; and
 - vi. All awnings shall be set back from the curb a minimum of two (2) feet.
 - vii. A minimum of eight-foot clearance to the bottom of the frame shall be maintained above sidewalk or terrace.
- V. Fences and walls are allowed only when they are necessary as part of the terrace structure or to provide a safety railing. Walls shall be brick, stone or stucco. Rails shall be iron, steel or aluminum that appears to be iron.
 - VI. In T-4, walkways providing access to secondary entrances are limited to one per entrance no wider than five (5) feet each.
 - VII. In T-5 and SD-WH, frontages may be paved up to one hundred (100) percent of their area. Paving shall consist of unit masonry or concrete.
 - VIII. Terrace frontages may include all elements of a shopfront frontage located at the level of the terrace.
- (3) New construction frontage type: Stoop (permitted in T4, T5, T6, and SD-WH only).
- I. General characteristics: The facade is aligned close to the front property line with the first story elevated from the sidewalk for privacy, and an exterior stair and landing at the building entrance.
 - II. The finished floor elevation of the first floor shall be a minimum of twenty (20) inches and a maximum of thirty-six (36) inches above average grade along the front property line.
 - III. A stoop is required as follows:
 - i. A masonry stoop between twenty (20) and thirty-six (36) inches above sidewalk grade may encroach into the front setback at the primary entrance. Additional stoops may be located at secondary entrances.
 - ii. Stoops shall be between four (4) and six (6) feet deep.
 - iii. Stoops may be recessed into the building facade as an alternative to encroaching into the setback.
 - iv. Stairs providing access to a porch or stoop may encroach up to the property line.
 - v. Stoops may be covered by a roof structure supported by columns or wall brackets.
 - IV. An iron fence with or without masonry piers is permitted at the front property line in T-4.
 - V. In T-4, walkways providing access to the building entrances are limited to one per entrance no wider than five (5) feet each.
 - VI. Frontages may be paved up to one hundred (100) percent of their area. Paving shall consist of unit masonry or concrete.
- (4) New construction frontage type: Common entry (permitted in T4, T5, and SD-WH only).
- I. General characteristics: A single point of entry is provided for multiple units or uses in one (1) building.
 - II. The finished floor elevation of the first floor shall be a no more than thirty (30) inches above average grade along the façade.
 - III. Awnings are permitted as follows:
 - i. Awnings shall be fabric and may be fixed or movable.
 - ii. Awnings at ground floor level shall span a minimum of eighty (80) percent of the frontage without gaps except between separate businesses and where an awning covers only the primary entrance, it shall be the width of the primary entrance.
 - iii. Awnings on the second floor or above shall cover only a window or door and shall be the width of the window or door.
 - iv. An awning may be installed over doors on secondary frontages provided that it projects no more than six (6) feet from the building.
 - v. Awnings at the ground floor level shall extend from the facade a minimum of six (6) feet and shall not extend beyond a terrace, if one exists. Exceptions are:

- a. That an awning covering only the primary entrance may extend a minimum of three (3) feet; and
 - vi. All awnings shall be set back from the curb a minimum of two (2) feet.
 - vii. A minimum of eight-foot clearance to the bottom of the frame shall be maintained above sidewalk.
 - IV. Stairs providing access to entrances may encroach up to the property line.
 - V. An iron fence with or without masonry piers is allowed at the front property line in T-4.
 - VI. In T-4, walkways providing access to the building entrances are limited to one per entrance no wider than five (5) feet each.
 - VII. Frontages may be paved up to one hundred (100) percent of their area. Paving shall consist of unit masonry or concrete.
 - VIII. Common entry frontages may include all elements of a shopfront frontage located at sidewalk level.
- (5) New construction frontage type: Pedestrian forecourt (T5, T6, and SD-WH only).
 - I. General characteristics: A portion of the facade is close to the front property line and remaining facade is set back from the front property line to create an entry courtyard.
 - II. The finished floor elevation of the first floor shall be no more than eighteen (18) inches above average grade along the facade, except at the entry, which shall be at grade.
 - III. An entry courtyard is required as follows:
 - i. The entry courtyard shall be located at the primary entrance.
 - ii. The entry courtyard shall be no larger than six hundred (600) square feet.
 - iii. The entry courtyard shall be bound by building facades on a minimum of two (2) sides.
 - iv. The width of the entry courtyard counts toward frontage build out.
 - IV. Awnings and canopies are permitted as follows:
 - i. Awnings shall be fabric and may be fixed or movable.
 - ii. Canopies shall be fixed and constructed of metal or wood.
 - iii. Awnings at ground floor level shall span a minimum of eighty (80) percent of the frontage without gaps except between separate businesses and where an awning covers only the primary entrance, it shall be the width of the primary entrance.
 - iv. Awnings on the second floor or above shall cover only a window or door and shall be the width of the window or door.
 - v. An awning may be installed over doors on secondary frontages provided that it projects no more than six (6) feet from the building.
 - vi. Awnings at the ground floor level shall extend from the facade a minimum of six (6) feet and shall not extend beyond a terrace, if one exists. Exceptions are:
 - a. That an awning covering only the primary entrance may extend a minimum of three (3) feet; and
 - vii. All awnings shall be set back from the curb a minimum of two (2) feet.
 - viii. A minimum of eight-foot clearance to the bottom of the frame shall be maintained above sidewalk.
 - V. Pedestrian forecourt frontages may include all elements of a shopfront along front property lines and within the entry courtyard.
 - VI. Pedestrian forecourt frontages may include all elements of a gallery frontage except within the entry courtyard.
- (6) New construction frontage type: Vehicular forecourt (permitted T6 and SD-WH only).
 - I. General characteristics: A portion of the facade is close to the front property line and remaining facade is set back from the front property line to create an entry courtyard for vehicular access.
 - II. Courtyards shall recess no more than fifty (50) percent of the building facade.
 - III. The finished floor elevation of the first floor shall be no more than eighteen (18) inches above average grade along the facade, except at the entry, which shall be at grade.
 - IV. An entry courtyard is required as follows:
 - i. The entry courtyard shall be located at the primary entrance.
 - ii. The entry courtyard shall be no larger than one thousand six hundred (1,600) square feet and shall be no

- wider than fifty (50) percent of the width of the frontage.
- iii. The entry courtyard shall be bound by building facades on a minimum of two (2) sides.
 - iv. The width of the entry courtyard counts toward frontage build out.
- V. Awnings and canopies are permitted as follows:
- i. Awnings shall be fabric and may be fixed or movable.
 - ii. Canopies shall be fixed and constructed of metal or wood.
 - iii. Awnings at ground floor level shall span a minimum of eighty (80) percent of the frontage without gaps except between separate businesses and where an awning covers only the primary entrance, it shall be the width of the primary entrance.
 - iv. Awnings on the second floor or above shall cover only a window or door and shall be the width of the window or door.
 - v. An awning may be installed over doors on secondary frontages provided that it projects no more than six (6) feet from the building.
 - vi. Awnings at the ground floor level shall extend from the facade a minimum of six (6) feet and shall not extend beyond a terrace, if one exists. Exceptions are:
 - a. That an awning covering only the primary entrance may extend a minimum of three (3) feet; and
 - b. Awnings on vehicular forecourt frontages may extend twelve (12) feet except where installed as a porte-cochere in which case the maximum depth is thirty (30) feet.
 - vii. All awnings shall be set back from the curb a minimum of two (2) feet.
 - viii. A minimum of eight-foot clearance to the bottom of the frame shall be maintained above sidewalk.
- VI. Frontages may be paved up to one hundred (100) percent of their area. Paving shall consist of unit masonry or concrete.
- (7) New construction frontage type: Gallery (permitted in T-5 and T-6 only).
- I. General characteristics: The facade is aligned close to the front property line with an attached lightweight colonnade overlapping the sidewalk.
 - II. The finished floor elevation of the first floor shall be no more than eighteen (18) inches above average grade along the facade, except at the entry, which shall be at grade.
 - III. A gallery is required as follows:
 - i. Galleries may encroach into the public right-of-way to within two (2) feet of the curb provided that a minimum five (5) feet of continuous, clear, paved pedestrian path be maintained along the public sidewalk. A right-of-way permit is required for galleries.
 - ii. Galleries shall be a minimum of seven (7) feet in depth and twelve (12) feet in height.
 - iii. Galleries shall span a minimum of eighty (80) percent of the facade without gaps.
 - IV. Galleries shall be supported by columns, configured as follows:
 - i. Columns shall be centered on the spandrel beam.
 - ii. Columns shall be round metal and have a diameter of three (3) inches minimum to six (6) inches maximum.
 - iii. Columns shall have a base, shaft and capital.
 - iv. Columns shall be located a minimum of seven (7) feet from the facade.
 - V. Gallery decks shall be configured as follows:
 - i. Gallery decks shall be no more than nine (9) inches thick, including all structure and surface.
 - ii. Gallery deck structure shall be exposed.
 - iii. Gallery decks shall be located above the top of transom windows.
 - VI. Second story railings shall be painted metal.
 - VII. Second story columns and railing posts shall align with columns below.
 - VIII. Where galleries interrupt street lighting, a minimum of one-half (½) foot candle lighting shall be provided within the gallery.
 - IX. Frontages may be paved up to one hundred (100) percent of their area. Paving shall consist of unit masonry or

concrete.

- X. Gallery frontages may include all elements of a shopfront frontage.

Illustration 4: Shopfront Elevation Elements

Cornice: Trim required at the eave or top of parapet. May include one or more habitable floors for buildings over 6 stories.

Shaft: Determined by the building height.

Base: A minimum of 16 feet in height as measured from the average sidewalk grade at the building frontage. For buildings over 6 stories, the base should extend to the vertical extent of the second story.

- (8) New construction frontage type: Shopfront (permitted in T4, T5, T6, and SD-WH only).
- I. General characteristics: The building facade at the ground floor is substantially glazed to provide visibility into interior spaces. Shopfronts may include display cases that project forward and recessed entries. Shopfront frontages may be used alone as a frontage type or in combination with other frontage types.
 - II. The finished floor elevation of the first floor shall be no more than eighteen (18) inches above average grade along the facade, except at the entry, which shall be at grade.
 - III. Shopfronts are subject to the following design requirements:
 - i. Shopfronts shall be designed with a bulkhead, display window and transom as generally described in illustration 4.
 - ii. Bulkheads shall be eighteen (18) to thirty (30) inches in height.
 - iii. Transom windows shall have dividing muntins and be free of signage.
 - iv. Shopfront sign(s) shall be installed above transom windows.
 - v. Base height of a shopfront shall a minimum of sixteen (16) feet, measured from grade to top of base cornice.
 - IV. Shopfronts are subject to the following glazing and coverage requirements:
 - i. Shopfronts shall provide ground floor glazing (display windows) for visibility into interior spaces for no less than fifty (50) percent of the shopfront area, calculated separately for each frontage. The shopfront area width is defined by the width of the frontage and height is defined by the area between the sidewalk grade and the bottom of the second floor or roof structure.
 - ii. Where shopfronts occur along primary frontages, they shall cover no less than eighty (80) percent of its length.
 - iii. Where shopfronts occur along secondary frontages, they shall cover no less than thirty (30) percent of its length.
 - iv. Entries may be recessed from the facade up to eight (8) feet in depth.

- V. Ground floor movable commercial uses may utilize the public sidewalk for seating, serving, displays of merchand activities as long as a five-foot minimum clear sidewalk passage is maintained.
- VI. Shopfront frontages not combined with other frontages may include awnings and canopies as follows:
- i. Awnings shall be fabric and may be fixed or movable.
 - ii. Canopies shall be fixed and constructed of metal or wood.
 - iii. Awnings at ground floor level shall span a minimum of eighty (80) percent of the frontage without gaps except between separate businesses and where an awning covers only the primary entrance, it shall be the width of the primary entrance.
 - iv. Awnings on the second floor or above shall cover only a window or door and shall be the width of the window or door.
 - v. An awning may be installed over doors on secondary frontages provided that it projects no more than six (6) feet from the building.
 - vi. Awnings at the ground floor level shall extend from the facade a minimum of six (6) feet and shall not extend beyond a terrace, if one exists. Exceptions are:
 - a. That an awning covering only the primary entrance may extend a minimum of three (3) feet; and
 - vii. All awnings shall be set back from the curb a minimum of two (2) feet.
 - viii. A minimum of eight-foot clearance to the bottom of the frame shall be maintained above sidewalk.
- VII. Frontages may be paved up to one hundred (100) percent of their area. Paving shall consist of unit masonry or concrete.
16. *Building requirements: Signage standards.*
- (a) *General requirements.*
 - (1) Installation of signs must be permitted as specified in section 64-11 (11).
 - (2) Signage may be permitted according to table 5, specifying the type, location and size of signs and copy. Signage is limited to one (1) of each permitted sign type for each separate business except that building signs, corner signs and marquees are limited to one (1) per building and painted wall signs are limited to one (1) per secondary frontage and wall internal to a lot but visible from sidewalks.
 - (3) Parking lots throughout the district may install one (1) parking sign.
 - (4) Signage, if illuminated, shall be illuminated externally. Neon and back-lit, reverse channel signs are allowed. Internally-illuminated letters are not allowed.
 - (5) One (1) address number, no larger than one (1) square foot, shall be attached to the building in proximity to the primary entrance.
 - (6) Sign materials shall be compatible with the materials of the building on which it is placed and the district. New materials that achieve the effect of traditional materials and lighting solutions will be considered on a case by case basis.
 - (7) Signage projecting forward from building walls exceeding one (1) foot in depth shall maintain a minimum eight-foot clearance above adjacent grade.
 - (8) All signage permitted in this section except for yard signs may encroach into the right-of-way.
 - (9) Painted murals may be permitted along secondary frontages and walls internal to a property. Painted murals may include copy related to the building or business occupying the building, subject to the requirements of painted wall signs.
 - (10) Banners that comply with section 64-11 of the City Code, as amended are permitted.
 - (b) *Neon and LED signs.*
 - (1) Non-animated neon and LED signs are allowed inside storefront windows.
 - (2) The maximum brightness levels for such signs shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness, during daylight hours.
 - (3) The maximum brightness levels for such signs shall not exceed five hundred (500) nits when measured from the sign's face at its maximum brightness, between sunset and sunrise, as those times are determined by the National Weather Service.
 - (c) *Upper building signs.*

- (1) A maximum of two (2) upper building signs a minimum of forty (40) feet above grade may be installed on two (2) separate more than ten (10) stories high.
- (2) Upper building signs are limited to the following:
- I. The identification of the building or the name of one (1) tenant of the building;
 - II. A maximum of eighty (80) percent of the width of the building wall upon which it is placed;
 - III. A maximum of one (1) horizontal or vertical line of letters or symbols;
 - IV. A maximum font size of eight (8) feet in any dimension;
 - V. A maximum logo or emblem size of ten (10) feet in any dimension.
- (d) *Abandonments.*
- (1) An abandoned sign must be removed within ninety (90) days from the date official notice is given by the inspection services department. Permanent on-site signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandonment unless property remains vacant for a period of six (6) months or more.
- (e) *Residential uses, home offices and live-works in T-3 and T-4.*
- (1) Signage shall not be illuminated.
- (2) Home business signage may be permitted in accordance with illustration 6, specifying the type, location and size of signs and copy. Signage is limited to one (1) of each permitted sign type per property.

Table 5: Signage Standards

Sign	Restrictions			
	Number	Area	Copy	Sub-districts
1. Sandwich board	1 per business, shall be removed outside of business hours	Maximum 2 ft. wide and 3 ft. tall. Sandwich board shall not reduce pedestrian passage width to less than 4 ft.	No restrictions	T-4, T-5, T-6, SD-WH
2. Diagonal corner	1 per building at corners only, attached at a 45-degree angle	Maximum 3 ft. wide and 15 ft. tall	No restrictions	T-5, T-6, SD-WH
3. Fabric awning	1 per awning	Maximum 8 inches tall by awning length	No restrictions	T-4, T-5, T-6, SD-WH
4. Window decal	1 per window (not including temporary signage within window)	Maximum 30% of window area	Applied decal within window	T-4, T-5, T-6, SD-WH

5. Upper building	1 per building located within the frieze or upper portion of the storefront if there is not a frieze	Maximum 3 feet tall by building length	No restrictions	T-4, T-5, T-6, SD-WH
6. Hanging blade	1 per business	Maximum 10 sq. ft. each face	No restrictions	T-4, T-5, T-6, SD-WH
7. Individual storefront	1 per business	Maximum 2 ft. tall by store length (or to fit within a frieze or architectural feature)	No restrictions	T-4, T-5, T-6, SD-WH
8. Internal neon	1 per window (not including temporary signage within window)	Maximum 30% of window area	Neon or LED within window	T-4, T-5, T-6, SD-WH
9. Painted wall	See signage requirement in the text of this Section	No restrictions	No restrictions	T-4, T-5, T-6, SD-WH
10. Yard blade	1 per lot with home business or in non-residential use	Maximum 5 sq. ft.	No restrictions	T-3, T-4, T-5, T-6, SD-WH
11. Address number	See signage requirements in the text of this Section	Maximum 1 sq. ft.	6 ft. high on wall, 4 ft. high on mailbox	T-3, T-4, T-5, T-6, SD-WH

12. Wall plaque	1 per business (located on the building) 1 per parking lot (located on an architectural feature of the required parking lot screening)	Maximum 2 sq. ft. in T-3, T-4, and 8 sq. ft. in T-5, T-6	No restrictions	T-3, T-4, T-5, T-6, and SD-WH
13. Wayfinding	May be located on right-of-way or private property; 1 per block or site	Maximum 5 ft. tall; maximum 20 sq. ft. of signage per face, maximum total of 50 sq. ft. of signage on all faces	No restrictions	Allowed on A streets in T-4, T-5, T-6, and SD-WH
14. Monument	1 per site	Maximum 6 ft. tall; maximum 8 ft. wide; maximum 25 sq. ft. of signage each face, maximum total of 50 sq. ft. of signage on all faces.	No restrictions	Allowed in T-4, T-5, and SD-WH
15. Free-standing/pole	1 per site	Maximum 8 ft. tall; maximum 5 ft. wide; maximum 20 sq. ft. of signage each face, maximum total of 40 sq. ft. of signage on all faces	No restrictions	Allowed in T-4, T-5, and SD-WH

16. Banners	1 per site; maximum of 3 occurrences per year, minimum of 30 days between occurrences	Maximum 4 ft. X; maximum 8 ft.; maximum 32 sq. ft. of banner material	No restrictions	Allowed in T-4, T-5, T-6 and SD-WH
17. Parking lot identification signs	1 per driveway	Maximum height 10 ft. (including mount); maximum 2 ft. tall; maximum 3 ft. wide; maximum 6 sq. ft. of signage	No restrictions	Allowed in T-4, T-5, T-6 and SD-WH.

Illustration 6: Signage Placement

The illustration above demonstrates the regulations of this Code as they apply to typical structures in T-5.

17. *Definitions.* Paragraph 64-3.1.17 provides definitions for terms in this section that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this section, then the planning & zoning department shall determine the correct definition.

A-streets: those thoroughfares that by virtue of their pre-existing pedestrian-supportive qualities, or their future importance to pedestrian connectivity, are held to the highest standards prescribed by this Code. See "B-Street."

Accessory dwelling unit: An apartment not greater than six hundred (600) square feet sharing ownership with a principal building; it may or may not be within an outbuilding.

Automotive: A building use category pertaining to the sale, servicing or parking of trucks and automobiles.

Arcade: A private frontage principally for retail use wherein the facade is an arched colonnade supporting habitable space that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage line.

Architectural review board or ARB: The architectural review board established by [chapter 44](#) of the Mobile City Code.

Attic: The interior part of a building contained within a pitched roof structure.

Awning: A fixed or movable fabric shading structure, cantilevered or otherwise entirely supported from a building, used to protect outdoor spaces from sun, rain, and other natural conditions. Awnings are typically used to cover outdoor seating for restaurants and cafes.

B-streets: those thoroughfares that by virtue of their use, location, or absence of pre-existing pedestrian-supportive qualities, may meet a standard lower than that of A-streets. See "A-street."

Balconies: A platform projecting from an upper-story door that is enclosed with a balustrade and not supported by columns.

Banner: Any sign of lightweight fabric or similar material that is securely mounted to a building.

Bar: A retail, theater, or entertainment establishment with an occupancy load of more than one hundred (100) persons that serves alcohol.

Blade sign: A sign made from rigid material mounted perpendicular to a building wall with one (1) side attached or supported by a device extending from a building wall. See Illustration 6.

Brew pub: An establishment licensed as and meeting the qualifications of a brewpub under the state alcoholic beverage control laws, including title 28, chapter 4A of the Code of Ala. 1975, which qualifications include but are not necessarily limited to the requirements that such brewpub must contain and operate a restaurant with a seating capacity of not less than eighty (80), and that the beer shall be sold at retail for on premises consumption only.

Building height: The vertical extent of a building measured in stories.

Building placement: The placement of a building on its property.

By right: Characterizing a proposal or component of a proposal that complies with this Code and is permitted and processed administratively, without public hearing.

Cafe: A restaurant, bar, theater, or entertainment venue with less than one hundred-person occupancy load.

Canopy: A fixed metal or wood shading structure, cantilevered or otherwise entirely supported from a building, used for decoration or to protect outdoor spaces from sun, rain, and other natural conditions.

Chapter: Refers to chapter 64 "Zoning" of the City Code.

Civic parking reserve: A parking structure or parking lot with no less than twenty (20) percent of total parking spaces available to the general public for parking. Parking may be free of charge or a fee may be charged for parking.

Civil support: Private and non-profit functions that provide essential supports to the municipality.

Commercial: The term collectively defining workplace, office, retail, and restaurant uses.

Configuration: The form of a building, based on its massing, private frontage, and height.

Corner property: A property abutting two (2) or more thoroughfares at their intersection, or two (2) parts of the same thoroughfare forming an interior angle of less than one hundred thirty-five (135) degrees.

Driveway: A vehicular lane within a property, often leading to a garage.

Education: The function generally associated with school buildings. Educational uses include: business colleges, technical schools, vocational or trade schools, colleges, universities; elementary, middle, and high schools; and kindergarten and children's daycare.

Encroach: To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public frontage, or above a height limit.

Encroachment: Any structural element that encroaches.

Facade: The exterior wall of a building that is set along a frontage line.

Fence: A permeable wall, independent of a building, made of wood picket, wood slat, wood lattice, iron or steel, brick, stone, stucco over masonry, aluminum that appears to be iron. A fence may be of chain link only in limited conditions along side and rear yards and never in frontages.

Forecourt: A private frontage wherein a portion of the facade is close to the frontage line and remaining facade is set back from the frontage line.

Freestanding sign: Any sign supported by structures or posts that are placed on, or anchored in, the ground and that are independent from any building or other structure (also referred to as pole signs).

Front setback: The distance from the frontage line to the point where a building may be constructed. This area shall be maintained clear of permanent structures with the exception of permitted encroachments. Front setbacks are required on both primary and secondary frontages. See "primary frontage and secondary frontage."

Frontage: Both the public and private area extending from the building façade to the edge of the street pavement. Frontage is divided into private frontage and public frontage.

Frontage buildout: The percentage of the property width that is occupied by the building facade within the front setback.

Frontage line: A property line bordering a public frontage or thoroughfare.

Gallery: A frontage type wherein the facade is aligned close to the frontage line with an attached cantilevered balcony or lightweight colonnade overlapping the sidewalk.

Hedge: A foliated boundary formed by bushes, shrubs, or climbing vines spaced less than three (3) feet apart.

Home office: Non-retail commercial enterprises permitted under the office category, incidental to the primary residential building use.

Industrial: The use associated with a business or activity involving manufacturing, fabrication, assembly, distribution, disposal, warehousing or bulk storage, trucking and equipment facilities, and other business serving primarily industrial needs.

Liner building: A thin building along the frontage of a parking deck or parking lot that masks the parking behind it.

Loading dock: An area in which goods and products are moved on and off a vehicle, including the stall or berth, apron, and maneuvering room.

Lodging: A building use available for daily and weekly renting of bedrooms. Lodging uses include hotels, rooming houses, inns and bed & breakfast inns.

Manufacturing: The use associated with a business or activity involving the creation, assemblage or repair of artifacts, using table-mounted electrical machinery or artisanal equipment, and including their retail sale.

Mixed use: Multiple functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency.

Mobile historic development commission or MHDC: The city historic development commission established by [chapter 44](#) of the Mobile City Code.

Monument sign: A monolithic at grade sign independent from any building or structure.

Mural: Any piece of artwork painted, tiled or otherwise applied directly on an exterior wall.

Net property area: The area of a property within the property lines, excluding any portions of street rights-of-way or other required dedications.

Office: The use associated with a business or activity involving the transaction of general business but excluding retail and manufacturing uses.

Outbuilding: Any detached building that is smaller than and separate from the main building of the lot.

Parking lot: An area, other than a public street or alley, devoted to unenclosed parking spaces for motorized vehicles.

Parking lot sign: A sign to identify the entrance of a parking lot. Maximum height, including mount, is ten (10) feet.

Parking structure: A building containing one (1) or more stories of vehicular parking above or below grade.

Porch: An open air room appended to a building, with floor and roof but no walls on the sides facing frontages.

Portable retail: Food and merchandise carts and vehicles that are mobile and can operate in a location for a few hours to a day at a time.

Principal building: The main building on a property, usually located toward the frontage.

Principal entrance: The main point of access for pedestrians into a building.

Primary frontage: The private frontage designated to bear the address, principal entrance of the building, and the measure of minimum property width. See "frontage."

Private frontage: The privately held layer between the frontage line and the required setback.

Property: A legal lot of record or parcel of land accommodating a building or buildings under single ownership.

Property coverage: The percentage of a property that is covered by buildings and other roofed structures.

Property line: The boundary that legally and geometrically demarcates a property.

Property width: The length of the principal frontage line of a property.

Public frontage: The area between the pavement of a thoroughfare and frontage lines.

Rear setback: The distance from the rear property line to the point where a building may be constructed. This area shall be maintained clear of permanent structures.

Regulating plan: A zoning map or set of maps that show the zoning districts, transect sub-districts, municipal districts, special districts, special requirements, noise districts, and frontage assignments of areas subject to, or potentially subject to, regulation by this section.

Required parking: The number of parking spaces needed to accommodate a building or buildings on a single property according to the intensity of its function.

Residential: Characterizing premises available for long-term human dwelling. Includes accessory dwelling units, multiple-family dwellings, single-family dwellings, live-work units, and supportive housing.

Retail: Premises available for the sale of merchandise, food service, entertainment, performance, and/or theater, and personal services such as hair salon, barber, seamstress or personal trainer, etc.

Restaurant: A retail establishment with greater than one hundred (100) person occupancy load that serves food.

Secondary frontage: A private frontage that is not the principal frontage.

Setback: The area of a property measured from the property line to a building facade or elevation that is maintained clear of permanent structures, with the exception of encroachments.

Service area: The portion of a property or building dedicated to service in the form of shipping and receiving, trash and recycling collection and storage, housing of mechanical equipment and outdoor storage areas.

Shopfront: A private frontage for retail and office uses with substantial glazing wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade.

Sidewalk: The paved portion of the right-of-way and/or frontage dedicated exclusively to pedestrian activity.

Special district (SD): An area that, by its intrinsic function, placement, or configuration, cannot or should not conform to one (1) or more of the normative transect sub-districts specified by this section.

Stoop: An exterior stair and landing at the building entrance. Stoops may be covered by a roof structure supported by columns or wall brackets.

Story: A habitable level within a building by which height is measured, excluding an attic or raised basement.

Streetscreen: A freestanding wall or fence/planting combination built or located along the front property line, or on the same plane with a façade for the purpose of masking views and providing a street wall.

Terrace: A paved or landscaped front yard elevated above the grade of the sidewalk.

This section: Refers to section 3 "Districts" of chapter 64 "Zoning" of the City of Mobile Code.

Thoroughfare: A way for use by vehicular and pedestrian traffic and to provide access to properties and open spaces, consisting of vehicular lanes and the public frontage.

Transect sub-district: A zoning sub-district used within the DDD standards to regulate the character of the built environment.

Wayfinding sign: A sign that is intended to direct pedestrian or vehicular traffic to specific areas or amenities. Wayfinding signs are not internally lighted, and are generally of a cohesive design for specific areas or types. Wayfinding signs may be mounted on utility poles. Wayfinding signs are not advertisements for individual businesses.

(Ord. No. 80-108, 12-16-75; Ord. No. 80-090, 8-11-82; Ord. No. 80-055, § III, 7-23-91; Ord. No. 64-027, § 1, 4-23-02; Ord. No. 64-028, § 1, 4-23-02; Ord. No. 64-002, § I, 2-4-03; Ord. No. 64-029, § II, 6-15-04; Ord. No. 64-041-2006, § 1, 10-10-06; Ord. No. 64-053-2008, § 1, 8-26-08; Ord. No. 64-016-2014, § 1, 5-13-14; Ord. No. 64-026-2016, § 1, 1-17-17)

Cross reference— Signs in specific districts, § 54-71 et seq.

Sec. 64-4. - Supplementary regulations.

A. *Supplementary use regulations.*

1. *Areas subject to inundation.* No structure shall be erected or altered where the land to be covered by such structure has been designated by the director of urban development, or his/her designee, upon advice of the city engineer, as subject to inundation, until the conditions making the land subject to inundation have been corrected. If such land is permitted to be used it shall be only upon the condition that the owners thereof and their successors in interest have by obtaining such permission, waived any claim against the city for damage caused by floodwater.
2. *Illumination of uses.* Lighting facilities used to illuminate signs, parking areas, or for other purposes shall be so arranged that the source of light does not shine directly into adjacent residence properties or into traffic.
3. *Livestock/poultry.* Livestock/poultry kept in the city are subject to the requirements of chapter 7 of the Mobile City Code and all other provisions in the zoning ordinance (zoning district, setbacks, site coverage, etc).

B. *Supplementary area regulations.*

1. *Dwelling on small building site.* Where a lot located in a residence district and on the effective date of this ordinance was lawfully existing and of record and held in separate and different ownership from any lot immediately adjoining and having continuous frontage, such lot may be used as the building site for a one-family dwelling.
2. *Business or industry on small building site.* Where a lot located in an R-B district, a B-1 district, an H-B district, a I-1 district or an I-2 district contains an area less than the required building site area for the district and on the effective date of this ordinance was existing and of record and held in separate and different ownership from any lot immediately adjoining, such lot may be used as the building site for any use permitted in the district.

C. *Supplementary height regulations.*

1. *Height exceptions.* The height limits for the various districts shall not apply to church spires, belfries, cupolas, penthouses, or domes not used for human habitation, nor to chimneys, ventilators, skylights, water tanks, parapet wells, cornices, radio and television receiving antennas, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height necessary for their proper functioning.
2. *Excess height.*
 - a. In any R-1 or R-2 district, two (2) feet, in any R-3 district, two and one-half (2.5) feet, in building height may be added above general height limits for the district for each one (1) foot of side yard provided in excess of ten (10) feet.
 - b. In any B-1 district, five (5) feet in building height may be added above general height limits for the district for each one (1) foot of side yard provided in excess of five (5) feet.

Such additions in building height as related to side yards shall be construed to relate portions of buildings nearest to such side yards to the adjacent side yards only, except where a portion of the building is so located and of such a height as to require an increase in the other side yard to remain within a light plane established between the interior side yard line on the adjacent building site and the highest point on a building which could be erected under general height regulations for the district on the building site involved at the interior side yard line. Side yards adjacent to streets shall require such increases only where height of the affected portion of the building exceeds seventy-five (75) feet in R-1, R-2 or an I-1, or one hundred (100) feet in R-3 or B-1, and shall not require such increases in an I-2.

3. *Compensating bulk and open space.* In any R-B, B-2, B-3, B-4, H-B, I-1 or I-2 district, for the purpose of permitting variety in the shape and bulk of structures, part of a main structure may be erected or altered to a height exceeding that specified for the district in which the structure is located upon condition that a volume of space at least equal to the volume of space occupied by the part of the structure exceeding the height limit is provided and kept open below the height limit. It is intended that such open space below the height limit shall compensate for the excess bulk and the compensating open space shall be provided on the same building site.

Such provisions shall apply within such districts except where lots in the district adjoin R-1, R-2, R-3 or B-1 districts without intervening streets or other permanent open space fifty (50) feet or more in width. In such cases, a yard equal in width to the minimum side yard in the adjoining district shall be provided, and height exceeding that permitted in the adjoining district shall be governed by regulations relating height to yard width in the adjoining district.

D. *Supplementary yard regulations.*

1. *Protection buffer.* Except as provided hereinafter, wherever the boundary of a building site in a T-B, H-B, B-1, LB-2, B-2, B-3, B-4, B-5, I-1, or I-2 district, or a commercially utilized building site adjoins an R-A, R-B, R-1, R-2, or R-3 district, or a residentially utilized building site, there shall be provided on such building site a protection buffer strip not less than ten (10) feet in width. Any required yard shall be counted as part of such protection buffer strip. The protection buffer may be a wall, fence, or a screen planting strip that complies with the following regulations:
 - a. *Wall or fence.* If a wall or fence is provided as a protection buffer, it shall be six (6) feet high, except within any required front yard where such wall or fence shall not exceed three (3) feet in height, and of a construction and a design approved by the planning section of the urban development department.
 - b. *Screen planting strip.* If a screen planting strip is provided as a protection buffer, it shall be at least ten (10) feet in width, shall be planted with materials in sufficient density to afford protection to the residence district or residentially utilized building site from the glare of lights, from blowing papers, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise; be at least six (6) feet high at the time of planting, except within any required front yard where the height shall not exceed three (3) feet at the time of planting; and must be composed of evergreen plants. Screen planting shall be maintained in a clean and neat condition and in such manner as to accomplish its purpose continuously.
 - c. *Use of land in protection buffer strip.* That part of the protection buffer strip not utilized in compliance with (a) of this section may be used only for parking or other open space uses not in conflict with the purpose of protection of the adjacent residence district or residentially utilized building site nor in violation of any other provision of this chapter.

This requirement for a protection buffer strip may be waived by the city council in amending this chapter to create or expand a business or industry district upon a report from the Planning Commission stating that future extension of the business or industry district is anticipated and that the proposed building wall will present an acceptable appearance to the adjacent residence district. Waiver of this requirement for a protection buffer strip shall not constitute a waiver of any side yard requirement.
 - d. Responsibility for maintenance and good repair of the above requirements shall be borne by the owners of the property.
2. *Minimum side yard width.* In any district where side yards are not required by the district regulations, if a side yard is provided it shall have a width of at least five (5) feet.
3. *Side yard for corner building site.* In any district a corner building site having to its rear a building site facing toward the intersecting or side street shall have provided on the intersecting or side street side of the corner building site a yard having a width equal at least to the depth of the front yard required for a structure on the building site to the rear of the corner building site; provided, however, that this regulation shall not be applied to reduce the buildable width of the corner building site to less than thirty (30) feet nor require a side yard of more than twenty (20) feet.
4. *Visibility at intersections.* On a corner building site in any district in which a front yard is required, no fence, wall, hedge, structure, dumpster or planting creating a material impediment to visibility between the heights of three (3) feet and eight (8) feet above the street grade at the intersection shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line connecting such street lines at points equidistant from such point of intersection and passing through a point which point is the intersection of lines defining the front and side yards.
5. *Major street lines.* Front yard depth and, in the case of a corner building site, side yard width shall be measured from the future street right-of-way line of a major street established on the major street plan.
6. *Fences and walls.*
 - a. No fence or wall that obstructs sight shall be erected or altered in any required front yard to exceed a height of three (3) feet, and no fence or wall shall be erected or altered in any required side or rear yard to exceed a height of eight (8) feet. On a corner building site not having to its rear a building site facing toward the intersecting or side street, no fence or wall that obstructs sight shall be erected in the required side yard to exceed a height of three (3) feet.
 - b. Fences composed of barbed wire, or other dangerous materials, may be permitted in R-A, B-3, B-5, I-1, or I-2 districts upon approval of the Director of the Urban Development Department, or his/her designee. Applications for fences

composed of barbed wire, or other dangerous materials, will not be approved in any other district, nor within the Henry Aaron Loop. Provided, however, that if a determination is made by the chief of police per section 21-1 of the Mobile City Code, the fence will be allowed, subject to permits.

- c. Electrified fences must be approved by the director of the urban development department, or his/her designee.
 7. *Side yard exception for small lots.* Where side yards are required and a lot of record is less than sixty (60) feet in width, the sum of the widths of the two (2) side yards shall be not less than one-third the width of the lot, and neither side yard shall have a width of less than one-seventh the width of the lot; provided, however, that in no case shall either yard have a width of less than five (5) feet.
 8. *Approved innovative subdivision.* In a subdivision of innovative or unconventional design, such as a cluster subdivision or one designed for town house or patio house development or the like, the yard requirements set out herein for the district are waived in favor of the minimum yard dimensions shown on the approved subdivision final plat.
 9. *Dumpsters.*
 - a. The placement of a dumpster in the front yard or required protection buffer of the building site or in the street right-of-way shall be prohibited.
 - b. Waste removal of a dumpster by a sanitation truck shall take place entirely within the paved surface of the building site. The street right-of-way may not be used by the truck for maneuverability.
 - c. All dumpsters shall be enclosed within a wooden or brick enclosure of at least the height of the dumpster which is being enclosed, but in no case to exceed eight (8) feet in height. The dumpster enclosure may also be equipped with a door or gate constructed of wood or other opaque material that opens outward and which remains closed unless the dumpster is being filled or emptied. The dumpster enclosure must be of sufficient size to allow for placement and removal of dumpster without causing damage to the enclosure.
 - d. If required/provided, dumpster enclosures must be kept in good repair and condition by the property owners for the life of the dumpster/enclosure requirement.
 - e. The floor or pad of the dumpster enclosure must be equipped with a connection to the sanitary sewer, and any discharge or runoff from the enclosure shall not be allowed to drain into any storm water drain, as required by the city engineering department, or an alternative, approved by the city engineer, that does not allow leakage of contaminants.
 - f. Construction dumpsters, used for construction projects, are exempt from this paragraph.
 10. *Building site area for multiple-family dwellings.* Any district allowing multiple-family dwellings, except H-B, R-B, and B-4 districts, must comply with the minimum building site area for multiple-family dwellings as would be required in an R-3 district.
 11. *Mechanical equipment setbacks.* In any district, the minimum yard setback for any mechanical equipment (HVAC units, generators, pumps, etc.) with a height of three (3) feet or more above grade shall be a distance equal to the underlying setbacks of that district.
 12. *Swimming pools.* Swimming pools shall be considered an accessory structure or use to the primary use unless the primary use of a building site is a commercial pool, swim club, health club, or other similar use.
 - a. A swimming pool must be located from any side or rear property line or structure a distance equal to at least one foot greater than maximum depth of the swimming pool.
 - b. A swimming pool shall not be located in any required front yard or corner lot side yard facing an intersecting street.
 - c. A swimming pool, and the area around the swimming pool, shall be enclosed by a fence of at least four (4) feet in height, and said fence shall be equipped with a self closing and latching gate.
- E. *Minimum landscape requirements.*
1. *Purposes and objectives.*
 - a. *Purposes.* The purpose of this section is to prevent, protect, and enhance the ecological and aesthetic environments of the City of Mobile. Inasmuch as landscaped areas serve to protect soil erosion; reduce the hazards of flooding; absorb carbon dioxide and supply oxygen; reduce the effects of noise, glare, dust, and other objectionable activities generated by some land uses; safeguard and enhance property values; buffer and screen adjacent properties; promote the pleasant appearance and character of neighborhoods and cities; provide shade; to preserve the economic base attracted to the city by such factors; and facilitate the safe movement of traffic in vehicular use areas, it is further the purpose of this section to improve the appearance, quality, and quantity of landscaped areas throughout the City of Mobile, with emphasis on vehicular use areas.

- b. *Objectives.* In pursuit of these purposes, the objectives to be met in enforcing the minimum landscaping requirements of th follows:
- (1) *Conservation.* To conserve and protect, insofar as possible, healthy, existing plant material.
 - (2) *Reforestation.* To replenish the local stock of plant material suitable for growing in the City of Mobile.
 - (3) *Protection.* To protect and preserve the unique identity of neighborhoods as well as the City of Mobile.
 - (4) *Flexibility.* To allow flexibility in landscape development in order to encourage innovative and diversified design.
 - (5) *Environment.* To off-set the effects of large impervious surfaces.
 - (6) *Attractiveness.* To provide an attractive appearance to streets.
 - (7) *Tree preservation.* To encourage the preservation of existing heritage trees.

2. *Application of section.*

- a. Such landscaping requirements shall become applicable as to each building site at the time that an application for a building permit for a new structure on such building site is made, except that the said requirements shall not apply to property zoned R-1 and R-2 under this article.
- b. In order to encourage the renovation, upgrading and maintenance of existing structures, these landscaping requirements shall apply to sites with an existing structure(s) in the event that the total gross floor area of the presently existing structure(s) is increased or decreased by fifty (50) percent. Increases or decreases can occur by either additions or deletions to existing structure(s), or the placement or removal of structures on the site.
- c. In those areas within the central business district where landscaping is required by the architectural review board and/or the community development block grant program/Mobile housing board, landscaping will be required to fulfill said requirements.
- d. Existing landscaping on sites with existing structures or areas suitable for landscaping shall not be reduced below the landscape requirements established herein.

These requirements shall remain with any subsequent owner.

3. *Landscaping requirements.*

a. *Building site.*

- (1) *Landscaping percentage requirements.* On any building site for which an application for a building permit is made, at least five (5) percent in 1987; six (6) percent in 1988, ten (10) percent in 1992; and twelve (12) percent in 1993 of the total building site shall be landscaped as applications are made for building permits. At least sixty (60) percent of this landscaping percentage requirement shall be located on the building site between the street line(s) and the building wall(s) facing the street, as illustrated in figure 1.
- (2) *Frontage tree planting requirements.* The front setback must contain at least one (1) heritage tree for every thirty (30) feet of road frontage.
- (3) *Perimeter tree planting requirements.* The building site must contain one (1) heritage tree or one (1) understory tree for every thirty (30) feet of the outside lot perimeter, less those heritage trees required in the front setback. As to the trees required by the preceding sentence, in no case shall more than half of such trees be understory trees. Building sites located within I-1 or I-2 zoning districts shall be exempt from the requirements of this subsection.
- (4) *Tree specifications.* If new trees must be planted to meet the requirements of this section, they must be a minimum of an initial diameter of three (3) inches DBH, have a warranty of at least two (2) years, and meet the species specification for a heritage tree or understory tree under this article. All such trees shall immediately become heritage trees upon planting. Notwithstanding the foregoing, should the urban forester determine that the number of trees required hereby, after the application of credits, is inappropriate for the site involved, he may, at his discretion, waive any number of trees required, and in such case the applicant shall instead donate the trees waived to the Mobile Tree Commission to be planted as public trees.

b. *Parking lots.*

- (1) *Parking lot requirements.* Parking lot landscaping shall be provided in parking lot use areas having uncovered parking at street level. Such landscaping shall be provided in such a manner as to break up the expanse of paving, facilitate the safe circulation of pedestrian and vehicular traffic, and provide shade valuable for pedestrians and/or vehicles. If a parking lot provides more than three hundred (300) uncovered parking spaces at street level and the public is required to park its own vehicles (self-parking), landscaping shall be provided in accordance with the

circulation and parking layout requirements for off-street parking in section 64-6 of the zoning ordinance. In addition to the foregoing, parking lots must be landscaped in the interior of the lot to break up the expanse of paving. A ratio of one (1) understory tree for every twenty (20) parking spaces shall be required. Parking lots located within I-1 or I-2 zoning districts shall be exempt from the requirements of this subsection.

- (2) *Landscaping design criteria.* The landscape material shall be as per section 64-2, "Definitions; Landscape material" except where other landscape material or protection buffer is allowed or required in accordance with the requirements for buffer protection in section 64-4.D(1)(a) and (b) of the zoning ordinance.
 - (3) *Sight visibility.* Landscape material shall not obstruct visibility between the heights of three (3) and eight (8) feet above grade in vehicular use areas. There shall be an exception for existing trees as provided for in section 64-4.E.4(a).
- c. *Installation.* All landscape material shall be installed in a sound workmanlike manner and in accordance with the landscape plan, as finally approved.
 - d. *Maintenance.* All landscaped areas shall be maintained by the owner of the property at all times. Maintenance shall include the prompt replacement of all dead or damaged landscaped material so as to ensure continued compliance with the landscaping requirements of this section. This applies to right-of-way and median maintenance for developers who elect to take credits toward landscaping requirements. Any subsequent owner of property whose predecessor in interest took credits for right-of-way and median maintenance must continue to maintain said right-of-way or median in compliance with these landscape provisions.
 - e. *Irrigation.* All landscaped areas shall be provided with an adequate water supply through the use of one (1) or more appropriate methods of irrigation, including hose bibbs and/or automatic or manual irrigation systems and/or any other appropriate methods.
 - f. *Sight visibility.* Landscape material shall not create an obstruction to visibility at intersections as required in section 64-4.D(4) of the zoning ordinance.
 - g. *Protection of landscaped areas.* All landscaped areas shall be protected by the use of protective tree grates, concrete curbs, wheel stops, continuous border plants of hedgerows, railroad ties, or other suitable barriers to allow sufficient percolation of water and air to the root system of living landscape material and to protect from damage due to heavy foot traffic or vehicular encroachment.
4. *Credits toward landscaping requirements.* Allocations of credits, if any, referred to in paragraphs 1 and 2 above, and approval of plans shall be made by the inspection services department, zoning and subdivision staff. Any disagreement with the determination made by the inspection services department, zoning and subdivision staff shall be resolved by the board of zoning adjustment.
 - a. Where natural features and amenities such as trees, water courses, historic sites, and similarly irreplaceable assets exist on a building site prior to development and provision is made to preserve the aforementioned permanently, up to one hundred (100) percent may be credited toward the landscaping percentage requirement for the total building site set out in section 64-4.E.3.a., provided it is determined that such credit satisfies all purposes, objectives and requirements of this section.
 - b. Credit will be allowed toward the landscaping percentage requirements for the total building site for landscape material in adjacent rights-of-way and medians not to exceed three (3) percent of the total landscape requirements. At no time will the landscaping requirements be less than five (5) percent on the main site. Credit for right-of-way and median landscaping must be replanted as to meet all criteria in section 64-4.E. of the zoning ordinance entitled "Minimum landscaping requirements".

Allocations of credits, if any, referred to in paragraphs 1 and 2 above, and approval of plans shall be made by the zoning and subdivision staff. Any disagreement with the determination made by the planning commission staff shall be resolved by the City of Mobile planning commission. Total on-site landscaping requirements will not be reduced below five (5) percent except in cases of hardship, developments in historic districts or professional buildings with specific site criteria. Added credits may be issued upon documentation of the need.
 - c. *Tree credit.* Preservation of existing heritage trees or existing pine trees with a minimum DBH of twelve (12) inches can be credited toward the tree planting requirements of this article according to the following ratio: the number of credited trees shall be determined by measuring at a height of four and one-half (4½) feet above grade level, the diameter (in inches) of each preserved heritage tree or pine tree and dividing the sum by six (6). To be included in the computation for

credit for preserved trees, each preserved tree must be at least twelve (12) inches in diameter; however, any existing heritage tree less than twelve (12) inches in diameter by meeting the minimum tree planting size requirements of this article, may be credited for one (1) required tree. Credited trees shall be uniformly encircled by a protected ground area of sufficient size to ensure the health of the tree. During any construction on the site, the protected ground area shall be clearly marked in the field.

No credit will be allowed for any tree proposed to be retained if there is any encroachment within the "protected ground area" defined by a circle which has as its center the trunk of the tree or the tree is unhealthy or dead. If any preserved tree being used for credit dies or fails to thrive, the owner shall plant new trees equal to the number of credited trees and the replacement trees will be of the same species or variety as the credited tree(s) lost.

In no case shall credits for preserved trees eliminate the requirement that the front setback shall contain a ratio of at least one (1) heritage tree for every thirty (30) feet of frontage.

5. *Landscape plan approval.* A landscape plan shall be submitted for approval at the time that an application for a building permit is made on any land where the landscaping requirements of this section are applicable. Such landscape plan shall be drawn at the same scale and be provided in the same number of copies as the site plan, and shall contain the following information:
 - a. The date, scale north arrow, title, and name of owner.
 - b. The approximate location of existing boundary lines and dimensions of the building site.
 - c. The location, species, and size of existing trees and other vegetation that the applicant proposes to remain on the site and have made a part of the landscape development.
 - d. The approximate center line of existing watercourses; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, existing and proposed utility easements on or adjacent to the building site, and existing and proposed sidewalks adjacent to streets.
 - e. The location and size of proposed landscaped areas, in square feet.
 - f. The location, number, size, and name of proposed landscape material.
 - g. Statistics verifying the minimum percentage of landscaping required under this section will be met.
 - h. The locations, species and DBH of existing heritage trees and heritage live oak trees indicating those to be retained, and those heritage live oak trees to be removed, and whether they are to be counted as part of the landscaping requirements. An indication of how healthy existing trees proposed to be retained will be protected during construction. The location and dimensions of the proposed landscape areas within the parking area(s) including a description and location of new trees and plant materials to be placed within the landscape area.
 - i. An indication, using written or graphic information, of how the applicant plans to protect existing trees and other vegetation, which are proposed to be retained, from damage during construction.
 - j. The proposed irrigation type and design.
 - k. Certification that the landscape plan has been prepared by one of the following: a registered landscape architect, professional engineer, architect, landscape designer, full time building designer, and that it satisfies all purposes, objectives and requirements of this section.

F. *Design standards for drive-thru businesses.*

1. *Purpose.* Because of the unique character of these types of businesses, site development and traffic control standards are necessary to insure the protection of the public and community from potentially hazardous and adverse conditions.
2. *Vehicle stacking area.*
 - a. A queuing space is defined as a minimum of nine (9) feet wide by twenty (20) feet long.
 - b. All drive-thru lanes shall conform to AASHTO standards, but shall in no case be less than nine (9) feet in width.
 - c. Each drive-thru lane shall provide a minimum of three (3) queuing spaces from the street right-of-way to the order station if both an order station and service window are provided in separate locations. (See diagram #5a at the end of this section).
 - d. Each drive-thru lane shall provide a minimum of three (3) queuing spaces between the order station and the service window. (See diagram #5a at the end of this section).
 - e. Each drive-thru lane shall provide a minimum of three (3) queuing spaces from the street right-of-way to the service window if a separate order station is not provided. (See diagram #5b at the end of this section).

- f. Upon leaving the service window, there shall be a minimum of one (1) queuing space provided between the service window of-way. (See diagram #5c at the end of this section).
 - g. Each drive-thru lane shall be striped, marked, or otherwise distinctly delineated in accordance with the Alabama Manual on Uniform Traffic Control Devices or as approved by the city traffic engineering director.
 - h. Circulation design alternatives, such as multiple queuing lanes, shall be approved by the city traffic engineering director.
3. *Screening.* Where a drive-thru business adjoins residentially zoned property or a residential used building site, a six-foot high masonry wall or wooden privacy fence shall be constructed and maintained on interior property lines.
4. *In shopping centers.* Drive-thru businesses integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center and common circulation routes within the center, unless an alternative circulation plan is approved by the city traffic engineering director.
- G. Reserved.
- H. *Tree protection requirements.*
- 1. *Purpose.*
 - a. To promote environmental and ecological awareness;
 - b. To improve the city's image and aesthetic charm and beauty;
 - c. To protect property values from the adverse aesthetic and ecological effects of imprudent tree removal;
 - d. To promote ground and surface water stabilization and decrease the adverse impact of the water table fluctuations caused by imprudent removal;
 - e. To protect against greater noise pollution which is increased by the imprudent removal of buffer trees;
 - f. To protect existing vegetation from greater wind velocities resulting from the imprudent removal of buffer trees;
 - g. To promote air quality which is significantly affected by the natural clearing of the atmosphere by the trees through particulate matter interception and the release of oxygen into the atmosphere as a byproduct of photosynthesis;
 - h. To stabilize the urban wildlife habitat and ecosystem balance;
 - i. To provide for the public health, safety and welfare;
 - j. To support the provisions of the Mobile Tree Act (Act. No. 929, Acts of Alabama, 1961 Regular Session, as amended in 1981);
 - k. To provide uniform standards in the removal and replacement of trees on public and private property within the corporate limits of the City of Mobile, with the exception of the rights-of-way of public streets and areas designated as rights-of-way on approved subdivision plats in accordance with both municipal and state laws which are governed by the Mobile Tree Act and the Mobile Tree Commission;
 - l. To educate the public in the economic, aesthetic and historic benefits of preserving trees, including conserving energy, reducing soil erosion, and protecting trees and the ecosystem of the City of Mobile, Alabama;
 - m. To preserve the economic base attracted to the City of Mobile by such factors.
 - 2. *Application of section.* The requirements of this subsection shall apply to all land, other than the public rights-of-way, and areas designated as rights-of-way, located within the corporate limits of the City of Mobile, except R-1 and R-2 lots with an existing habitable structure, which are not located in an historic district subject to the rules and regulations of either the architectural review board and/or the Old Dauphin Way review board. However, R-1 and R-2 lots which are under the purview of the rules and regulations of either the architectural review board and/or the Old Dauphin Way review board are subject to the requirements of this section.
 - 3. *Mobile tree commission.*
 - a. The Mobile tree commission shall act in an advisory, research and consultation capacity to the City of Mobile and the general public, in coordination with the city's urban forester.
 - b. Nothing in this section shall be construed to limit the Mobile tree commission's regulatory authority pursuant to the Mobile Tree Act of 1961, (Act. No. 929, Acts of Alabama, 1961 Regular Session, as amended, 1981) with regard to monitoring trees in public rights-of-way.
 - c. Further, the Mobile tree commission shall take active steps to:
 - (1) Conduct regular meetings in a public place in a manner conducive to public comment and participation;
 - (2) Educate the public as to provisions of Article IV, section H of the zoning ordinance and the State Tree Act, as well as the economic, aesthetic and historic benefits of trees to the city and its citizens, both on publicly and privately

owned property protected by this section;

- (3) Promote the planting and replacement of trees in the city;
 - (4) Promote the health, care, watering, fertilization and other desirable measures which promote the maintenance and growth of existing trees in street rights-of-way and public parks in the city;
 - (5) Protect trees located in the city's street rights-of-way and public parks from damage, removal, lack of sustenance or any other act or condition which might threaten the health and growth of such trees; and
- d. On the 1st day of March in each year, the Mobile tree commission shall make a written report to the mayor, the city council and the planning commission which report shall state:
- (1) The number of heritage trees and heritage live oak trees preserved during the previous twelve (12) months;
 - (2) The number of public trees and new heritage trees planted during the previous twelve (12) months;
 - (3) Other pertinent information.

The inspection services department shall keep monthly totals on the number of heritage trees preserved and planted during the previous month and shall transmit the same to the Mobile tree commission for use in the above referenced report.

4. *Permit.* Any person wishing to remove or relocate a heritage live oak tree shall under the provisions of this section make written application with the city inspection services department, which application shall include a landscape plan as provided in section IV E. Upon paying an administrative application fee of thirty dollars (\$30.00) to cover the costs of researching and processing the application, the application and plan shall be stamped with the date and time and forwarded to the city's urban forester for review and approval. All proceeds from the said processing fee shall be earmarked for the use of the city's urban forester for the administration of this subsection.
- a. *Time of permit.* Any and all permits issued by the city as per the requirements of this subsection shall be declared null and void if commencement of work so permitted is not started within a reasonable time, not to exceed six (6) months. But in no case will the permit be valid for more than twelve (12) months. Permits not used within this period will become null and void and future work will require a new application.
 - b. *Permit procedure.* An application may be field checked prior to issuance of a permit, but in no event more than ten (10) working days after the date of receipt of the application. Failure to deny the application, as provided herein, within this ten-day period shall result in the automatic issuance of the permit as requested in the application. The urban forester may request a recommendation concerning the application from any or all appropriate city departments, and/or the tree commission.
 - c. *Pre-application inspection service.* In connection with applications involving extremely large tracts of property, the urban forester may arrange and coordinate a pre-application inspection of the site involved.
 - d. *Issuance and denial of permit.* Upon receiving the field inspection report and any requested recommendations concerning the application, the urban forester shall issue a permit for the removal or relocation of trees if one (1) or more of the criteria in subparagraph (e) is met.
 - e. *Criteria for issuance of tree removal permit.*
 - (1) The tree is located in an area where a structure or improvement will be placed according to an approved plan.
 - (2) In addition to criteria #1 above, as to R-1 and R-2 properties only, the tree is located where a swimming pool or detached carport or garage will be located.
 - (3) The tree is diseased, injured, in danger of falling too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance or conflicts with other ordinances or regulations.
 - (4) The tree is, or will be after construction, in violation of federal, state, or local laws or regulations, or cause the construction to violate federal, state, or local laws or regulations including, but not limited to, laws and regulations pertaining to government programs for financing the construction.
 - f. *Basis for denial of permit.* The urban forester, upon a determination that an application for tree removal does not meet the criteria of subparagraph (e) above, may, within his discretion, deny the same and shall notify the applicant of the reason(s) for said denial within five (5) working days of his decision.
 - g. *Historic areas.* All other provisions of this subsection notwithstanding, no heritage tree can be removed, nor can land be cleared or grubbed, in any historic district, area, or property within the jurisdiction of the architectural review board and/or the Old Dauphin Way review board, except under a permit issued by the urban forester after application as

provided above, which shall be granted only upon a showing that the said heritage tree is:

- (1) Diseased or injured, in danger of falling too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance or conflicts with other federal, state or local laws and regulations;
- (2) Certified by the architectural review board or the Old Dauphin Way review board to be removed for the purpose of renovating an historic structure or enhancement of the aesthetic quality of the property; or
- (3) The owner of the property on which the heritage tree is located has demonstrated by clear and convincing evidence that the owner will suffer extreme and extraordinary hardship unless the permit is granted.

In all cases where removal is permitted, the said tree shall be relocated if deemed feasible by the urban forester and the cost does not exceed five hundred dollars (\$500.00). Otherwise the said tree shall be replaced on a two (2) for one (1) basis, with replacement heritage trees in compliance with section IV E. For trees located in areas covered by this subsection the definition of a heritage tree shall be amended to reduce the size to eight (8) inches DBH.

5. *Tree protection during construction.* It shall be unlawful for any person in the construction of any structures or other improvements to place solvents, material, construction machinery, or temporary soil deposits within ten (10) feet of any protected tree trunk having a twenty-four-inch or greater DBH above grade.

Before development, land clearing, filling or any land alteration, a permit will be required; the developer shall be required to erect suitable protective barriers, and this protection, where required, shall remain until permanent barriers have been erected. Also, during construction, no attachments or wires shall be attached to any of said trees so protected.

Except for sidewalks, driveways, and streets, no person shall pave with concrete, asphalt or other impervious material within eight (8) inches per one (1) inch of DBH of any remaining heritage tree or heritage live oak tree, not to exceed five (5) feet. The urban forester shall have the discretion to waive this requirement.

6. *Emergencies.* In case of emergencies, such as hurricane, windstorm, flood, freeze, or other disasters, the requirements of these regulations may be waived by the urban forester, upon a finding that such waiver is necessary so that public or private work to restore order in the city will not be impeded.
7. *Exemptions.* The provisions of this article shall not apply to any land recognized by the city upon which bona fide agricultural uses or commercial nursery or tree farm are being conducted, which land exceeds ten (10) acres, as hereinafter defined:
 - a. *Bona fide agriculture:* A land used to derive income from growing plants or trees on land, including but not limited to, land used principally for timber production, and not including land used principally for another use and incidentally for growing trees or plants for income.
 - b. *Commercial nursery or tree farm:* A licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and growing for sale or intended sale to the general public in the ordinary course of said licensee's business.

This exception shall not be interpreted to include timber harvesting incidental to imminent development of the land.

8. *Removal of public trees.*
 - a. No trees shall be removed from public rights-of-way except as provided by the Mobile Tree Act of 1961, as amended, in accordance with the rules and regulations of the Mobile tree commission.
 - b. No public tree located in any city property shall be removed without first filing a notice of intent with the tree commission at least two (2) weeks prior to obtaining a resolution of authority from the city council, said resolution and notice of intent requirements shall be in lieu of obtaining a permit from the urban forester. The foregoing provision shall not apply to public trees whose removal is authorized by the urban forester.
9. *Tree removal companies; construction companies.* All provisions of this subsection H shall apply to any person removing trees on behalf of any other person, including all tree removal construction companies or persons in the business of removing trees or constructing. It shall be unlawful for any person or company to remove or cause to be removed any tree, or undertake any work for which a permit is required pursuant to this ordinance, unless a valid permit therefor is in effect and is displayed in accordance with the provisions of subsection 10 herein. If any such work or removal is performed without the permit being displayed as required in subsection 10 herein, such removal or work shall constitute a violation of this ordinance and shall subject the person or company violating this ordinance to all penalties provided for herein.
10. *Display of permit; inspection.* The applicant shall prominently display on the site the permit issued. Such permit shall be displayed continuously while trees are being removed or replaced or work is being done as authorized on the permit, and for

ten (10) days thereafter. As a condition for the issuance of the permit, the applicant shall agree in writing to entry onto his premises by representatives of the city and all law enforcement officers to inspect the permit at any time, and such entry shall be lawful. Failure to allow such entry shall be unlawful, shall constitute a violation of this ordinance and shall constitute failure to display the permit as required under this subsection H.

11. *Arborists' license and bond.* It shall be unlawful for any person, individual, corporation, institution, or agent of such, to engage principally in the business or occupation of pruning, fertilizing, or removing trees within the corporation limits of the City of Mobile, without first applying for and procuring the appropriate business license from the city. Plus, all local arborists must abide by all relevant state laws.
 - a. City employees and public service workers who perform arboricultural duties within the street right-of-way and public parks of the city in protection of the public health, safety and welfare shall not be required to apply for a city business license. However, should such arboricultural work be subcontracted, the city department(s) and/or public service organization(s) which subcontract the work shall be responsible for insuring that their contractors are properly licensed arborists.
 - b. Where federal, state, and local laws require the certification of any person, individual, corporation, institution, or agent of such, to utilize the services of workers certified to practice arboriculture, said certification shall apply, in addition to having a business license from the city.
 - c. Before any permit is issued to a subcontractor for work within the street right-of-way and public parks of the city, the applicant shall file with the executive director of public works evidence of possession of a performance bond, either in the minimum amount of ten thousand dollars (\$10,000.00) or the minimum amount specified by the city for the type of development activity being performed, whichever amount is the greater of the two. All other insurance coverage, such as bodily injury, damages and related coverages, shall comply with the requirements mandated by the city's legal department. The developer or primary contractor can agree by notarized letter to be the responsible party for damages of subcontractor.
12. *Removal, abuse or mutilation of heritage trees.* No person shall damage, cut, carve, transplant, mutilate, abuse or remove any public tree, heritage tree, or heritage live oak tree; attach any rope, wire, nails, advertising posters, or other contrivance to any public tree, heritage tree, or heritage live oak tree; allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with any such tree, including roots damaged during curb cuts, sidewalk and driveway installation and repair.
 - a. Utility line clearing in conformance with International Society of Arboriculture, National Arborist Association Standards and the National Electrical Safety Code clearances does not constitute tree abuse.
 - b. No curb cuts which involve public trees, heritage trees, or heritage live oak trees shall be allowed without prior coordination with the urban forester.
 - c. No action in removing trees due to lightning, hurricanes, or other natural disasters shall be considered tree abuse.
 - d. The removal of trees for which permits have been issued shall not be prohibited by this subsection.

Notwithstanding the foregoing, heritage trees may be removed pursuant to a properly filed and approved landscape plan.
13. *Enforcement of ordinance.* The urban forester, in coordination with the parks department, traffic engineering department, inspection services department, engineering department and any other affected city department, shall perform, or cause to be performed, the following duties and/or activities:
 - a. Direct the enforcement of this section H plus coordinate and educate the various departments of the city and the general public which are affected by the provisions of this section H;
 - b. Develop and maintain a tree inventory for the purpose of creating a master data bank of all trees within the city's street rights-of-way and public properties;
 - c. Develop and maintain a tree disease and injury list for the purpose of establishing the most common problems which afflict trees in Mobile's urban environment;
 - d. To develop and maintain a tree plan for the purpose of establishing design standards for trees and other landscaping materials planted within the public rights-of-way.
14. *Interference with the urban forester.* No person shall hinder, prevent, delay, or interfere with the urban forester, the tree commission or any other duly authorized individual, while engaged in carrying out the execution or enforcement of this ordinance; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy,

legal or equitable, in any court or [of] competent jurisdiction for the protection of property rights by the owner of any property within the municipality.

15. *Tree trails.*
 - a. *Tree trails.* The following city streets are of significant historic and aesthetic value because of the trees adjoining the land, and hereby are declared tree trails of the city: Government Street, Dauphin Street, Michigan Avenue, Park Avenue, Houston Street, Old Shell Road, Springhill Avenue, and the Avenue of Oaks. Other streets, such as those in historic districts, may be designated tree trails by the planning commission upon recommendation by the urban forester, the tree commission, or the public in the future.
 - b. All tree trails of the city shall be clearly marked with municipal signs.
 - c. On all designated tree trails within the city, utility companies shall work closely with both the urban forester and the tree commission prior to performing any projects which would affect the trees along these designated streets.
 - d. In no event shall any utility company be authorized to cut or prune more than thirty (30) percent of the existing tree overstory of any tree along these designated streets.
 - e. All oversized vehicles, specifically those vehicles in excess of thirteen (13) feet, six (6) inches in height and ten (10) feet in width, and any vehicle hauling or pulling an oversized load in excess of the dimensions of an oversized vehicle are prohibited from traversing tree trails, without first obtaining a written permit therefor from the urban forester.
 16. *Tree planting and preservation trust fund.* The tree commission shall establish a trust fund, known as the tree planting and preservation trust fund, for the purpose of replenishing the urban forest. Endowments for said fund shall be received from private contributions for said purpose. The tree commission, using nationally accepted accounting methods, shall deliver an annual report to the city council regarding the status of the tree planting and preservation trust fund.
 17. *Appeal of grant or denial of permit.* Appeals of either a grant or denial of permits pursuant to this section H shall be to the planning commission and may be taken by the applicant or by any officer, department or board of the city affected by any decision of the urban forester, the architectural review board, or the Old Dauphin Way review board, with respect to the administration or enforcement of this section H. All such appeals shall automatically be placed on the agenda of the next regularly scheduled meeting of the planning commission. The planning commission shall have the power to grant permits upon a showing by the applicant by clear and convincing evidence that the applicant will suffer extreme and extraordinary hardship. All appeals from the planning commission shall be to the circuit court of Mobile County and may be brought by any of the persons listed above.
 18. *Civil penalty.* Notwithstanding any other provision of the zoning ordinance, any person, firm, or corporation violating or failing to comply with the stipulations of article IV, section H, pursuant to the provisions of this ordinance, shall be subject to a civil fine, to be assessed by the city's environmental judge, not to exceed five hundred dollars (\$500.00) per violation. In lieu of the foregoing, the environmental judge may require mitigation actions or the payment of the cost of the damage caused to the tree. The proceeds of all fines and damages shall be earmarked for the use of the urban forester in his official duties. Each violation of article IV, section H, including each unpermitted removal or mutilation of a heritage tree, public tree, or heritage live oak tree, is a separate and distinct civil offense.
 19. *Civil appeals.* Appeals of municipal court judgments issued pursuant to violations of article IV, section H of the zoning ordinance shall be to the circuit court of Mobile County, as mandated by state law.
- I. *Adult entertainment enterprises.*
1. *Purpose.* In the development and adoption of this ordinance, it is recognized that there are some adult entertainment enterprises which due to their very nature have objectionable operational characteristics when located in close proximity to churches, schools, parks, and residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well-being of the youth in their communities. The special regulations deemed necessary to control the undesirable externalities arising from these enterprises are set forth below. The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable operational characteristics of these adult uses by restricting their close proximity to churches, parks, schools and residential areas. Nothing in this ordinance shall be construed to authorize, permit, or legalize any activities otherwise prohibited by law or ordinance.
 2. *Prohibitions.*

- a. The establishment, enlargement, expansion, increase, reconstruction, resumption or structural alteration of any adult entertainment enterprise shall be prohibited if such business is within one thousand (1,000) feet of any existing church, school, park or residentially zoned (R-1, R-2, R-3) area within the City of Mobile, Mobile County, Alabama.
 - b. It shall also be prohibited to establish, enlarge, reconstruct, resume or structurally alter any adult entertainment enterprise located within two thousand (2,000) feet of any existing adult entertainment enterprise.
3. *Measurement of distances.* The distance between an adult entertainment business and any church, school, park or residentially zoned (R-1, R-2, R-3) area, shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the adult entertainment business to the nearest property line of the church, school, park or residential area. If any adult entertainment business is part of or included within an integrated center, only the portion of said center or leased space occupied by such adult entertainment business shall be included in determining the closest exterior structural wall of said establishment.
 4. *Exterior display.* No adult entertainment enterprise shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way.
 5. *Nonconforming uses.* The lawful use of land or buildings existing at the time of the adoption and effective date of this ordinance that is in violation hereof shall be deemed a nonconforming use. In addition, said nonconforming uses shall comply with all requirements of Section VII of the City of Mobile Zoning Ordinance (Ord. 80-057) as amended.
 6. *Penalty.* Notwithstanding any other provision of the zoning ordinance, any person, firm, or corporation violating or failing to comply with the provisions of this ordinance, shall be subject to a civil fine, to be assessed by the city's environmental judge, not to exceed five hundred dollars (\$500.00) per violation.
 7. *Enforcement.* The enforcement of [this] ordinance shall be enforced by the Land Use/Code Administration Department in coordination with the City of Mobile Police Department.
 8. *Appeals.* Appeals of municipal court judgments and planning commission rulings issued pursuant to this ordinance shall be to the Circuit Court of Mobile County, as mandated by state law.
- J. *Telecommunications towers and facilities.*
1. *Findings.*
 - a. The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 ("the Act") grants the Federal Communications Commission (FCC) exclusive jurisdiction over:
 - (1) The regulation of the environmental effects of radio frequency emissions from telecommunications facilities.
 - (2) The regulation of radio signal interference among users of the radio frequency spectrum.
 - b. The city's regulation of towers and telecommunications facilities cannot have the effect of prohibiting any person from providing wireless telecommunications services in violation of the Act.
 2. *Purposes.* The general purpose of this subsection is to regulate the placement, construction and modification of towers and telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the city. Specifically, the purposes of this subsection are:
 - a. To regulate the location of towers and telecommunications facilities in the city;
 - b. To protect residential areas and land uses from potential adverse impact of towers and telecommunications facilities;
 - c. To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
 - d. To promote and encourage shared use/collocation of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
 - e. To avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or determined to be structurally unsound;
 - f. To ensure that towers and telecommunications facilities are compatible with surrounding land uses; and
 - g. To facilitate the provision of wireless telecommunications services to the residents and businesses of the city in an orderly fashion.
 3. *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in

this section, except where the context clearly indicates a different meaning:

- a. *AASHTO* means American Association of State Highway and Transportation Officials.
- b. *Antenna* means a wireless antenna, including a macrocell antenna and a microcell antenna.
- c. *Antenna support structure* means any building or other structure forty-five (45) feet in height or taller and which complies with the maximum height allowed in the district in which it is located, other than a tower which can be used for location of telecommunications facilities.
- d. *Applicant* means any person that applies for a permit for telecommunications facilities.
- e. *Application* means the process by which an owner submits a request to develop, construct, build, modify or erect telecommunications facilities. "Application" includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the city after the initial written application is submitted concerning such a request.
- f. *Base station* means structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. This term does not include a tower or any equipment associated with a tower. This term includes, without limitation:
 - (1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - (2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small-cell networks).
 - (3) Any structure other than a tower that, at the time the relevant application is filed with the city under this section, supports or houses equipment described in paragraphs (1) and (2) above and has been previously reviewed and approved by the city.
- g. *Camouflage* means any tower or telecommunications facility which is designed to minimize a visual impact and to blend into the surrounding environment. The term "camouflage" does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.
- h. *City* means the City of Mobile, Alabama.
- i. *Collocation* means the mounting or installation of transmission equipment on any existing tower or base station that exists at the time the application is filed with the city for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- j. *Eligible facilities request* means any request for modification of an existing tower or base station that, within the meaning of the Spectrum Act, does not substantially change the physical dimensions of the tower or base station and involves (1) the collocation of new transmission equipment, (2) the removal of transmission equipment, or (3) the replacement of transmission equipment.
- k. *Engineer* means any structural engineer licensed by the state.
- l. *Existing* means, for a constructed tower or base station, that the tower or base station has been previously reviewed and approved under the applicable city zoning or siting process, or under another applicable state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is "existing."
- m. *FAA* means the Federal Aviation Administration.
- n. *FCC* means the Federal Communications Commission.
- o. *MUTCD*: Manual on Uniform Traffic Control Devices, for Streets and Highways, as published by the US Department of Transportation Federal Highway Administration
- p. *Owner* means any person with fee title, or with written permission from a person with fee title, to any plot of land within the city who desires to develop, construct, build, operate, modify or erect telecommunications facilities upon such land.
- q. *Person* is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
- r. *Spectrum Act* means Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act of 2012, 47 U.S.C. § 1455(a).
- s. *Substantially changes* means a modification of an existing tower or base station where any of the following criteria is met:

- (1) For a tower not located in the public rights-of-way:
 - a. The height of the tower is increased by more than ten percent *or* by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; *or*
 - b. There is added an appurtenance to the body of the tower that would protrude from the tower by more than twenty (20) feet *or* more than the width of the tower at the level of the appurtenance, whichever is greater.
- (2) For a tower located in the public rights-of-way and for all base stations, refer to City Code chapter 57:
 - a. The height of the tower or base station is increased by more than ten percent or ten (10) feet, whichever is greater; *or*
 - b. There is added an appurtenance to the body of that structure that would protrude from the edge of that structure by more than six (6) feet; *or*
 - c. It involves the installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure; *or*
 - d. It involves the installation of any new equipment cabinets on the ground if there is no pre-existing ground cabinet associated with that structure.
- (3) For any tower or base station:
 - a. It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; *or*
 - b. There is entailed in the proposed modification any excavation or deployment outside of the current site of the tower or base station; *or*
 - c. The proposed modification would cause the concealment or camouflage elements of the tower or base station to be defeated; *or*
 - d. The proposed modification would not comply with the conditions associated with the prior siting approval of construction or modification of the tower or base station, unless this non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding thresholds in this section.
- (4) To measure changes in height for the purposes of this definition, the baseline is:
 - a. For deployments that are or will be separated horizontally, measured from the original support structure;
 - b. For all others, measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved by the city prior to February 22, 2012.
- (5) To measure changes for the purposes of this definition, the baseline is the dimensions that were approved by the city prior to February 22, 2012.
- t. *Telecommunications facilities* means antennas, transmission equipment, towers, base stations, or antenna support structures. However, the term "telecommunication facilities" shall not include:
 - (1) Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned industrial or commercial;
 - (2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.
- u. *Tower* means a structure built for the sole or primary purpose of supporting any FCC-licensed or FCC-authorized antenna, including any structure that is constructed for wireless communications services. "Tower" does not include a base station.
- v. *Transmission equipment* means equipment that facilitates transmission of any FCC-licensed or authorized wireless communications services. "Transmission equipment" includes an antenna and its associated equipment, which includes any and all on-site equipment, such as back-up generators and power supply units, cabinets, coaxial and fiber optic cables, connections, shelters, radio transceivers, regular power supply units, and wiring, to which a wireless antenna is attached in order to facilitate mobile broadband service and personal wireless service delivered on mobile broadband devices.
- w. *Wireless communications services* means without limitation, commercial mobile radio services, personal wireless services, all FCC-licensed or authorized back-haul and other fixed wireless services, broadcast, private, and public safety communication services, and unlicensed wireless services.

4. *Permit required.* Except as otherwise allowed, no person shall erect, modify, install, or construct any telecommunications facilities permit. To obtain a permit, a person must submit an application to the zoning department for applications on private property and to the engineering department for applications on the right-of-way or city property with any applicable fees as may be established by the zoning department for applications on private property and from the engineering department for applications on the right-of-way or city property. All permits shall comply with all structural and safety standards adopted by the city but not limited to: AASHTO, MUTCD, International Building Code and International Electrical Code, as adopted by the city, City Code and City Code chapter 17, Storm water management and flood control ordinance. The following categories of permits are established:
- a. *Class 1.* A class 1 permit shall be required for an eligible facilities request, as defined in this section.
 - b. *Class 2.* A class 2 permit shall be required for: (i) any modification of an existing tower or base station, including the collocation of new equipment, that substantially changes the physical dimensions of the existing tower or base station on which it is mounted; and (ii) any collocation not eligible for a class 1 permit.
 - c. *Class 3.* A class 3 permit shall be required for the siting of any telecommunications facilities that is not a collocation subject to a class 1 or class 2 permit.
5. *Application review process.*
- a. Applications shall be reviewed within a reasonable period of time.
 - (1) Applications for class 1 permits shall be acted on as provided in paragraph c.
 - (2) Applications for class 2 permits shall be acted on within ninety (90) days, adjusted for any tolling as described in paragraph b.
 - (3) Applications for class 3 permits shall be acted on within one hundred fifty (150) days, adjusted for any tolling as described in paragraph b.
 - b. The timeframe for review shall begin to run when the application is submitted, but shall be tolled if the city finds the application incomplete and requests that the applicant submit additional information to complete the application. Such requests shall be made within thirty (30) days of submission of the application. After submission of additional information, the city will notify the applicant within ten (10) days of this submission if the additional information failed to render the application complete. Applications may also be tolled by mutual agreement of the city and the applicant.
 - c. The city shall grant applications for class 1 permits within sixty (60) days, adjusted for any tolling as described in paragraph b, provided that the city finds that the applicant proposes an eligible facilities request.
 - (1) The city shall impose the following conditions on the grant of a class 1 permit: (i) the proposed modification or collocation shall not defeat any existing camouflage elements of the existing tower or base station;
 - (2) To the extent federal law provides a "deemed granted" remedy for class 1 permit applications not timely acted on by the city, no such application shall be deemed granted until the applicant provides notice to the city, in writing, after the time provided in paragraph c has expired. Any class 1 permit that is deemed granted by operation of federal law shall be subject to the conditions listed in paragraph c.(1).
 - (3) If the city determines that the application does not qualify as an eligible facilities request, the city will notify the applicant in writing of that determination and will process the application as a class 2 or class 3 permit application, as applicable.
 - d. The city may approve, approve with conditions, or deny an application for a class 2 or class 3 permit. The city's decision shall be in writing and supported by substantial evidence contained in a written record.
 - e. In addition to application fee, applicants shall also reimburse the city for any actual, out of pocket costs incurred in reviewing the applications, including, but not limited to, engineers and other technical consultants.
6. *Development of towers.*
- a. A tower shall be a permitted use "by right" in zoning districts I-1 and I-2. A tower shall be a prohibited use in zoning districts R-A, R-1, R-2, R-3, R-B, and H-B. No person shall build, erect or construct a tower upon any plot of land within a zoning district designated B-1, B-2, B-3, B-4, or B-5 unless planning approval has been granted by the city planning commission. Application shall be made to the city planning commission in the manner provided in the chapter.
 - b. No person shall build, erect or construct a tower upon any plot of land within any zoning district unless required building permits and approvals have been obtained from the urban development department of the city.
 - c. Towers shall be permitted to height of one hundred eighty (180) feet in I-1 and I-2 zoning districts. Towers may be permitted in excess of the maximum height allowed for the zoning district in which it is located in accordance with subsection J.18.b, "Criteria for site plan development modifications," and, if granted a variance by the board of zoning

adjustment.

- d. The city may authorize the use of city property in appropriately zoned districts in accordance with applicable law; however, the city shall have no obligation whatsoever to use city property for such purposes.
- e. No new tower shall be built, constructed or erected in the city unless such tower is capable of supporting another person's operating telecommunications facilities comparable in weight, size and surface area to applicant's final design. For the purposes of this paragraph, applicant's final design shall mean the telecommunications facilities on the applicant's tower within six (6) months of the completion of tower construction.
- f. An application to develop a tower shall include:
 - (1) The name, address and telephone number of the owner and lessee of the parcel of land upon which the tower is situated. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner shall be evidenced in the application.
 - (2) The legal description, parcel identification number, key number and address of the parcel of land upon which the tower is situated.
 - (3) The names, addresses and telephone numbers of all owners of other towers or usable antenna support structures within a one-half-mile radius of the proposed new tower site, including city-owned property.
 - (4) Written documentation that the applicant: (1) Made diligent, but unsuccessful efforts for a minimum of forty-five (45) days prior to the submission of the application to install or collocate the applicant's telecommunications facilities on towers or usable antenna support structures owned by the city and other persons located within a one-half mile radius of the proposed tower site; or (2) Written, technical evidence from an engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structure located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system.
 - (5) Written, technical evidence from an engineer that the proposed structure meets the standards set forth in subsection J.6, "Structural requirements" of this section.
 - (6) Written, technical evidence from an engineer that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire or other danger due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, corrosive or other dangerous chemicals within the site.
 - (7) A map of the city and the first half-mile of all bordering communities showing the design and location of the applicant's entire existing wireless telecommunications network. Such map shall also show the location of the proposed tower and antenna sites which are the subject of the application, their dimensions, and specifications of the site.
 - (8) Certificate from an engineer documenting collocation capability of the applicant's telecommunications tower.
 - (9) An accurate photo simulation depicting how (i) the tower would appear as proposed, and (ii) the proposed tower would appear if a collocation that did not substantially change the physical dimensions for the tower was later added.
 - (10) If the applicant alleges that failure to approve the application will result in unreasonable discrimination among providers of functionally equivalent services pursuant to 47 U.S.C. § 332(c)(7)(B)(i)(I) and/or that failure to approve the application will prohibit or have the effect of prohibiting personal wireless services pursuant to 47 U.S.C. § 332(c)(7)(B)(i)(II), the applicant must so state on the application and provide documentation in support of this claim.

7. *Setbacks.*

- a. All towers shall be set back as follows:
 - (1) For I-1 and I-2, setback shall be on all sides a distance equal to the underlying setback requirement for the particular zoning district.
 - (2) For B-1, B-2, B-3, B-4 or B-5, setback on all sides shall be a distance equal to the height of the tower, unless the applicant submits an engineer's certification and otherwise demonstrates to the planning commission the safety of the proposed design.
- b. Setback requirements for towers shall be measured from the base of the tower to the line of the lease parcel on which it is located.

8. *Structural requirements.* All towers must be designed and certified by an engineer to be structurally sound and, at minimum,

in conformance with the current building code as adopted by the city, as may be amended from time to time, and any other standards outlined in this article.

- a. Towers must be located and equipped with step bolts and ladders so as to provide ready access for inspection purposes;
 - b. Guidewires or other tower accessories must not cross or encroach upon any street or other public place or over any electric power lines or encroach upon any other privately owned property without written consent of the owner;
 - c. All towers must be constructed of approved corrosion resistant non-combustible material. The minimum type of construction for isolated radio towers, not more than one hundred (100) feet in height, must be of type 4;
 - d. Towers must be designed to resist wind loads in accordance with EIA/TIA-222-F series. Consideration must be given to conditions involving wind loads on ice-covered sections and localities subject to sustained freezing temperatures;
 - e. All towers must be permanently and effectively grounded.
9. *Separation or buffer requirements.*
- a. Towers shall be separated from all residentially zoned lands, including R-B and H-B, by a minimum of two hundred (200) feet or one hundred fifty (150) percent of the height of the proposed tower, whichever is greater.
 - b. Tower separation distances for the purposes of compliance with this subsection shall be measured from the base of a tower to the closest point of residentially zoned land.
10. *Method of determining tower height.* Except as otherwise provided for eligible facilities requests, measurement of tower height for the purpose of determining compliance with all requirements of this subsection shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height shall be measured from grade.
11. *Illumination.* Towers shall not be artificially lighted except as required by FAA. Upon commencement of construction of a tower, in cases where there are residential uses located within a distance which is three hundred (300) percent of the height of the tower from the tower, and when required by federal law, dual mode lighting shall be requested from the FAA.
12. *Fencing.* Any fences constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities shall be constructed in accordance with the fencing requirements as defined by the zoning district and the chart of permitted uses where the tower or antenna support structure is located, unless more stringent fencing requirements are required by FCC regulations.
13. *Landscaping.* All landscaping on parcels containing towers, antenna support structures or telecommunications facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna support structure or telecommunications facilities are located.
14. *Noise.* No equipment shall be operated at towers and telecommunication facilities so as to produce noise in excess of the applicable noise standards under WAC 173-60, except during emergencies, or periodic routine maintenance which requires the use of a backup generator, where the noise standards may be exceeded temporarily.
15. *Electromagnetic radiofrequency emissions.*
- a. The Federal Telecommunications Act of 1996 (FTA) gives the FCC sole jurisdiction to regulate radiofrequency (RF) emissions, and telecommunications towers which meet the FCC standards shall not be conditioned or denied on the basis of RF impacts.
 - b. In order to provide information to its citizens, copies of ongoing FCC information concerning telecommunication towers and facilities and radiofrequency emission standards shall be made available. Applicants for tower sites shall be required to provide information on the projected power density of the facility and how this meets the FCC standards.
16. *Access.* All parcels upon which towers are located must provide paved access to at least one paved vehicular parking space on site, except I-2 districts.
17. *Maintenance.*
- a. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
 - b. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations, and in such manner that will not interfere with the use of other property.
 - c. All towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.
 - d. In the event the use of a tower is discontinued by the tower owner, or if the tower owner ceases to operate the tower,

the tower owner shall provide written notice to the city of its intent to discontinue use or cease operations, and the date when the use shall be discontinued.

18. *Camouflage and aesthetics* . Wireless facilities, support structures, antennas and related facilities shall meet the following requirements:
- a. They shall be designed and placed in such a manner so as to be screened to minimize their distraction from surrounding properties and public rights-of-way. This shall include the color of the tower, antenna or related facility, the materials and textures of such tower, antenna or related facilities, and the materials or devices used to screen, conceal or blend the tower, antenna or related facility into or with the surrounding properties and development.
 - b. Along the right-of-way, the design of the related facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must make the antenna and related equipment as visually unobtrusive as possible.
 - d. Wireless facilities and support structures shall be designed and constructed to be stealth/camouflaged. The terms stealth or camouflage shall mean the following:
 - (1) The nature of design and construction do not draw undue attention to the structure;
 - (2) Design and construction cannot clearly be distinguished from the general character of the area in which they are located; and
 - (3) Design and construction do not cause a conflict with the appearance, character and aesthetics of the site upon which the facility is located, the surrounding properties or the general neighborhood in which they are located.
 - e. Methods of achieving stealth/camouflage may include:
 - (1) Ensure that physical design and construction are concealed within an architecturally designed feature/structure newly constructed on site, which matches or compliments the existing main structures on-site and in the surrounding area.
 - (2) Locating the facility/tower and associated antenna/supporting equipment on or within an existing structure or building already on a site with no obviously distinguishable changes to that structure.
 - f. Wireless facilities and support structures in historic districts shall be consistent with the design standards for historic districts, see City Code, chapter 44, article IV.
19. *Telecommunications facilities on antenna support structures*.
- a. Any telecommunications facilities which are not attached to a tower may be permitted as an accessory use to any antenna support structure at least forty-five (45) feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located. Except as provided in paragraph e, telecommunications facilities are prohibited on all other structures. The owner of the structure on which the proposed telecommunications facilities would be installed shall, by written certification to the urban development department, establish the following at the time plans are submitted for a building permit that:
 - b. The telecommunications facilities shall not extend more than twenty (20) feet above the maximum height of the antenna support structure;
 - c. The antenna support structure and telecommunications facilities comply with the current building code as adopted by the city, as may be amended from time to time; and
 - d. Any telecommunications facilities and their appurtenances located upon the roof of an antenna support structure, are set back at least one (1) foot from the edge of the roof of the antenna support structure. However, this setback requirement shall not apply to:
 - (1) Telecommunications facilities and their appurtenances, located above the roof of an antenna support structure if such facilities are appropriately screened from view through the use of panels, walls, fences or other screening techniques approved by the city.
 - (2) Camouflage antennas which are mounted to the exterior of antenna support structures below the roof, but which do not protrude more than twenty-four (24) inches from the side of such an antenna support structure.
 - e. Telecommunications facilities shall not be prohibited as described in paragraph a where the application is for a Class 1 eligible facilities request, or where the applicant can demonstrate that denial of the application would violate 47 U.S.C. § 332(c)(7)(B)(i)(I) or (II)

20. *Existing towers*.

- a. An existing tower may be modified or demolished and rebuilt to accommodate collocation of additional telecommunication
 - (1) Tower shall be a permitted use "by right" in zoning districts I-1 and I-2. A tower shall be a prohibited use in zoning districts R-A, R-1, R-2, R-3, R-B, and H-B. No person shall build, erect or construct a tower upon any plot of land within a zoning district designated B-1, B-2, B-3, B-4, or B-5 unless planning approval has been granted by the Mobile city planning commission. Application shall be made to the Mobile city planning commission in the manner provided in this chapter.
 - (2) No person shall build, erect, or construct a tower upon any plot of land within any zoning district set forth above unless required building permits and approvals have been obtained from the urban development department of the city.
 - (3) The total height of the modified tower and telecommunications facilities attached hereto shall not exceed the current height of the tower or the maximum height allowed under this article. Certification by a structural engineer shall be required to meet collocation standards.
 - (4) A tower which is being rebuilt to accommodate the collocation of additional telecommunications facilities may be relocated on the same parcel subject to the setback requirements of this article. However, if it is impossible for the tower to be rebuilt in compliance with the setback requirements of this article, such setback requirement may be waived to allow the tower to be rebuilt in its exact previous location, or within a twenty-five-foot radius of the previous location.
- b. Criteria for site development modifications.
 - (1) The city planning commission may grant approval of a site plan development modification pursuant to subsection 20.c if a person, upon application to the city, demonstrates with written evidence that:
 - (a) The location, shape, appearance or nature of use of the proposed tower will not substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located; and,
 - (b) The site plan development modification will not create any threat to the public health, safety or welfare.
 - (2) In addition to the requirements of subparagraph (a) of this section, in the following cases, the applicant must also demonstrate with written evidence, the following:
 - (a) In the case of a requested modification to the setback requirement, that the area of the parcel of land upon which the tower is proposed to be located makes compliance with subsection J.7. impossible, and the only alternative for the person is to locate the tower at another site which poses a greater threat to the public health, safety or welfare or is closer in proximity to a residentially zoned land;
 - (b) In the case of a request for modification of the height limit in a zoning district for towers and telecommunications facilities, that the modification is necessary to (i) facilitate collocation of telecommunications facilities in order to avoid construction of a new tower; or (ii) meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an electrical engineer(s).
- c. The board of zoning adjustment may waive or modify the requirements of subsections J.6 (Development of towers), J.6.c (Maximum height of towers), J.7. (Setbacks), J. 9 (Separation or buffer requirements), J.12 (Fencing), J.13 (Landscaping), J.16 (Access), and J.19 (Telecommunications facilities on antenna support structures).

Diagrams 5A—5C

K. *Regulations applicable to the location and construction of above ground oil storage tanks.*

1. *Purpose.* These regulations shall provide procedures applicable to the location and construction of new above ground oil storage tanks on and after the effective date of the amendment adopting these regulations, in addition to the requirements otherwise applicable under other provisions of the Mobile City Code to such tanks. In the event of any conflict or inconsistency between the requirements of this subsection K. and the other requirements of the provisions of the Mobile City Code, the requirements of this subsection K. shall be controlling and shall govern.
2. *Definitions.* As used in this subsection, the following terms shall have the following meanings:
 - a. *Enhanced scrutiny area (ESA):*
 - (A) All properties located within an I-2 district and lying north of Bay Bridge Road and New Bay Bridge Road; and
 - (B) All properties located within an I-2 district and lying south of Bay Bridge Road and New Bay Bridge Road, west of the Mobile River and Mobile Bay, east of a line extending southerly along St. Stephens Road to Broad Street to

Interstate 10 to Michigan Avenue, and north of Avenue C as extended to Mobile Bay.

- b. *Oil*: Petroleum or petroleum product whose storage is regulated under National Fire Protection Association ("NFPA") 30.
 - c. *Tank*: An above-ground oil storage tank having a capacity of ten thousand (10,000) gallons or more to be located in an I-2 district.
 - d. *Site*: Land under common ownership or control located in an I-2 district being utilized in whole or in part on the effective date of the amendment adding this subsection for the purpose of the operation of one or more above ground oil storage tanks.
 - e. *Classification*: The system used in section 4.3 of NFPA 30 for classifying liquids.
3. *Notice procedures for planning approval applications*. Each application for planning approval with respect to a tank shall be subject to the following notice procedure requirements:
- a. Each application for planning approval of a tank, including all attachments to the application, shall be posted on the city's website at least thirty (30) days prior to the initial hearing on the application scheduled by the planning commission.
 - b. Notice of the filing of an application for planning approval of a tank advising of the time and date of the initial hearing on the application scheduled by the planning commission shall be deposited by the city planning department in the U.S. mail, first class postage prepaid, not less than thirty (30) days prior to the date of the initial hearing addressed to all owners of assessed property located within three thousand (3000) feet of the property line of the proposed site as shown on the current ad valorem tax assessment records of the county. The documented costs of such notice shall be paid by the applicant upon submission of the invoice of the city planning department.
 - c. Notice of the filing of an application for planning approval of a tank advising of the time and date of the initial hearing on the application scheduled by the planning commission shall be published by the city planning department in a newspaper of general circulation in the city once a week for two consecutive weeks prior the scheduled date of the initial hearing. The first such publication shall be not less than thirty (30) days prior to the scheduled date of the initial hearing and the second such publication shall be not less than eight (8) days prior to the scheduled date of the initial hearing. The notice shall contain both a diagram of the proposed tank site location and directions to the entire application posted on the city's website. The documented costs of such notice shall be paid by the applicant upon submission of the invoice of the city planning department.
4. *Required content of application for planning approval and application fee*.
- a. *Applications for tanks to be located in ESA*. Each application for planning approval for a tank to be located in the ESA shall include:
 - (I) A list of all permits and approvals required to complete the installation of the tank and the status of each such permit and approval at the time the application is filed;
 - (II) A description of the type, maximum amount, and NFPA classification of the oil to be stored;
 - (III) A description of the method or methods by which the oil will be transported to the tank site and the anticipated frequency of such transportation;
 - (IV) A description of all other materials being stored in bulk on the same site as the proposed tank.
 - (V) A detailed site plan, drawn to a standard engineering scale, illustrating the location of any and all improvements on the site, including but not limited to: existing and proposed tanks, existing and proposed structures, existing and proposed access drives and circulation drives; existing and proposed piers, docks, or other mooring facilities; existing and proposed berms, dams, or any other containment devices or methods; and dimensions of the site, dimensions and capacity of each tank, dimensions from property line to tank(s), from containment to tank, from tank to tank, and dimensions of access and circulation drives.
 - b. *Description of any applicable vapor, emissions, or odor regulations*. If the proposed tank is subject to federal or state best management practices regulations with respect to vapor, emissions, and/or odor control, the application for planning approval shall include a statement as to the relevant regulatory authority or authorities and a summary of any equipment and technology being implemented to comply with such regulatory requirements.
 - c. *Tank planning approval application fee*. The application fee for planning approval of a tank shall be one thousand five hundred dollars (\$1,500.00) per tank.
5. *Siting and design requirements*.
- a. *Setback in ESA*. The minimum setback for a tank to be constructed in the ESA shall be one thousand five hundred (1,500) feet measured from the tank to the property line of the nearest residentially zoned or occupied property, church, or

school, with the planning commission having the authority to increase the said setback on a case by case basis should specific circumstances or factors warrant.

- b. *Plan review.* Prior to the issuance of a building permit for any tank, all construction plans for the tank shall be reviewed by an independent professional engineer experienced in the design and construction of above ground oil storage tanks engaged by the city who must certify in writing to the building department that the plans comply with all applicable construction standards and Code requirements. The cost of such review as invoiced to the city shall be paid by the applicant as a condition to the issuance of the building permit. The review must be completed within sixty (60) days of the submission of the permit application and plans, otherwise the plans will be deemed compliant and the applicant will not be charged for the costs of such review. As a further condition to the issuance of a tank building permit, at the time construction drawings are submitted, the applicant shall also submit its facility response plan (FRP) to the city and fire department prior to the issuance of the building permit. Any portions of the FRP that contain information that the Department of Homeland Security restricts the disclosure of, or which the applicant otherwise considers potentially sensitive, shall be redacted.
6. *Change in oil product classification.* Applicant may only store an oil product with a different NFPA 30 classification than the NFPA classification listed in the application for planning approval for the tank after providing written notice to the city's planning department of the change and engineering verification that the tank complies with the NFPA 30 requirements for the new product classification.
 7. *Limited application of subsection K.*
 - a. *Applicable only to tanks as defined.* This subsection shall have application only to above ground tanks for the storage of petroleum and petroleum products regulated under NFPA 30. Above ground tanks for the storage of other substances shall be regulated by the otherwise applicable provisions of the Mobile City Code and state and federal law. No tank subject to this subsection K may be converted to use for the storage of a substance other than petroleum and petroleum products regulated under NFPA 30 without first obtaining the approvals otherwise required under the Mobile City Code for the storage of such other substance.
 - b. *Inapplicable to existing tanks and sites.* Sites are confirmed in their entireties for purposes of the zoning ordinance as conforming permitted uses with respect to all existing above-ground oil storage tanks on such sites. The above-ground oil storage tanks existing on such sites on the effective date of this subsection are confirmed for purposes of the zoning ordinance as conforming structures. An above-ground oil storage tank existing on a site on the effective date of this subsection may be repaired, replaced, or reconstructed on the same site without compliance with this subsection and without the need for any further planning commission approval. The replacement for a tank existing on the effective date of this subsection need not have the identical footprint or configuration as the tank it replaces provided the capacity of the replacement is not greater than the tank it replaces. New tanks that are additional tanks and are not replacement for existing tanks may be constructed on sites that already have planning approval or that did not require planning approval at the time constructed provided that a building permit is received, the tank complies with all then existing regulatory requirements, and the planning department is provided the information required by 64.4.K.4(a)(II), (III), (IV) and (V).

(Ord. No. 80-030, 4-2-68; Ord. No. 80-014, 3-2-71; Ord. No. 80-079, 9-20-77; Ord. No. 80-071, 7-15-80; Ord. No. 80-014, 4-14-87; Ord. No. 80-055, § IV, 7-23-91; Ord. No. 64-026, §§ I—III, 3-17-92; Ord. No. 64-083, §§ 1, 3—6, 8—10, 12-21-93; Ord. No. 64-033, § 1, 5-27-97; Ord. No. 64-002, § II, 2-4-03; Ord. No. 64-019-2012, § II—IX, 8-7-12; Ord. No. 64-040-2012, § I, 12-11-12; Ord. No. 64-013-2016, § 1, 3-29-16; Ord. No. 64-050-2017, § 1, 12-12-17)

Editor's note— Sections 1, 3—6, 8—10 of Ord. No. 64-083, adopted December 21, 1993, did not specifically amend this Code; hence, inclusion as § 64-4.I was at the discretion of the editor.

Cross reference— Drainage and flood control, Ch. 17; fences, barricades, and similar structures, Ch. 21; lighting requirements for commercial parking lots, § 40-1; signs, Ch. 54.

Sec. 64-5. - Planned unit developments.

A. *Purposes and objectives.*

1. *Purposes.* Under the regulations prescribed by this chapter for the various districts, a separate building site is required for each building other than an accessory building. For the purpose of allowing and encouraging variety of design and flexibility of location for buildings comprising a planned unit development (PUD) under this section, the requirement for a separate

building site for each building is waived and the land occupied by the planned unit development is considered to be the building site for the group of buildings as a whole.

It is the further purpose of this section to encourage the unified development of tracts of land that are suitable in size, location and character for the uses and buildings proposed. To that end, the application of the district regulations governing development on a lot-by-lot basis is modified for planned unit developments, hereinafter called PUDs, that meet the objectives and conform to the standards of this section.

Although PUDs are most commonly multiple-family residential projects, such other building groups as shopping centers and industrial parks, as well as one-family residential projects using innovative building types and arrangements, may be designed and developed under this section.

2. *Objectives.* In pursuit of these purposes, the objectives to be met by a PUD are as follows:

- a. *Creative design.* To encourage innovative and diversified design in building form and site development;
- b. *Flexibility.* To permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations;
- c. *Efficient land use.* To encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for redevelopment;
- d. *Environment.* To preserve and protect as urban amenities the natural features and characteristics of the land;
- e. *Open space.* To encourage the provision of common open space through efficient site design;
- f. *Public services.* To encourage optimum use of available public utilities, streets and community facilities.

3. *Applicability.* A PUD shall not be required for the addition of accessory structures on commercial sites if such structures are not associated with the primary use of the property, are not occupy able or habitable, are compliant with the district regulations, do not diminish required site landscaping and trees, and do not interfere with traffic circulation on the site.

B. *Modifications and limitations.*

1. *Modifications of district regulations.* The provisions of this section are applicable in all districts. The district regulations of the district in which the PUD is located and the applicable supplementary regulations shall apply to a PUD with the following modifications:

- a. *Permitted uses.* A PUD shall contain only such uses as are permitted in the district in which the PUD is located; provided, however, that in a residential PUD the planning commission may permit other uses that are permitted in B-1 and B-2 districts and that are clearly incidental to and compatible with the principal (residential) use. Business uses permitted in a residential PUD under this provision shall be limited to those which provide substantial (and not merely incidental) services to the residents of the PUD, and shall be so located that traffic, service and other aspects of their operation do not adversely affect the livability of the dwelling units.

In permitting business uses in a residential PUD, the planning commission may stipulate that no certificate of occupancy shall be issued for any business use until certificates of occupancy have been issued for all or a stated percentage of the total dwelling units contained in the PUD as approved.

It is not the intent of this provision to permit the creation of B-1 or B-2 districts other than in accord with the amendment procedure of this chapter.

- b. *Residential building types.* In R-1 districts, each town house, row house or similar building type with contiguous or party walls (attached dwellings) contained in a PUD shall meet the building site area requirement of the R-1 district for a one-family dwelling.

In R-2 districts, each two (2) town houses, row houses or similar building type with contiguous or party walls (attached dwellings) contained in a PUD shall meet the building site area requirement of the R-2 district for a two-family dwelling.

In R-3 and R-B districts, town houses, row houses or similar building types with contiguous or party walls (attached dwellings) contained in a PUD shall be considered to be multiple-family dwellings and shall meet the building site area requirements of the R-3 or R-B districts for multiple-family dwellings.

In the case of a PUD which has also been approved by the planning commission as an "innovative subdivision" under the subdivision regulations, part of the required building site area for each unit may be provided in common open space and minimum yards may be varied from those required in the district in which the PUD is located.

- c. *Building site area.* In a residential PUD, building site area per dwelling unit may be reduced not to exceed twenty (20) percent where common open space provided justifies such reduction by its location, character and intended use.
- d. *Yards required.* Yard requirements of the district in which the PUD is located shall apply to the PUD as a whole rather than to individual buildings; provided, however, that wider or deeper yards may be required on the perimeter of the PUD site in accord with the design standards of this section.

2. *Limitations.* Planned unit developments shall be subject to following limitations:

- a. *Size of tract.* The tract of land to be occupied by the PUD shall be of sufficient size to accommodate the proposed uses and buildings in a homogeneous and harmonious entity (as distinguished from typical lot-by-lot development).
- b. *Public services.* No PUD shall be approved unless the planning commission determines, upon advice of the appropriate authorities, that the water, sanitary and drainage facilities, access streets and fire protection are adequate to meet the demands of the PUD.

Provided, however, that the planning commission may approve a PUD prior to construction of such facilities, access streets and fire protection as recommended by the appropriate authorities to meet the demands of the PUD, if the planning commission specifies the completion of such recommended improvements prior to the issuance of a certificate of occupancy as a condition of the PUD approval.

C. *Locational and design standards.*

1. *Locational standards.* A PUD shall meet the following locational standards:

- a. *General compatibility.* The tract of land to be occupied by the PUD shall be so located that the proposed uses and the site development of the PUD will be generally compatible with the uses and development of adjacent and neighboring tracts in the district.
- b. *Transportation facilities.* The tract shall be so located with respect to major streets, collector streets and other transportation facilities as to have access to them without generating excessive traffic along minor streets in residential districts outside the PUD.
- c. *Environment.* The tract shall be suitable for development of the proposed uses and buildings with respect to the nature of the soils and topography. Natural features of the site, such as trees, waterways, scenic and historic spots and the like, shall be preserved and protected to the greatest extent possible.

2. *Design standards.* A PUD shall meet the following design standards:

- a. *Circulation.* The internal traffic circulation system shall be so designed as to discourage through traffic on minor streets both within and outside the site. Vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazard to vehicular and pedestrian traffic. The pedestrian circulation system shall be designed to separate as completely as possible pedestrian and vehicular movement, especially in respect to the safety of pedestrian movement between dwelling units and common open space or recreation area.
- b. *Building spacing and access.* In a residential PUD, the following spacing between buildings shall be measured between exterior walls; it does not apply to corner-to-corner placement of buildings where walls do not overlap:
 - (1) *Spacing of buildings.* A building shall be located no closer to another building than a distance equal to the height of the taller building of the two (2); provided, however, that for a two-story building such distance shall be not less than thirty (30) feet in the case of two (2) walls having windows, not less than twenty (20) feet in the case of one (1) wall having windows, and the other no windows, and not less than eight (8) feet in the case of two (2) walls having no windows; provided, further, that for buildings of more than two (2) stories spacing shall be increased proportionately.

Variations from these spacing requirements may be made by the planning commission upon a showing that the arrangement of buildings is such that the orientation insures adequate light and air, avoids undue exposure to trafficways and the parking and service areas of commercial establishments, and preserves visual and auditory privacy between buildings.

- (2) *Access by emergency vehicles.* The buildings in any PUD shall be so arranged that every building is accessible to emergency vehicles.

- c. *Common open space.* In a residential PUD consisting of multiple-family dwellings at least seven hundred (700) square feet c dwelling unit shall be in common open space. Common open space may contain walks, terraces, pools and the like but shall whether public or private, drainageways, parking areas, service areas and the land covered by buildings (except the roof are recreational use shall be considered to be common open space); provided, however, that for town houses, row houses and with contiguous or party walls (which for this section only, are considered to be multiple family dwellings) in lieu of common may be provided the same amount of private open space for each dwelling unit.
- d. *Adjacent properties and uses.* The design of the PUD shall consider and provide protection from adverse effects of adjacent land uses as well as protection of adjacent land uses from adverse effects of the PUD. The planning commission shall require such setbacks, screening or other measures or features necessary to accomplish this purpose.

D. *Review procedures.*

- 1. *Pre-application conference.* Prior to the filing of an application for approval of a planned unit development plan, hereafter referred to as the development plan, a pre-application conference may be held at the request of the applicant or the director of the urban development department or his/her agent. The purpose of the conference is to consider informally the concept of the proposed PUD, its relation to the district in which the site is located, and the way in which it will meet the objectives of this section.

No specific documents are required for the pre-application conference, but the applicant shall be responsible for providing sufficient information on which to base tentative conclusions.

- 2. *Development plan approval.* A PUD may be constructed in stages, but the development plan shall include the entire tract of land.

The director of the urban development department, or his/her agent, shall assist the applicant in preparation of a development plan by furnishing such information as requested, on land use, adjacent development and other pertinent matters as is available in the records and files of the planning commission. Where appropriate, the director, or his/her agent, shall advise the applicant to consult with those officials and agencies whose approval or advice and recommendation to the planning commission will be necessary.

It is the intent of these regulations that when approval of a proposed PUD involves amendment of the zoning ordinance, approval of a land subdivision, or other reviews and approvals, the review and approval process be carried out as nearly concurrently as possible. To this end, if the approval of the proposed PUD requires amendment of the zoning ordinance to change the district classification of the site, application for zoning amendment shall be made in accordance with the amendment procedure of this chapter at the same time. Similarly, if the proposed PUD involves the subdivision of land (if lots or other parcels are to be sold or otherwise placed in separate ownerships, or if the PUD contains any public street), application for approval of the subdivision shall be made in accordance with the subdivision regulations at the same time.

- a. *Documentation required.* The application shall contain the following:
 - (1) *Interest and ownership.* The applicant's name, address, interest in the application, and signature of property owners or letter of authorization; the name and address of the owner or owners of the entire land area to be included within the proposed PUD.
 - (2) *Development schedule.* A development schedule indicating the approximate dates when construction of the PUD (or stages of construction) can be expected to be begun and completed; and a statement as to whether the PUD will be held in one (1) ownership (individual, partnership, corporation, or other) or subdivided and sold in individual parcels of land with dwelling unit or units or other buildings.
 - (3) *Quantitative data.* The tract size; building site coverage; if a residential PUD, the number and type of dwelling units; the gross and net building site area per dwelling unit (density); nonresidential uses, if any, that are proposed; and the amount of common open space to be provided (in accordance with the design standards of this section).
 - (4) *Agreements and covenants.* A statement of the provisions of any agreements or covenants proposed to govern the use, maintenance and continued protection of the PUD and its common open space.
 - (5) *Owners of surrounding property.* If a public hearing is required (see b. below), a list of the names and mailing addresses of the owners of property within three hundred (300) feet from the boundaries of the site, such distance to be measured in all directions from each boundary line. Names and addresses shall be from Mobile County tax rolls.
 - (6) *Site plan and supporting data.* The application shall contain the following site plan and supporting data:

- (a) *Existing site conditions.* The dimensions of the site; contours at two-foot intervals; the location and dimensions of water courses, flood plains, soil conditions and natural features of the site including heritage trees; existing land additional information necessary to indicate existing conditions that affect the proposed development.
 - (b) *Site plan.* The site plan, showing the area to be occupied and its approximate dimensions; the general layout of buildings and other improvements; the vehicular circulation system, including parking and loading areas; the pedestrian circulation system; the areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses; the general landscape plan showing proposed planting and other landscape features; and the proposed perimeter treatment of the site.
 - (c) *Utility systems.* Existing and proposed utility systems, including water supply, sanitary sewerage, storm drainage, and electric, gas and telephone lines. (Detailed engineering plans are not required at this stage.)
 - (d) *Other data.* The urban development department may require such additional plans, maps, studies and reports as are needed to support the necessary findings and determinations that the applicable standards have been complied with.
 - (e) *Dedication of public facilities.* Approval of a development plan shall not constitute acceptance by the public of the dedication of areas intended for public use. Such acceptance can be effected only by action of the city council of the city.
- b. *Public hearing.* For a PUD in which all of the proposed uses are permitted in the district in which the PUD is located, the PUD may be approved administratively, with no public hearing, as determined by the urban development department.
- For a PUD in which any of the proposed uses are not permitted uses in the district in which the PUD is located but which may be permitted by the planning commission in accordance with this section, a public hearing shall be held. In such cases the planning commission shall fix a reasonable time for the public hearing and shall give public notice thereof, as well as notice to the applicant. The commission shall also notify the owners of surrounding property, as the names and addresses of such owners have been furnished by the applicant.
- If the proposed PUD requires amendment of the zoning ordinance or approval of a subdivision preliminary plan, the required public hearings shall be held in conjunction with this public hearing.
- The planning commission shall maintain in its minutes a record of its proceedings in the case showing the grounds of its approval or disapproval. The record shall be filed in the office of the urban development department and shall be a public record.
- Substantive changes to the development plan shall be considered to be amendments to the plan and shall be subject to the same procedures specified for approval of a development plan.
- c. *Action on development plan.* Within a reasonable time, the planning commission shall approve, approve with modifications and/or conditions or disapprove the development plan. If approval of the development plan stipulates modifications or conditions, such modifications or conditions shall be illustrated on the development plan prior to its submittal for permitting.
- Approval of development plan shall expire one (1) year from the date of approval if construction has not begun or an extension of such one-year period granted by the commission or the director of the urban development department, or his/her agent, in the case of an administrative approval of a development plan.
- In approving a development plan, the plan shall specify the dates by which construction of the PUD shall be begun and completed. If the PUD is proposed to be constructed in stages, the dates for beginning and completing each stage shall be specified. If the applicant does not begin and complete the construction by the dates specified, the planning commission shall review the case and may (1) upon showing of good cause by the applicant, extend the time limits, (2) revoke the approval, or (3) amend the PUD.
- d. *Filing and placing on zoning atlas.* A copy of the final development plan, with attendant documentation, shall be filed with the urban development department. The PUD shall be shown on the zoning atlas by outline of the tract of land included and the notation "PUD," with the date of approval of the final development plan. The final development plan, with

attendant documentation, shall thereafter be binding upon the owner, his heirs, successors and assigns, shall limit and control the issuance and validity of permits and certificates and shall restrict and limit the use and operation of all land and structures within the PUD to all conditions and limitations specified in such plan and the approval thereof.

(Ord. No. 80-071, 7-15-80; Ord. No. 64-062, 10-5-99; Ord. No. 64-002-2012, § I, 1-10-12; Ord. No. 64-019-2012, § X, 8-7-12)

Sec. 64-6. - Off-street parking and off-street truck loading.

A. *Off-street parking requirements.*

1. *Provision and maintenance required.* The off-street facilities herein required shall be provided in at least the amount and maintained in the manner herein set forth; provided, however, that off-street parking facilities in excess of the amounts heretofore required by law, need be neither provided nor maintained for land actually used or for structures actually existing (whether occupied or vacant) on the effective date of this ordinance unless, after the effective date of the ordinance from which this section derives such land, structures, or uses are enlarged, expanded or changed, in which event the land, structures, and uses hereby excluded shall not be used, occupied, or operated unless there is provided for the increment only of such land, structures, and uses, and maintained as herein required, at least the amount of off-street parking facilities that would be required hereunder if the increment were a separate land, structure, or use.

The area bounded by Beauregard Street on the North, the Mobile River on the East, Eslava Street on the South, and Water Street on the West, shall be exempt from the off-street parking requirements.

2. *Size and location.* Each off-street parking space shall meet AASHTO standards, but in no case shall have a width of less than nine (9) feet, or a length of at less than eighteen (18) feet, exclusive of access or maneuvering area, ramps and other appurtenances. Head-in parking on non-concrete, asphalt, or approved alternative surfaces shall have wheel stops or aid in delineating the spaces. Parallel parking spaces shall be at least eight (8) feet wide, and interior stalls shall be at least twenty-three (23) feet long. End parallel parking stalls shall be at least twenty (20) feet long if their entry/exit area is unencumbered. However, off-street parking spaces of facilities used exclusively by employees of a company or served by parking attendants are exempted from the minimum dimensions requirement, provided such parking facilities are laid out in accordance with standards listed in the following table.

MINIMUM STALL AND AISLE DIMENSIONS

Angle of Parking	Aisle Configuration	Stall Width Parallel to Aisle	Stall Length Perpendicular to Aisle	Aisle Width
90°	Two-way	9 feet	18 feet	24 feet
60°	Two-way	10.5 feet	20 feet	24 feet
60°	One-way	10.5 feet	20 feet	14 feet
45°	Two-way	12.5 feet	19 feet	24 feet
45°	One-way	12.5 feet	19 feet	14 feet

Except as otherwise permitted under a special plan for locating or sharing of facilities, off-street parking facilities shall be located on the building site on which the use or structure for which they are provided is located; required off-street parking facilities for dwelling uses shall not occupy any part of a required front yard. Access, maneuvering area, ramps and other appurtenances shall be furnished off the street right-of-way and, except for one-family and two-family dwellings, vehicles are prohibited from backing from the area into the roadway.

3. *Maintenance.* Except for one-family and two-family dwellings, permitted uses in I-2 districts, and parking lots within the Hank Aaron Loop which are not paved with concrete, asphaltic concrete, or asphalt, off-street parking facilities shall be constructed, maintained and operated in accordance with the following specifications:

- a. *Drainage and surfacing.* They shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, asphalt or a surface as defined in section 64-2, and maintained in proper condition, free of weeds, dust, trash and debris.
- b. *Wheel stops.* They shall be provided with wheel stops or bumper stops so located that no part of parked vehicles will extend beyond the parking facility.
- c. *Lighting.* If they contain ten (10) or more vehicle parking spaces, parking lot lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic. If they contain twenty-five (25) or more vehicle parking spaces, parking lot lighting shall be provided and maintained during their operation according to the standards in section 64-6.A.8.
- d. *Entrances and exits.* They shall have entrances and exits provided and located so as to minimize traffic congestion and to prevent vehicles backing from the area into the roadway.
- e. *Prohibition of other uses.* They shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.
- f. *Limitation on size of vehicles.* In the residence districts they shall be used only by vehicles up to eight thousand (8,000) pounds' gross vehicle weight, manufacturer's capacity rating and having wheels not to exceed seventeen (17) inches in diameter.
- g. *Pedestrian safety aisles.* They shall have provided a four-foot-wide clearance between abutting rows of parking spaces for pedestrian safety aisles, and such pedestrian safety aisles shall be maintained by wheel stops, shall be paved, shall be maintained free of standing water, and shall be located with alternate parking groups, a parking group being two (2) rows of side-by-side parking spaces abutting; provided, however, that no safety aisle shall be required of those parking facilities in which cars are parked by attendants.

Such pedestrian safety aisles shall be marked at not more than fifty-foot intervals by signs at least six (6) feet above ground with at least one (1) square foot of area, with the words "Pedestrian Walk."

- h. *Circulation and parking layout.* If total spaces are more than three hundred (300) and the public is required to park its own vehicles (self-parking), there shall be established blocks of parking spaces containing not more than three hundred (300) parking spaces per block, and the limits of such blocks shall be defined by fifteen-foot-wide raised planting strips with curbs. Such a planting strip which lies parallel to a group of parking spaces shall have a four-foot-wide paved pedestrian walk extending the entire length of such strip. Also, a planting strip shall be maintained along the side of a "block feeder roadway" at the head of and for the full width of a group of parking spaces which has a pedestrian safety aisle. Neither shall a parking group which does not contain a pedestrian safety aisle exceed three hundred (300) feet in length without a vehicular connection between adjoining "group feeder roadways."

Roadways within parking facilities composed of blocks of parking spaces shall have a minimum width of twenty-four (24) feet with the following exceptions: a "block feeder roadway" which feeds vehicles into blocks of parking stalls lying along both sides of such roadway shall have a minimum width of thirty-six (36) feet; a "store roadway" which runs parallel to fronts of stores shall have a minimum width of thirty-six (36) feet; a "group feeder roadway" which gives access to individual parking spaces shall have a minimum width as required by the standards listed in the above table of stall and aisle dimensions; a "major roadway" which provides major circulation within a parking facility shall have a minimum width of thirty-six (36) or forty-eight (48) feet as required by the volume of traffic.

Off-street parking facilities composed of blocks of parking spaces shall have parking spaces accessible from a "group feeder roadway" and from no other type roadway.

- i. *Screening and landscaping.* If off-street parking facilities provide uncovered spaces for ten (10) or more cars at street level, they shall be permanently screened from adjacent R-1, R-2 and R-3 districts in accordance with the requirements for buffer planting strips in section 64-4. Where such facilities are separated from an R-1, R-2 or R-3 district only by a street, other than a major street as shown on the major street plan, they shall have a brick wall or evergreen hedge of a minimum height of five and one-half (5½) feet and a maximum of eight (8) feet placed five (5) feet inside the street property line. The area between the screening enclosure and the property line shall be landscaped.

Planting strips, other than buffer planting strips required by section 64-4, shall have trees planted on maximum seventy-five-foot centers. Any part of the parking facility not used for parking stalls, roadways or pedestrian walks shall be landscaped with grass, shrubs and trees.

Within parking areas, tree limbs and other planting shall not create a material impediment to visibility between the heights of three (3) feet and eight (8) feet above the parking area grade.

One (1) sign not more than two (2) square feet in area will be permitted on each street side of such parking facility, but no other signs shall be placed on the screening or brick wall.

4. *Gravel parking lots within the Hank Aaron Loop—Maintenance.* Gravel parking lots within the Hank Aaron Loop may be constructed, maintained and operated in accordance with the following specifications, and approved by the planning commission via a planning approval application; otherwise, parking lots within the Hank Aaron Loop must comply with subsection 64-6.A.3, above:
 - a. *Prohibition.* Gravel parking lots are prohibited as commercial parking lot.
 - b. *Drainage and surfacing.* They shall be properly graded for drainage, surfaced with gravel and maintained in proper condition, free of weeds, trash and debris and contained within concrete curbing with a city standard curb cut and concrete apron;
 - c. *Wheel stops.* They shall be provided with wheel stops or bumper stops so located as to delineate each parking space, so located that no part of parked vehicles will extend beyond the parking facility, parking stall dimensions as well as access and maneuvering areas must comply with the minimum stall and aisle dimensions as established in section 6.A.;
 - d. *Screening and landscaping.* The entire parking area shall be screened, with a minimum three-foot tall evergreen hedge, at the time of planting.
5. *Combined facilities.* The off-street parking facilities required of two (2) or more uses located on the same building site may be combined and used jointly; provided, however, that where the facilities are combined and used jointly by two (2) or more uses having different standards for determining the amount of facilities required, the off-street parking facilities shall be adequate in area to provide the sum total of the facilities required of all such uses.
6. *Amounts of off-street parking facilities required.* Except for permitted uses in I-2 districts, at the least the following amounts of off-street parking facilities shall be provided. The classifications of uses shall be deemed to include and apply to all uses, and if the classifications of an use for the purpose of determining the amount of off-street parking facilities to be provided is not readily determinable hereunder, the classification of the use shall be fixed by the board of adjustment.

Agricultural uses	None required
Business colleges and trade schools	One (1) space per four (4) seats
Car wash	One (1) space per washing stall plus one (1) space per vacuum island
Churches and funeral homes	One (1) space per four (4) seats
College fraternities and sororities	One (1) space per two (2) beds
Domiciliary, nursing home, and other residential care facilities	One (1) space per four (4) beds
Dwellings, one-family	Two (2) spaces per family dwelling unit; within the Hank Aaron Loop no parking spaces area required.
Dwellings, two-family or multiple-family	One and one-half (1½) spaces per family dwelling unit; within the Hank Aaron Loop no parking spaces are required.
Dwellings, two-family or multiple-family, located within the area described in Ordinance 64-002-2015	One (1) space per bedroom plus ten (10) percent of the total amount of spaces

General business, commercial personal service establishments, commercial amusements, offices, repair shops, medical and dental clinics, libraries, art galleries, clubs, lodges	One (1) space per three hundred (300) square feet of gross floor area; within the Hank Aaron Loop one (1) space per six hundred (600) square feet gross floor area.
Hospitals and sanitariums	One (1) space per bed
Hotels, motels, rooming houses, tourist courts	Seven (7) spaces per ten (10) guest rooms
Industrial, manufacturing, warehouse, and distribution establishments	One (1) space per three hundred (300) square feet of gross floor area devoted to office or commercial uses; plus one (1) space per three (3) warehouse employees; within the Hank Aaron Loop one (1) space per six hundred (600) square feet of gross floor area devoted to office or commercial uses; plus one (1) space per three (3) warehouse employees.
Institutions for children or aged; nursing homes	One (1) space per four (4) beds
Marina	One (1) space per two (2) slips
Mobile home parks and trailer parks	One (1) space per mobile home or trailer space
Office—distribution mixed use establishments	One (1) space per three hundred (300) square feet of gross floor area devoted to office or commercial uses; plus one (1) space per three (3) warehouse employees; within the Hank Aaron Loop one (1) space per six hundred (600) square feet of gross floor area devoted to office or commercial uses; plus one (1) space per three (3) warehouse employees.
Restaurant	One (1) space per one hundred (100) square feet gross floor area, within the Hank Aaron Loop one (1) space per three hundred (300) square feet gross floor area.
Restaurant, drive-thru; where inside seating is not provided	One (1) space per outside table and one (1) space per employee at any given time
Restaurant, drive-thru; where inside seating is provided	One (1) space per 100 square feet gross floor area
Retirement home, elderly housing	One space per two (2) dwelling units
Schools, elementary	One and one-half (1½) spaces per teaching station
Schools, junior high	One (1) space per teaching station
Schools, senior high	One (1) space per four (4) students
Theater, auditorium, gymnasium, stadium, and other places of public assembly	One (1) space per four (4) seats

7. *Special plan for location or sharing of facilities.* Under the standard provisions of this chapter, off-street parking facilities are required to be provided on the same building site as the use or structure for which the facilities are provided in an amount based on the listed requirement for the individual use or structure. Pursuant to the procedure hereinafter set forth, either part or all of the required off-street parking facilities may be located on a site other than the one occupied by the use or structure for which the facilities are provided; also, two (2) or more uses may share off-street parking facilities and each of such uses may be considered as having provided space individually.
- a. *Limitations on separation from use.* In B-4 districts and R-B districts off-street parking facilities may be located on a separate site from the building site on which the use is located, provided such separate site is no farther from the building site of the use for which provided than one thousand two hundred (1,200) feet in the case of a B-4 district or five hundred (500) feet in the case of an R-B district; all such distances shall be measured along the most direct line of walking along public streets from the nearest point of the separated off-street parking facilities. No such separated parking facilities shall be located within an R-1, R-2, or R-3 district, and no such separated parking facilities shall be located within an R-B district except those required for uses in the district.
 - b. *Limitations on sharing facilities.* No use shall be considered as individually having provided off-street parking facilities which are shared with one (1) or more other uses unless the schedules of operation of all such uses are such that none of the uses sharing the facilities require the off-street parking facilities at the same time as any other uses sharing them.
 - c. *Application for approval of special plan.* An application for approval of a special plan hereunder shall be filed with the municipal building inspector by the owner or owners of all structures then existing on such land area, and, additionally, shall contain sufficient evidence to establish that the applicants have the right of possession to the land area and structures. The application shall contain such information required by this ordinance or deemed necessary by the inspection services department and shall include plans showing the location of the uses or structures for which off-street parking facilities are required and the location at which the off-street parking facilities are proposed to be located.
 - d. *Review of applications.* Applications hereunder shall be reviewed by the inspection services department and either approved or disapproved within thirty (30) days; and approval may establish conditions and limitation.
 - e. *Filing of special plan.* Upon approval of a special plan, a copy of such plan shall be filed among the records of the inspection services department and shall thereafter be binding upon the applicants, their heirs, successors and assigns, shall limit and control the issuance and validity of permits and certificates and shall restrict and limit the use and operation of all land and structures included within such special plans to all conditions and limitations specified in such plans and the approvals thereof.
 - f. *Amendment or withdrawal of special plan.* Pursuant to the same procedure and subject to the same limitations and requirements by which the special plan was approved and filed, any special plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such special plan comply with all the conditions and limitations of the special plan and all land and structures withdrawn from such special plan comply with all regulations established by this chapter and are unrelated to the special plan.
8. *Parking lot lighting.* All vehicle parking lots containing twenty-five (25) or more vehicle parking spaces shall provide uniform parking lot lighting during all hours of operation from dusk until dawn. Vehicle parking lots in existence prior to May 1, 2012, may continue to operate with their current lighting until they are expanded by twenty-five (25) percent or redevelopment of the site occurs.
- a. Plan required. Parking lot lighting shall be according to an approved lighting plan drawn by a qualified and registered professional who shall affix their stamp and seal onto the plan providing the following information:
 - (1) All property lines and all adjacent properties' zoning district classifications.
 - (2) The type of lamp to be used in each fixture, including the manufacturer's name, part number, lamp wattage, lumen output, and a copy of the manufacturers lamp specifications.
 - (3) All pole heights and locations.
 - (4) The type of fixtures, including the manufacturer's name and model number, wattage and light loss factor.
 - (5) Point-to-point photometric calculations at intervals of not more than ten (10) feet at ground level demonstrating that the plan will provide a uniform intensity of lighting on vehicular surfaces in conformance with Section 64-6.A.8.c.
 - (6) The area of each photometric calculation, including an extra calculation to identify the light level produced at the

property line, and all data used in each calculation.

- b. Exterior lighting fixtures. Exterior lighting fixtures shall be:
- (1) Protected by a weather and vandal resistant covering.
 - (2) Located and fitted with appropriate cutoffs, if necessary, to prevent the light level on any residential property from exceeding 0.2 foot candle.
 - (3) Aimed so that they do not exceed an angle of forty-five (45) degrees out from the base of the pole when using flood lights.
 - (4) Installed on poles thirty (30) feet or less in height unless the vehicle parking area exceeds twenty-five thousand (25,000) square feet; in such cases, poles exceeding thirty (30) feet, as measured from the finished grade to the bottom of the fixture, may be used if it is determined that all other requirements of this section are met.
 - (5) Shielded so as to prevent glare on adjacent properties and rights-of way.

- c. Lighting shall meet the following standards:

- (1) Illumination Requirements

Type of Parking Area	Required Minimum Light Level	Maximum/Minimum Uniformity Ratio
Surface	1 foot candle average 0.5 foot candle minimum	10:1
Parking garage/underground parking	5 foot candles	4:1
Garage rooftops	1 foot candle	10:1

The maximum/minimum uniformity ratio is defined as the highest horizontal illuminance point or area, divided by the lowest horizontal illuminance point or area. The ratio is calculated only for lighting within the parking area, and not the calculations shown on adjacent properties or rights-of-way.

- (2) Standards for light loss factors.

	Metal Halide	High Pressure Sodium	Mercury Vapor	Light Emitting Diode
Light loss factor	0.6—0.8	0.8—0.9	0.7—0.8	0.7—0.8

- d. Certification. All required lighting shall be installed and approved prior to issuance of a certificate of occupancy. The registered professional who stamped the plans shall certify by letter that the installation complies with the approved plans. The letter shall specify fixtures, wattages, pole heights, and any special requirements such as rotation, angle, shielding or positioning of critical poles at property lines.

B. *Off-street loading facilities.*

1. *Provisions and maintenance required.* The off-street truck loading facilities herein required are provided in at least the amount and maintained in the manner herein set forth; provided, however, that off-street truck loading facilities in excess of the amounts heretofore required by law need be neither provided nor maintained for structures actually used, occupied, and operated on the effective date of this ordinance unless, after the effective date of this ordinance, such structures are enlarged

or expanded, in which event the structures hereby excluded shall not be used, occupied, or operated unless there is provided for the increment only of such structures, and maintained as herein required, at least the amount of off-street truck loading facilities that would be required hereunder if the increment were a separate structure.

2. *Size and location.* For the purpose of this chapter there shall be considered to be two (2) sizes of off-street truck loading spaces, "large" and "small": Each "large" space shall have an overhead clearance of at least fourteen (14) feet, shall be at least twelve (12) feet wide, and shall be at least fifty (50) feet long exclusive of access or maneuvering area, platform, and other appurtenances; each "small" space shall have an overhead clearance of at least ten (10) feet, shall be at least ten (10) feet wide, and shall be at least twenty (20) feet long, exclusive of access or maneuvering area, platform, and other appurtenances. Off-street truck loading facilities shall be located on the same building site on which the structure for which they are provided is located; provided, however, that facilities provided under a cooperative arrangement as hereinafter permitted may be located on another site not more than three hundred (300) feet from the structure for which they are provided. Access, maneuvering area, ramps and other appurtenances shall be furnished off the street right-of-way and so arranged that vehicles are not required to back from the street into the area, nor required to back from the area into the street.
3. *Maintenance.* Off-street truck loading facilities shall be constructed, maintained, and operated in accordance with the following specifications:
 - a. *Drainage and surfacing.* They shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt and maintained in good condition, free of weeds, dust, trash, and debris.
 - b. *Lighting.* Lighting facilities shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.
 - c. *Entrance and exits.* They shall be provided with entrances and exits so located as to minimize traffic congestion or backing from the street into the area.
 - d. *Circulation.* Where access and drives to off-street loading facilities occur in conjunction with off-street parking facilities that provide parking at street level for more than six hundred (600) cars provision shall be made to maintain separate circulation routes within such facilities.
4. *Cooperative establishment and use of facilities.* Requirements for the provision of off-street truck loading facilities with respect to two (2) or more structures may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common truck loading facility, cooperatively established and operated; provided, however, that the total number of spaces designated is not less than the sum of the individual requirements unless, in the opinion of the inspection services department, a lesser number of spaces will be adequate, taking into account the respective times of usage of the truck loading facilities by the individual users, the character of the merchandise, and related factors. In order to eliminate a multiplicity of individual facilities, to conserve space where space is at a premium, and to promote orderly development generally, the inspection services department is hereby authorized to plan and group off-street truck loading facilities cooperatively for a number of truck loading generators within close proximity to one another in a given area, and especially in the general business districts, in such manner as to obtain a maximum of efficiency and capacity, provided consent thereto is obtained from the participants in the cooperative plan.
5. *Amounts of off-street truck loading facilities required.* Except for permitted uses in I-2 districts, at least the following amounts of off-street truck loading facilities shall be provided for all structures containing uses devoted to commerce, business, industry, manufacturing, storage, warehousing, processing, offices, professional purposes, hotels, hospitals, airports, railroad terminals and similar purposes; provided, however, that structures required to provide and maintain less than five (5) off-street parking spaces shall be exempt from these requirements:

<i>Square Feet of Gross Floor Area</i>	<i>Required Number of Spaces</i>
0 up to and including 12,500	1 (small)
12,501 up to and including 25,000	2 (small)
25,001 up to and including 40,000	1 (large)

40,001 up to and including 100,000	2 (large)
For each additional 80,000 over 100,000	1 (large)

Cross reference— Parking lots, Ch. 40.

(Ord. No. 80-055, § VI, 7-23-91; Ord. No. 64-005, § 2, 1-18-00; Ord. No. 64-029, §§ 1—4, 4-23-02; Ord. No. 64-019-2012, §§ XI—XIII, 8-7-12; Ord. No. 64-002-2015, § 2, 1-13-15; Ord. No. 64-042-2015, § I, 3-31-15; Ord. No. 64-025-2016, § 1, 5-31-16)

Sec. 64-7. - Nonconforming uses and structures.

A. *Nonconforming uses: regulations.*

1. *Continuance of nonconforming uses.* Except as hereinafter provided, the lawful operation of a nonconforming use as such use existed (1) at any time within two (2) years prior to the effective date of this ordinance or (2) on the effective date of any amendment hereto by which the use became a nonconforming use, or (3) on the effective date of annexation of the territory in which the use is located, may be continued.

The number of dwelling units in a nonconforming dwelling use shall not be increased over the number of dwelling units existing in the nonconforming use on the effective date of this ordinance.

2. *Expansion or enlargement of nonconforming uses.* A nonconforming use may be extended only within the premises on which such nonconforming use was located on the effective date of this ordinance or on the effective date of any amendment hereto by which the use became a nonconforming use. Premises as used in this subsection shall mean the building in which the use is being carried on and the accessory buildings, appurtenances, driveways, parking and loading spaces, and the curtilage thereof.
3. *Change in nonconforming uses.* A nonconforming use may be changed to a conforming use; provided, however, that a nonconforming use so changed shall not thereafter be changed back to a nonconforming use.

A nonconforming use not conducted in a structure, or one in which a structure is incidental to the use of the land, shall not be changed to any other nonconforming use.

A nonconforming use of any classification shall not be added to an existing nonconforming use. However, a nonconforming use may be changed to another nonconforming use of the same classification. Any of the following nonconforming uses may be changed to another nonconforming use as hereinafter set forth; provided, however, that a nonconforming use changed to another nonconforming use as hereinafter provided shall not thereafter be changed back to the former nonconforming use:

In R-A districts:

An R-2 use to and R-1 use

An R-3 use to and R-1 or R-2 use

A B-1 use to an R-1 or R-2 or R-3 use

A B-2 use to an R-1 or R-2 or R-3 or B-1 use

A B-3 use to an R-1 or R-2 or R-3 or B-1 or B-2 use

A B-4 use to an R-1 or R-2 or R-3 or B-1 or B-2 or B-3 use

A B-5 use to an R-1 or R-2 or R-3 or B-1 or B-2 or B-3 or B-4 use

An I-1 use to an R-1 or R-2 or R-3 or B-1 or B-2 or B-3 or B-4 or B-5 use

An I-2 use to an R-1 or R-2 or R-3 or B-1 or B-2 or B-3 or B-4 or B-5 or I-1 use

In R-1 districts:

An R-3 use to an R-2 use

A B-1 use to an R-2 or R-3 use

A B-2 use to an R-2 or R-3 or B-1 use

A B-3 use to an R-2 or R-3 or B-1 or B-2 use

A B-4 use to an R-2 or R-3 or B-1 or B-2 or B-3 use

A B-5 use to an R-2 or R-3 or B-1 or B-2 or B-3 or B-4 use

An I-1 use to an R-2 or R-3 or B-1 or B-2 or B-3 or B-4 or B-5 use

An I-2 use to an R-2 or R-3 or B-1 or B-2 or B-3 or B-4 or B-5 or I-1 use

In R-2 districts:

A B-1 use to an R-3 use

A B-2 use to an R-3 or B-1 use

A B-3 use to an R-3 or B-1 or B-2 use

A B-4 use to an R-3 or B-1 or B-2 or B-3 use

A B-5 use to an R-3 or B-1 or B-2 or B-3 or B-4 use

An I-1 use to an R-3 or B-1 or B-2 or B-3 or B-4 or B-5 use

An I-2 use to an R-3 or B-1 or B-2 or B-3 or B-4 or B-5 or I-1 use

In R-3 districts:

A B-2 use to a B-1 use

A B-3 use to a B-1 or B-2 use

A B-4 use to a B-1 or B-2 or B-3 use

A B-5 use to a B-1 or B-2 or B-3 or B-4 use

An I-1 use to a B-1 or B-2 or B-3 or B-4 or B-5 use

An I-2 use to a B-1 or B-2 or B-3 or B-4 or B-5 or I-1 use

An R-1 use to an R-2 use

In RB districts:

A B-2 use to a B-1 use

A B-3 use to a B-1 or B-2 use

A B-4 use to a B-1 or B-2 or B-3 use

A B-5 use to a B-1 or B-2 or B-3 or B-4 use

An I-1 use to a B-1 or B-2 or B-3 or B-4 or B-5 use

An I-2 use to a B-1 or B-2 or B-3 or B-4 or B-5 or I-1 use

In H-B districts:

A B-2 use to a B-1 use

A B-3 use to a B-2 or B-1 use

A B-4 use to a B-2 or B-1 use

A B-5 use to a B-2 or B-1 use

An I-1 use to a B-2 or B-1 use

An I-2 use to a B-2 or B-1 use

In B-1 districts:

A B-3 use to a B-1 use

A B-4 use to a B-2 or B-3 use

A B-5 use to a B-2 or B-3 or B-4 use

An I-1 use to a B-2 or B-3 or B-4 or B-5 use

An I-2 use to a B-2 or B-3 or B-4 or B-5 or I-1 use

An R-1 use to an R-3 or R-2 use

An R-2 use to an R-3 use

In B-2 districts:

A B-4 use to a B-3 use

A B-5 use to a B-3 or B-4 use

An I-1 use to a B-3 or B-4 or B-5 use

An I-2 use to a B-3 or B-4 or B-5 or I-1 use

An R-1 use to a B-1 use

An R-2 use to a B-1 use

An R-3 use to a B-1 use

In B-3 districts:

A B-5 use to a B-4 use

An I-1 use to a B-4 or B-5 use

An I-2 use to a B-4 or B-5 or I-1 use

An R-1 use to a B-2 or B-1 use

An R-2 use to a B-2 or B-1 use

An R-3 use to a B-2 or B-1 use

A B-1 use to a B-2 use

In B-4 districts:

An I-1 use to a B-5 use

An I-2 use to a B-5 or I-1 use

An R-1 use to a B-3 or B-2 or B-1 use

An R-2 use to a B-3 or B-2 or B-1 use

An R-3 use to a B-3 or B-2 or B-1 use

A B-1 use to a B-3 or B-2 use

A B-2 use to a B-3 use

In B-5 districts:

An R-1 use to a B-4 or B-3 or B-2 or B-1 use

An R-2 use to a B-4 or B-3 or B-2 or B-1 use

An R-3 use to a B-4 or B-3 or B-2 or B-1 use

A B-1 use to a B-4 or B-3 or B-2 use

A B-2 use to a B-4 or B-3 use

A B-3 use to a B-4 use

In I-1 districts:

An R-1 use to a B-5 or B-4 or B-3 or B-2 or B-1 use

An R-2 use to a B-5 or B-4 or B-3 or B-2 or B-1 use

An R-3 use to a B-5 or B-4 or B-3 or B-2 or B-1 use

A B-1 use to a B-5 or B-4 or B-3 or B-2 use

A B-2 use to a B-5 or B-4 or B-3 use

A B-3 use to a B-5 or B-4 use

A B-4 use to a B-5 use

In I-2 districts:

An R-1 use to an I-1 or B-5 or B-4 or B-3 or B-2 or B-1 use

An R-2 use to an I-1 or B-5 or B-4 or B-3 or B-2 or B-1 use

An R-3 use to an I-1 or B-5 or B-4 or B-3 or B-2 or B-1 use

A B-1 use to an I-1 or B-5 or B-4 or B-3 or B-2 use

A B-2 use to an I-1 or B-5 or B-4 or B-3 use

A B-3 use to an I-1 or B-5 or B-4 use

A B-4 use to an I-1 or B-5 use

A B-5 use to a B-4 use

4. *Abandonment of nonconforming uses.* Except as hereinafter provided, a nonconforming use that has been abandoned or discontinued for a period of two years shall not thereafter be re-established.
5. *Cessation of nonconforming uses.* Notwithstanding any other provision of this chapter, any automobile or other wrecking yard and any junkyard existing in any residence district on the effective date of this chapter shall, after three (3) years from such date, become a prohibited and unlawful use and shall be discontinued.

B. *Nonconforming structures: regulations.*

1. *Continuance of nonconforming structures.* Except as hereinafter provided, any nonconforming structure may be occupied and operated and maintained in a state of good repair.
2. *Enlargement or extension of nonconforming structures.* A nonconforming structure in which a nonconforming use is operated may be enlarged or extended on land owned on the effective date of the 1967 zoning ordinance or on the effective date of any amendment hereto by which the structure became a nonconforming structure; provided, however, that the enlargement or

extension shall conform to the height, building site area, building site coverage, and yard requirements of the district in which it is located and to the off-street parking requirements and the off-street loading requirements of this chapter.

3. *Restoration of damaged nonconforming structures.* A nonconforming structure damaged in any manner and from any cause whatsoever may be restored, provided restoration is begun within one (1) year and completed within two (2) years of the date of the damage. The board of adjustment may grant an extension of the one-year or two-year period upon application and showing of hardship.

(Ord. No. 80-055, § VII, 7-23-91)

Sec. 64-8. - Administration and enforcement.

A. *General provisions for administration and enforcement.*

1. *Permits and licenses.* No building or other permit, license, or other document of approval, the use of which may be subject to the provisions of this chapter shall be issued by any department, agency or board of the municipality until the Mobile city planning commission, hereinafter called the planning commission, shall have certified that the use to be made of the permit, license, or other document is in compliance with the provisions of this chapter.
2. *Certificate of occupancy.* No structure or land shall be used, occupied, or changed in use until a certificate of occupancy shall have been issued thereto by the Urban Development department, and until the Planning Commission shall have issued a certificate that the proposed use of the land or the new structure to be placed thereon or the existing structure to be altered thereon is in full compliance with the provisions of this ordinance.
 - a. *Change in use.* A change of use is when a structure's primary function changes to another use as listed in the Chart of Permitted Uses. Such changes may result in a change in site requirements such as parking, the provision of protection buffers, etc. A change in use is not necessarily a change in occupancy as defined by the City of Mobile Building Code.
 - b. *Structures.* Application for a certificate of occupancy for a new structure or for an existing structure to be altered shall be made coincident with the application for a building permit, after erection or alteration of such structure shall have been completed in compliance with the provisions of this chapter and compliance has been confirmed, and written request is made to the Urban Development department, the certificate of occupancy shall be issued by the department provided the Planning Section has confirmed that such use or structure is in compliance with this chapter.
 - c. *Land.* Application for a certificate of occupancy for the use of vacant land or for a change in the character of the use of land shall be made before any such land is occupied or used, and a certificate of occupancy shall be issued by the Urban Development department if such proposed use or change in use has been confirmed by the Planning Section to be in compliance with the provisions of this chapter.
 - d. *Farming, truck gardening and livestock raising.* The use of land for farming, truck gardening and livestock raising and the erection and alteration of structures, except dwellings, that are accessory to such use of the land are exempt from the requirements of a certificate of occupancy, provided that the Planning Section has confirmed that the land and such structures (except dwelling) may be used for farming, truck gardening or livestock raising, as the case may be, in compliance with this chapter.
3. *Plans required.* Unless furnished with the application for a building permit, each application to the department for a certificate of occupancy shall be accompanied by a drawing or plat, in duplicate, showing the site plan, the location of the building on the site, accurate dimensions of the building and site, location of off-street parking and off-street loading spaces required and such other information as may be necessary for the enforcement of these regulations.
4. *Construction begun or authorized prior to effective date of ordinance.* Nothing herein contained shall require any change in plans, construction, or designated use of a structure, the construction of which shall have legally and actually begun prior to July 23, 1991, as hereby amended, or, if a building permit shall have been required and issued for such structure and construction has begun within ninety (90) days of the day of such permit, or, if the board of adjustment shall have granted a variance therefor, and which entire structure shall have been completed within two (2) years after July 23, 1991; as hereby further provided, however, that within thirty (30) days after July 23, 1991, as hereby amended, the owner of both the land on which the structure is being constructed and the structure itself shall file with the urban development department a statement giving such information as would ordinarily be required by the application for a certificate of occupancy.

B. *Urban development department.*

1. *Establishment.* This chapter shall be enforced in its entirety and shall be administered as set forth hereinabove in section 64-8.A.2.a, b, and c, and 3 and 4 by the urban development department of the City of Mobile, herein called the department; there

is hereby vested in the department the duties of enforcing this chapter in its entirety and of administering this chapter as set forth hereinabove in section 64-8.A.2.a, b, c, and 3 and 4 together with the power necessary for such enforcement and administration.

2. *Administration.* In carrying out its administrative duties the department shall:
 - a. *Building permits, certificates of occupancy, special plans.* Review all applications for building permits, certificates of occupancy, and approvals of special plans hereunder; approve or disapprove such applications as they relate to zoning of the property involved or to the chapter and make the necessary certifications and issue the necessary certificates and approvals.
 - b. *Applications for amendment.* Receive all applications for amendments to this chapter which shall be processed, considered and acted on by the planning commission, and, after action by the planning commission, the department shall submit to the city council all such applications, together with the planning commission's recommendation thereon.
 - c. *Applications for planning approval.* The department shall receive all applications for planning approval where such approval is required for a permitted use. Within thirty (30) days after the receipt of such application by the department, the director of urban development, or his agent, shall refer the application, together with his report, to the planning commission for its consideration and action. At its next regular meeting, but in any event within forty-five (45) days of the filing of an application for planning approval with the department, the planning commission shall consider such application and approve or disapprove the application; approval may establish conditions and limitations with respect to the site plan. The application, together with the planning commission's approval or disapproval, shall be filed in the office of the urban development department, and the director of urban development, or his agent, shall notify the applicant of the action of the planning commission on the application. Should any person be aggrieved by the decision of the planning commission on the application for planning approval, such person may appeal such decision by filing written notice of appeal with the department within fifteen (15) days from the date of such decision, and the planning commission shall, within fifteen (15) days after the filing of such notice of appeal, send a transcript of the application and the applicable minutes and record of the action taken by the planning commission to the city council, who shall, within fifteen (15) days after receipt of such transcript by the city clerk, hold a hearing on said appeal.
 - d. *Applications for planned unit development.* The department shall receive all applications for planned unit development where such approval is required. Within thirty (30) days after the receipt of such application which requires a public hearing, the director of urban development, or his agent, shall refer the application, together with his report, to the planning commission for its consideration and action. At its next regular meeting, but in any event within forty-five (45) days of the filing of an application for planning approval with the department, the planning commission shall consider such application and approve, disapprove, or holdover for future consideration the application; approval may establish conditions and limitations with respect to the site plan. The application, together with the planning commission's action, shall be filed in the office of the urban development department, and the director of urban development, or his agent, shall notify the applicant of the action of the planning commission on the application. Should any person be aggrieved by the decision of the planning commission on the application for planning approval, such person may appeal such decision by filing written notice of appeal with the department within fifteen (15) days from the date of such decision, and the planning commission shall, within fifteen (15) days after the filing of such notice of appeal, send a transcript of the application and the applicable minutes and record of the action taken by the planning commission to the city council, who shall, within fifteen (15) days after receipt of such transcript by the city clerk, hold a hearing on said appeal.
 - e. *Appeals to the board of adjustment and applications for variance.* The department shall receive all appeals to the board of adjustment and all applications for variance. Within twenty (20) days of the receipt by the department of an appeal to the board of adjustment or of an application for variance, the department shall transmit such appeal or application, together with the report of the director of inspection services, or his agent, thereon, to the board of adjustment, which shall process the appeal or application in accordance with its procedure under the provisions of section 11-52-80 of the 1975 Code of Alabama, as amended, and the applicable provisions of this chapter. The board of adjustment shall approve or disapprove the appeal or application for variance in accordance with its rules and procedures and as provided in this chapter and applicable state law.
 - f. *Procedures.* Establish and administer rules and regulations for proceedings of the planning commission together with the regular forms for such proceedings.
 - g. *Zoning map.* Maintain the zoning map showing the current classification of all land.
 - h. *Record of actions.* Maintain records of all actions taken by the planning commission, the city council and the board of

adjustment.

- i. *Board of zoning adjustment.* The director of inspection services, or his agent, or one of his assistants shall represent the municipality at all public hearings before the board of adjustment and shall present facts and information to assist the board of adjustment in reaching a decision consistent with the provisions of this chapter.
 - j. *Initiation of amendments.* The planning commission shall propose and recommend the enactment of such amendments to this chapter, including the zoning map, as are made judicial or administrative proceedings or for the purpose of improving administration and enforcement, all in accordance with the amendment procedure set forth herein.
3. *Enforcement.* In carrying out its enforcement duties the department shall:
- a. *Investigations and surveys.* Conduct investigations and surveys to determine compliance or noncompliance with the provisions of this chapter.
 - b. *Enforcement.* Issue written orders requiring compliance with the provisions of this chapter; such orders shall be served personally or by certified or registered mail upon the person, firm, or corporation deemed by the department to be violating the provisions of this chapter; provided, however, that if such person, firm or corporation is not the owner of the land on or the structure in which the violation is deemed to exist or to have occurred, a copy of the order shall be sent by certified or registered mail to the owner of such land or structure, the owner to be determined from the tax roll for the preceding year in the office of the revenue commissioner of Mobile County. The date of mailing shall be deemed the date of service of any order served by certified or registered mail.
 - c. *Penalties.* Wherever in this chapter any act is prohibited or is made or declared to be lawful or an offense or a misdemeanor or wherever the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this chapter shall be punished by a fine of not less than one dollar (\$1.00) or more than one hundred dollars (\$100.00), or by imprisonment in the jail or a hard labor for a period of not exceeding six (6) months, or by such fine and imprisonment, at the discretion of the court trying the case. Each day any violation or any provision of this chapter shall continue shall constitute a separate offense. Further, said offense shall be subject to section 1-31 et seq. herein, regarding administration of municipal offense tickets.
4. *Appeals to board of adjustment.* Appeals to the board of adjustment created by virtue of Section 11-52-80 of the 1975 Code of Alabama, as amended, may be taken by any person aggrieved or by any officer, department or board of the city affected by any decision of the zoning administrator with respect to the administration or enforcement of this chapter.
- a. *Procedure.* Such appeal shall be taken by filing with the zoning administrator and with the board of adjustment within the time provided by the rules of the board, a notice of appeal specifying the particular grounds upon which the appeal is taken. Upon receipt of a notice of appeal, the zoning administrator shall transmit to the board of adjustment all of the original documents and materials, or true copies thereof, constituting the record upon which the order or decision appealed from was based.
 - b. *Effect of appeal.* An appeal from any order or decision of the zoning administrator to the board of adjustment shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application on notice to the zoning administrator and on due cause shown.
5. *Schedule of fees.* Applications for review by the planning commission or board of adjustment, as the case may be, shall be accompanied by a fee payment according to the following schedule:
- Amendment of zoning ordinance application \$100.00
- Applications for PUD, and other special or building groups 150.00
- Applications for planning approval (other than nonprofit organizations such as churches, schools and public buildings) 150.00
- Applications for planning approval (for nonprofit organizations such as churches, schools and public buildings) 50.00
- Appeals to board of zoning adjustment, applications for variance:
- Residential applications:
- Initial request 100.00

Each additional request (plus postage) 25.00

Commercial applications:

Initial request 200.00

Each additional request (plus postage) 25.00

6. *Board of adjustment.*

- a. *Establishment.* A board of adjustment, hereinafter called the board, is hereby established in accordance with Section 11-52-80 of the Code of Alabama, 1975, as amended.
- b. *Rules of procedure.* The board shall elect its chairman from among its members and shall adopt rules of procedure in accordance with the provisions of this chapter.
- c. *Hearings.* The board shall fix a reasonable time for the hearing of an appeal, which hearing shall be open to the public. Public notice of the hearing shall be given by the board and due notice of the hearing shall also be given to the appellant or applicant, to the planning commission, the urban development department, and to the zoning administrator. Any interested party may appear in person or by agent or attorney.
- d. *Records.* The board shall prepare a record of its proceedings for each case or matter heard. The record shall show the grounds for each decision and the vote of each member upon each question, or, if absent or failing to vote, shall indicate such fact. The record of proceedings shall be filed in the office of the board and shall be a public record.
- e. *Decisions.* Every decision of the board shall be based upon findings of fact, and every finding of fact shall be supported by evidence before the board.
- f. *Powers of the board.* Subject to the limitations enumerated herein, the board shall have and exercise the following powers; in the exercise of its powers the board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and, to that end, shall have all of the powers of the officer or department from whom the appeal is taken:
 - (1) *Administrative review.* To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision or refusal made by the zoning administrator or other administrative office in the enforcement of this chapter or of Article 4, Section 11-52-70 et seq., of the 1975 Code of Alabama, as amended.
 - (2) *Interpretation.* To interpret the zoning map and to pass upon disputed questions as they arise in the administration of the zoning regulations.
 - (3) *Variances.* To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to exceptional circumstances, literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances shall be subject to such conditions and terms as may be fixed by the board. No variance shall be authorized:
 - (a) Where the area of the property, the variance for which is sought, is sufficient to authorize the creation of a new district under the amendment procedures of this chapter for the applicable use;
 - (b) In order to relieve an owner of a lot of restrictive covenants applicable to said lot which are recorded in the probate court;
 - (c) Where economic loss is the sole basis for the application for variance;
 - (d) Unless the board is presented with sufficient evidence for the board to find that:
 1. The variance will not be contrary to the public interest;
 2. Special conditions exist that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
 3. That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.
 - (e) *Conditions and safeguards.* In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed violation of this chapter, punishable as generally provided for such violations.
 - g. *Appeals from the board.* Any person, officer or department of the city aggrieved by any final judgment or decision of the

board may have such final judgment or decision reviewed in the manner provided in Section 11-52-81 of the Code of Alabama, 1975, as amended.

C. *Mobile city planning commission.*

1. *Establishment.* Except where this chapter shall be administered by the department, as provided in section 64-8.B, this chapter shall be administered by the Mobile city planning commission, hereinafter called the planning commission; there is hereby vested in the planning commission the duties of administering this chapter and the power necessary for such administration. The zoning administrator of the City of Mobile shall be the officer in charge of the division of the planning commission concerned with the administration of this chapter.
2. *Administration.* In carrying out its administrative duties the planning commission shall:
 - a. *Building permits, certificates of occupancy, special plans.* Review all applications for building permits, certificates of occupancy, and approvals of special plans hereunder; approve or disapprove such applications as they relate to zoning of the property involved or to the ordinance and make the necessary certifications and issue the necessary certificates and approvals.
 - b. *Applications for amendment.* Receive all applications for amendments to this chapter which shall be processed, considered and acted on by the planning commission, and, after action by the planning commission, the planning commission shall submit to the city council of the City of Mobile all such applications, together with the planning commission's recommendation thereon.
 - c. *Applications for planning approval.* The planning commission shall receive all applications for planning approval where such approval is required for a permitted use. Within twenty (20) days after the receipt of such application by the planning commission, the zoning administrator shall refer the application, together with his report and recommendation, to the planning commission for its consideration and action. At its next regular meeting, but in any event within forty-five (45) days of the filing of an application for planning approval with the planning commission, the planning commission shall consider such application and approve or disapprove the application; approval may establish conditions and limitations with respect to the site plan. The application, together with the planning commission's approval or disapproval, shall be filed in the office of the planning commission, and the zoning administrator shall notify the applicant of the action of the planning commission on the application. Should any person be aggrieved by the decision of the planning commission on the application for planning approval, such person may appeal such decision by filing written notice of appeal with the planning commission within fifteen (15) days from the date of such decision, and the planning commission shall, within fifteen (15) days after the filing of such notice of appeal, send a transcript of the application and the applicable minutes and record of the action taken by the planning commission to the city council of the City of Mobile, who shall, within fifteen (15) days after receipt of such transcript by the city clerk, hold a hearing on said appeal.
 - d. *Applications for special exception.* The planning commission shall receive all applications for special exception where such exception is required for a permitted use. Within twenty (20) days of the receipt of an application the planning commission shall transmit the application together with the report and recommendation of the planning administrator thereon to the board of adjustment of the City of Mobile, which shall process the application in accordance with its procedure under the provisions of Section 11-52-80 of the 1975 Code of Alabama, as amended, and the applicable provisions of this chapter. At the same time a copy of the application, together with the proposed site plan and other appropriate documents, including the report and recommendations of the planning commission staff, shall be transmitted to the planning commission. At its next regular meeting, but in any event within forty-five (45) days of the filing with the planning commission of a special exception application, the planning commission shall consider the application and shall approve or disapprove the location and site plan; approval may establish conditions and limitations with respect to the location and site plan. The planning commission shall then forward a copy of the application, together with its report of approval or disapproval, to the board of adjustment. If the planning commission approves the location and site plan, the board of adjustment shall approve or disapprove the application for special exception in accordance with its rules and procedures.
 - e. *Appeals to board of adjustment and applications for variance.* The planning commission shall receive all appeals to the board of adjustment and all applications for variance. Within twenty (20) days of the receipt by the planning commission of an appeal to the board of adjustment or of an application for variance, the planning commission shall transmit such appeal or application, together with the report and recommendation of the zoning administrator thereon, to the board of adjustment, which shall process the appeal or application in accordance with its procedure under the provisions of

Section 11-52-80 of the 1975 Code of Alabama, as amended, and the applicable provisions of this chapter. The board of adjustment shall approve or disapprove the appeal or application for variance in accordance with its rules and procedures and as provided in this chapter and applicable state law.

- f. *Procedures.* Establish and administer rules and regulations for proceedings of the planning commission together with the regular forms for such proceedings.
- g. *Zoning map.* Maintain the zoning map showing the current classification of all land.
- h. *Record of actions.* Maintain records of all actions taken by the planning commission, the city council and the board of adjustment.
- i. *Board of adjustment.* The zoning administrator or one of his assistants shall represent the municipality at all public hearings before the board of adjustment and shall present facts and information to assist the board of adjustment in reaching a decision consistent with the provisions of this chapter.
- j. *Initiation of amendments.* The planning commission shall propose and recommend the enactment of such amendments to this chapter, including the zoning map, as are made judicial or administrative proceedings or for the purpose of improving administration and enforcement, all in accordance with the amendment procedure set forth herein.

(Ord. No. 80-023, 3-17-81; Ord. No. 80-078, 9-25-84; Ord. No. 80-055, § VIII, 7-23-91; Ord. No. 64-034, 6-23-98; Ord. No. 64-019-2012, §§ XIV—XVI, 8-7-12)

Cross reference— Planning commission, § 44-51 et seq.

Sec. 64-9. - Amendments.

A. *Amendment policy.*

1. *Reason for amendment.* This chapter, including the zoning map, is based on comprehensive planning studies and is intended to carry out the objective of a sound, stable and desirable development. It is recognized that casual change or amendment to the chapter would be detrimental to the achievement of that objective, and it is therefore declared to be the public policy to amend this chapter only when one or more of the following conditions prevail:
 - a. *Error.* There is a manifest error in the chapter;
 - b. *Change in conditions.* Changed or changing conditions in a particular area, or in the planning region generally, make a change in the chapter necessary and desirable;
 - c. *Increase in need for sites for business or industry.* Increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district;
 - d. *Subdivision of land.* The subdivision or imminent subdivision of land into urban building sites makes reclassification necessary and desirable.
2. *Sizes of new districts.* There are no minimum sizes for new districts created by amendment of this chapter; provided, however, that the minimum sizes set out below shall serve as general guides. New districts of smaller size may be created where unusual conditions or circumstances justify them in the opinion of the planning commission.
 - a. *R-2, R-3, R-B, B-3, B-4, H-B, I-1, and I-2 districts.* A proposed new R-2, R-3, R-B, B-3, B-4, H-B, I-1, or I-2 district should contain at least four (4) acres of gross area; provided, however, that a proposed R-3 or R-B district which would abut an existing B-1, B-2, B-3, B-4, I-1, or I-2 district, a proposed B-3 district which would abut an existing B-4, H-B, I-1 or I-2 district, a proposed B-4 district that would abut an existing I-1 or I-2 district, and a proposed I-1 district which would abut an existing I-2 district shall be exempt from this guideline.
 - b. *B-1 and B-2 districts.* A proposed new B-1 or B-2 district should contain at least two (2) acres of gross area; provided, however, that a proposed B-1 district which would abut an existing B-2, B-3, B-4, I-1 or I-2 district and a proposed B-2 district which would abut an existing B-3 or B-4 district shall be exempt from this guideline.
 - c. *R-1 districts.* There is no requirement of minimum size for new R-1 districts.

B. *Amendment procedure.*

1. *By whom initiated.* Amendments to this chapter may be initiated by the city council on its own motion or by the planning commission; amendments may also be initiated by any person, firm or corporation by filing a written application therefor with the planning commission.
2. *Amendment application.* An application for amendment to this chapter shall contain at least the following:

- a. *Interest and ownership.* The applicant's name, address and interest in the application, and the name, address and interest of the person or corporation represented by the applicant in the application, the name of the owner or owners of the entire land area to be rezoned in the proposed district, the owner or owners of all structures then existing thereon and sufficient evidence to establish that the applicant has the right of possession to the land area and structures; the names and addresses of all owners of adjacent property.
 - b. *Plot plan.* If the proposed amendment would require a change in the zoning map, a plot plan showing the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures.
 - c. *Development schedule.* The time schedule for the beginning and completion of development planned by the applicant in the area, if the development is planned in stages, the time schedule shall indicate the successive stages and the development planned for each stage.
 - d. *Effect of amendment.* A report giving the nature, description, and effect of the proposed amendment; if the proposed amendment would require a change in the zoning map, a description of the probable effect on the surrounding land uses and properties.
 - e. *Error.* The error in this chapter that would be corrected by the proposed amendment, if the intent is to correct an error.
 - f. *Owners of surrounding property.* If the proposed amendment would require a change in the zoning map, furnish the commission with the name, description of property owned and mailing address of each owner of property which either abuts or lies within three hundred (300) feet of the property the classification of which is sought to be changed.
3. *Administrative examination.* Upon receipt of an application for amendment, properly and completely made out, the planning commission shall examine the application and shall make such investigation as is necessary. Within thirty (30) days of the receipt of an application the zoning administrator shall transmit the application, together with its report and recommendation, to the planning commission.
 4. *Planning disposition.* Following receipt of an application, or upon initiation of an amendment by the planning commission or the city council, the planning commission shall fix a reasonable time for a public hearing and shall give notice to the applicant. If it deems necessary, the planning commission may also notify the owners of surrounding property by mail (as the names and addresses of such owners have been furnished by the applicant) and may post a notice of such hearing on the property included within the proposed district.

Where a proposed amendment is initiated by the city council or the planning commission and where such proposed amendment would change the text of the zoning ordinance or would affect a general or substantial change in the districts set out on the zoning map, the requirement for notification of the owners of the surrounding property, as well as notification of the owners of any subject property involved in the proposed amendment, may be waived by the planning commission; provided, however, that if such notification is waived, the planning commission shall give public notice of its public hearing on the proposed amendment as required by law for a public hearing by the city council for an amendment to the zoning chapter.

5. *Public hearing.* The planning commission shall hold a public hearing on every proposed amendment whether of the text of this chapter or the zoning map.

Following the public hearing, the planning commission shall prepare a record of its proceedings in each case. The record of the proceedings shall be filed in the office of the planning commission and shall be a public record; a certified copy of the record, together with the planning commission's recommendation and the grounds therefor, shall be transmitted to the city council for further action.
6. *Legislative disposition.* The city council shall examine all such applications and reports submitted to it and shall take such further action as it deems necessary and desirable. The city council in its discretion may determine whether to hold a public hearing on the application, and if the city council determines not to hold a public hearing or takes no action within thirty (30) days after the application and report are received by the city clerk from the planning commission the application shall be deemed denied. If the city council determines to hold a public hearing on the application, the city clerk shall notify the applicant of the time and place and shall give public notice thereof as required by law. No amendment, whether amending the text of the chapter or the zoning map, shall be enacted unless such public hearing has been held.
 - a. *Conditions.* If an application for an amendment to the zoning map contains representations that a specified area will be developed in accordance with a given plan and time schedule, and if the area is rezoned substantially as proposed in the application, the city council shall fix conditions in the amendment so as to require performance of the development in

accordance with such plan and time schedule. Such conditions, among other things, shall provide that, upon a failure to develop the area within the specified time and in accordance with the conditions fixed, no permit for the construction of any structures within the area shall be issued until the area has been examined and zoned or rezoned for its most appropriate use; provided, however, that the time set for beginning construction shall not be less than twelve (12) months. Conditions fixed in amendments relating to rezoning shall run with the land in the area involved and shall be binding upon applicants for amendments, their heirs, successors and assigns.

- b. *Reconsideration.* No land for which an application for reclassification has been denied by the city council shall be considered again by the planning commission or the city council for the same classification for at least six (6) months from the date such application was denied.

(Ord. No. 80-117, 9-26-78; Ord. No. 80-071, 7-15-80; Ord. No. 80-087, 8-26-80; Ord. No. 80-088, 8-26-80; Ord. No. 80-023, 3-17-81)

Sec. 64-10. - Interpretation, validity and effective date.

- A. *Interpretation.* In interpreting and applying the provisions of this chapter they shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Whenever the provisions of this chapter require a greater width or size of yards or other open spaces, a lower height of buildings, a greater percentage of lot be left unoccupied, or other higher standards than are required in any other applicable statute, chapter or regulation, the provisions of this chapter shall govern; whenever other applicable statutes, ordinances, or regulations require higher standards than the provisions of this chapter, such other applicable statutes, chapters or regulations shall govern.
- B. *Validity.* The requirements and provisions of this chapter are severable, and should any section or part thereof be declared by any court of competent jurisdiction to be unconstitutional or invalid the decision of the court shall not affect the validity of the chapter as a whole or any section or part thereof other than the section or part thereof so declared to be unconstitutional or invalid.
- C. *Effective date.* This ordinance shall take effect on the first day of June, 1967.
- D. *Repeal of existing ordinance.* The zoning ordinance of the City of Mobile adopted the twenty-third day of January, 1951, and all amendments thereto are hereby repealed, effective the first day of June, 1967.
- E. *Penalties.* Wherever in this chapter any act is prohibited or is made or declared to be lawful or an offense or a misdemeanor or wherever the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this chapter shall be punished as prescribed in chapter 1, article II, City Code (1991). Each day any violation or any provision of this chapter shall continue shall constitute a separate offense.

(Ord. No. 80-030, 4-2-68)

Sec. 64-11. - Sign regulation provisions.

1. *Title and statement of purpose.* This ordinance is enacted to protect the health, safety and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing for uniform standards for the locations, spacing, height, setback, lighting and other regulation of off-premise and on-premise signs within the city. The purposes of this section are as follows:
- a. To protect property values within the city;
 - b. To protect the motoring public from damage or injury caused or partially attributable to distractions or obstructions from improperly designed or situated signs;
 - c. To promote the economic well-being of the community by creating a favorable physical image;
 - d. To allow signs appropriate to the planned character of each zoning district;
 - e. To afford the business community equal and fair opportunity to advertise and promote its products and services without discrimination one over the other;
 - f. To protect the right of citizens to enjoy Mobile's natural scenic beauty;
 - g. To regulate the construction, erection, maintenance, and size of outdoor signs which may constitute a direct danger to pedestrians and property, especially during periods of high winds; and
 - h. To preserve and promote the public health, safety, and welfare in the community.

1.1. *Definitions.*

Administrator (the director of the City of Mobile inspection services department or his agent): The designated government official whose responsibility it is to administer the provisions of this ordinance. These activities may include, but are not limited to, reviewing applications for sign permits, corresponding and/or meeting with applicants, issuing and denying sign permits, inspecting signs, and

interpreting and enforcing the provisions of this section.

Awning: Any non-rigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

Awning sign: A sign placed directly on the surface of an awning.

Banner: A sign that is mounted on or attached to a non-rigid surface such as cloth, fabric, or paper.

Bulletin board sign: A type of changeable copy sign displayed in a casement made of glass or plexiglass.

Canopy: An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Canopy sign: A sign attached to a canopy.

Changeable copy sign: A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

Copy: The characters, letters or illustrations displayed on a sign face.

Dimensional requirements: Those measurements contained in this section that identify the area and height requirements for signs.

Directional sign: A sign that provides on-site directional assistance for the convenience of the public such as location of exits, entrances, and parking lots.

Director sign: A sign which displays the names and/or addresses of the establishments or uses of a building or group of buildings.

Display surface area: The area within each face of a geometric shape enclosing all elements of informational or representational matter including blank masking. Structural supports not bearing information shall not be included in the computation of display area. All decorative embellishments or appurtenances such as directional arrows which are not a part of the display area shall not be greater than twenty (20) percent of the display area.

Electronic or digital signs: any sign, billboard, display, or device, or portion thereof, which electronically changes the fixed display screen composed of a series of lights, including light emitting diodes, fiber optics, or other similar technology. "Digital or electronic signs" include computer programmable, microprocessor controlled electronic, or digital displays that display electronic images, graphics, or pictures, with or without textual information.

Flashing signs: A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects. Illuminated signs which indicate the time, temperature, or date shall not be considered flashing signs.

Freestanding signs: The general term for any on-site signs which is supported from the ground and not attached to a building, i.e. pole, monument, billboards, etc.

Frontage, building: The length of a building that faces a street, parking area, or private drive.

Frontage lot: The length of that part of a building site that fronts a public street.

Illegal sign: Any sign erected or maintained in violation of a preceding ordinance or erected, altered, removed, or replaced in violation of this section.

Illuminated sign: A sign illuminated in any manner by an internal artificial light source.

Marquee: A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

Marquee sign: A sign attached to and made part of a marquee or any other similar projection from a building.

Monument sign: A freestanding sign with a base affixed to the ground which measures at least two-thirds the horizontal length of the sign; is not internally lighted and which is compatible with the commercial establishment which it is advertising.

Nits: Luminance 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)).

Off-premise sign shall have the same meaning as the term "off-site sign."

Off-premise electronic or digital sign: Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event or location that is not located on the premises upon which the sign is located. This definition does not include governmental traffic, directional, or regulatory signs or notices of any federal, state or local governmental entity.

Off-site sign or off-site advertising: Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event or location that is not located on the premises upon which the sign is located. This definition does not include governmental traffic, directional, or regulatory signs or notices of any federal or state governmental entity. (Excepted also from this definition are certain other private directional signs described elsewhere in this section.)

On-site sign: Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event or location that is located on the premises upon which the sign is located.

Owner-sign: Shall include the person receiving benefit from the sign and/or the property owner.

Parapet: That portion of a building wall that rises above the roof line.

Permanent window sign: A sign that is placed on or attached to a window.

Person: Any individual, firm, partnership, corporation, company, association, trust or any other group or combination of individuals operating as a unit and including any trustee, receiver, assignee, or other similar representative thereof.

Portable sign: A sign that is not permanently affixed to a building, structure, or the ground or designed to be permanently affixed to a building, structure, or the ground. Trailer signs are considered to be portable signs.

Projecting sign: A sign which is supported by an exterior wall of a building and which is displayed perpendicular to the face of the building and which projects more than twelve (12) inches.

Roof sign: A sign that is erected, constructed, or maintained above the roof of any building.

Sign: Any object, device, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

Sign, abandoned: A sign shall be considered abandoned when the business activity or firm which such sign advertises is no longer in operation, or does not have a current business license in effect, or is in a state of disrepair.

Sign, height: As measured from ground level to the top.

Street: Within this section the definition of "street" shall be limited to any dedicated public right-of-way, avenue, or other public place intended for vehicular travel.

Temporary sign: A sign that is displayed only for a specified period of time about special events or occurrences.

Useable wall area: The exterior wall or surface area of a building or structure that excludes doors.

Visibility triangle: The triangular area formed by the intersection street lines and a straight line connecting such street lines at point equidistant from such point of intersection and passing through a point which point is the intersection of lines defining the front and side yards.

Wall sign: A sign painted on or attached to a wall of a building and parallel to the wall.

Wind-activated signs: Wind-activated signs are those driven by the wind or by mechanically produced air flow that are aimed at advertising a commercial interest or to drawing attention to a commercial interest via movement. Wind-activated signs include but are not limited to free-standing advertising flags, blower-driven tubes or human forms, pennant streamers, whirligigs, and the like.

Flags representing a governmental or civic entity, acknowledging a holiday or season, or promoting a community oriented event shall not be considered wind-activated signs.

2. *General provisions.*

- a. *Compliance.* All sign must be in compliance with the provisions of the Standard Building Code and the National Electrical Code adopted by the city and listed and labeled by a national testing lab.
- b. *Notification of violations.* Such notifications shall be made by the inspection services department.
- c. *Sign inspection.* It shall be responsibility of the sign contractor to request all inspections in relation to the sign construction and installation.
- d. *Height requirement.* No sign shall obstruct vision between a height of three (3) feet and eight (8) feet measured vertically from the street level at the base of the sign. In no case may a sign exceeding ten (10) feet in height be located within eighteen (18) inches of the right-of-way or eight (8) feet from any side property line, if adjacent property is used as a single family residence.
- e. *Abandonments.* An abandoned sign must be removed within ninety (90) days from the date official notice is given by the inspection services department. Permanent on-site signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandonment unless property remains vacant for a period of six (6) months or more.
- f. *Sign maintenance.* Any signs not meeting the following provisions shall be repaired or removed within thirty (30) days after receipt of notification by the inspection services department.
 - (1) The area around the sign shall be properly landscaped and maintained clear of brush, trees, and other obstacles so as to make signs readily visible.
 - (2) All burned-out bulbs or damaged panels must be replaced.
 - (3) All sign copy shall be maintained securely to the face and all missing copy must be replaced.
- g. *Owner responsibility.* It shall be the responsibility of the sign owner to maintain and insure conformance to the provisions of this article [section].
- h. *Political campaign signs.* Signs announcing candidates seeking public office or relating to any election of public referendum shall be permitted in all districts subject to the following provisions:
 - (1) Such signs are confined wholly to placement on private property.
 - (2) Such signs are removed within seven (7) days after the election or referendum for which they were prepared has been decided.
 - (3) Such signs do not exceed four (4) square feet per face in any residential area and thirty-two (32) square feet per face in commercially zoned areas and are not located within ten (10) feet of any street or public right-of-way.
 - (4) The regulations of this section do not prohibit the purchase of advertising space on permitted billboard signs in addition to the signs permitted by this section.
- i. *Building graphics.* Drawings painted on buildings that contain no copy, symbols, or other references to product or services shall not be considered signs and shall be exempt from the provisions of the article. Drawings painted on buildings that do contain copy, symbols, or other references to products or services shall be considered wall signs and shall be subject to the regulations of the district in which they are located.
- j. *Signs in or over public right-of-way.* Any sign which projects in or over a public right-of-way shall be attached to and shall not project more than twelve (12) inches from the front of the building and must be raised not less than nine (9) feet from finish grade level.
- k. *Grade level.* In cases where signs are located below the grade of the road to which they are oriented (as declared by the sign owner), sign height shall be measured from the grade of that street.
- l. *Removal.* The city may cause any sign or other advertising structure which is an immediate hazard to persons or property to be removed immediately in order to protect the health, safety and welfare of the citizens of the city. Such signs shall be removed in accordance with the city's Unsafe Building Act, Acts of Alabama, P. 219, Act. No. 140, adopted May 11, 1971.
- m. *Digital or electronic billboards allowed; conditions and requirements.* The use of electronic or digital technology in off-premise signs is permitted and allowed, subject to the following limitations and restrictions which are in addition to and intended to supplement all other applicable requirements:
 - (1) All off-premise electronic or digital signs shall be programmed so that the message or image on the sign changes no more often than once every eight (8) seconds.

- (2) All off-premise electronic or digital signs shall be programmed so that there are no effects of movement, blinking, animation or similar effects in the individual images.
- (3) All off-premise electronic or digital signs shall be programmed so that the image will change instantaneously as seen by the human eye, and shall not use blinking, fading, rolling, shading, dissolving, or similar effects as part of the change.
- (4) All off-premise electronic or digital signs shall be equipped with automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the following:
 - (a) All such signs shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions.
 - (b) The maximum brightness levels for such signs shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness, during daylight hours.
 - (c) The maximum brightness levels for such signs shall not exceed five hundred (500) nits when measured from the sign's face at its maximum brightness, between sunset and sunrise, as those times are determined by the National Weather Service.
 - (d) Written certification from the sign manufacturer must be provided at the time of application for a building permit certifying that the light intensity of the sign has been preset not to exceed the illumination levels established by this section, and that the preset intensity level is protected from end user manipulation by password protected software or other approved method.
- (5) All off-premise electronic or digital signs shall contain a default design that will freeze the device and message in one position with no more than a maximum illumination of five hundred (500) nits if a malfunction occurs.
- (6) Any off-premise electronic or digital sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing or any similar effects, shall be restored to its normal operation conforming to the requirements of this section within twenty-four (24) hours.
- (7) Existing conforming billboards and structures may be converted to accommodate electronic or digital technology, subject to compliance with all other provisions and requirements of this section. The conversion of any existing conforming billboard requires permitting from the city's land use/code administration department.
- (8) Existing nonconforming billboards and structures may be converted to accommodate electronic or digital technology, subject to compliance with all other provisions and requirements of this section (including the minimum set back and spacing requirements applicable to electronic and digital signs that are set forth in paragraphs I and J below), and provided that such structures are structurally able and capable of supporting the conversion. The conversion of any existing nonconforming billboard requires permitting from the city's land use/code administration department.
- (9) The minimum spacing between electronic or digital signs facing the same direction of travel, or that are otherwise visible to the same direction of travel, shall be three thousand (3,000) linear feet measured radially.
- (10) No off-premise electronic or digital sign shall be located less than five hundred (500) linear feet from a residential (R-1, R-2, or R-3) property line.
- (11) *Permitting.* All off-premise electronic or digital signs, including the conversion of any existing billboard to electronic or digital technology, shall require permits as follows:
 - (a) Application for a building permit shall be made to the land use/code administration department, and shall be accompanied by such drawings, plans, specifications, and engineering designs as may be necessary to fully advise and acquaint the department personnel with the proposed sign and sign location. The application shall be accompanied with the deed, lease, or other agreement by which the applicant has the right to erect, use or maintain the proposed sign at the stated location. Further, said application shall contain the following information: distance from proposed sign to closest off-premise sign on the same side of the street and on the opposite side of the street; distance from proposed sign to closest residentially zoned (R-1, R-2, or R-3) property; location of all other digital billboard signs within a radius of one mile of the proposed location; written certification from the sign manufacturer certifying that the light intensity of the sign has been preset not to exceed the illumination levels established by this subsection, and that the preset intensity level is protected from end user manipulation by password protected software or other approved method; and an identification of the signs that will be removed within six (6) months of the issuance of the building permit as required by this section.
 - (b) The building permit shall become null and void unless construction of the sign has been substantially completed within five (5) months from the date on which the permit was issued. In the event a permit becomes null and void

after the expiration of five (5) months, the permittee shall be required to reapply for a permit for that site and pay another permit application fee. If, however, the permittee provides evidence that good cause prevented substantial completion within the five (5) months, and such evidence is accepted by the building official, then said permit may be extended one (1) time for an additional three (3) months.

- (c) A permit application fee of two hundred fifty dollars (\$250.00) per structure shall be paid by each person or corporation seeking a building permit under this section. This fee shall be in addition to, and not in lieu of, any other fees or licenses required.
 - (d) Electrical permits are also required.
- (12) For each off-premise electronic or digital billboard erected or constructed after the effective date of this section, or for each existing billboard that is converted to electronic or digital technology after the effective date of this section, the permittee shall remove three (3) existing sign faces from nonconforming signs owned by the permittee or any subsidiary, parent or other company affiliated with the permittee within six (6) months of the issuance of the building permit. The permittee shall make written certification to the land use/code administration department no later than six (6) months following the issuance of the permit identifying the location of the sign faces that were removed and the date of their removal.
- (13) No electronic or digital or video display message shall be mounted, affixed or attached to any vehicle, motor vehicle or trailer operated, maneuvered or towed on or upon any street, avenue, alley, road, or right-of-way within the corporate limits of the city. This prohibition shall include vehicles, motor vehicles or trailers designed, built, or used specifically for and as mobile advertising billboards. Any person operating or using a vehicle, motor vehicle or trailer in violation of this section shall be subject to the issuance of a municipal offense ticket and punishment in the same manner and in accordance with the schedule of fines and other procedures set out in chapter 1, Mobile City Code.

3. *Nonconforming signs.*

a. *Cessation of nonconforming permanent signs.*

- (1) Signs that are located in improper zoning districts and signs that exceed the allowable number or the allowable size limitations shall be removed in historic districts by October 13, 1992, and by October 13, 1994, in non-historic districts.
- (2) In addition, all nonconforming portable trailer signs flying paraphernalia advertising shall be removed within ninety (90) days from the enactment of this ordinance.
- (3) All signs in the public right-of-way shall be removed within ninety (90) days from the enactment of this section.

b. *Allowance for certain nonconforming signs.* Subject to the conditions and amortization schedule hereinafter set forth, nonconforming signs may be continued in operation and maintenance after the effective date of this section, provided that nonconforming signs shall not be:

- (1) Changed to or replaced with another nonconforming sign;
- (2) Structurally altered so as to extend their useful life;
- (3) Expanded;
- (4) Relocated;
- (5) Re-established after damage or destruction of more than seventy-five (75) percent of the value of the structure at the time of such damage or destruction; or
- (6) Modified in any way that would increase the degree of nonconformity of such sign. Except in the case of subsection (3) hereinabove, this shall not prevent repairing or restoring to a safe condition any part of a sign or sign structure or normal maintenance operations performed on a sign or sign structure.

c. *Annexed signs.* Where signs have been made nonconforming due to annexation, such signs shall be removed or modified so as to conform according to the amortization schedules established herein, but the initiation date of the schedules shall be effective date of the annexation ordinance which brought the affected property into the city rather than that of this section.

d. *Removal of signs.* Signs which are installed, erected, constructed, or maintained in violation of any terms of this section shall be considered unsafe to the extent of being a public nuisance. Such signs shall be removed by the city in accordance with the city's Unsafe Building Act, Acts of Alabama, P. 219, Act. No. 140, adopted May 11, 1971.

4. *Permit application.*

a. *Building permit.* A building permit is required for all signs, the method of construction shall comply with the Southern Standard Building Code and the Building Code currently adopted by the city. Further, all signs must comply with the city's electrical code and all other applicable laws and ordinances of the city. An electrical permit from the city must be obtained for

any sign utilizing or requiring electrical energy. Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the city or cause the same to be done without first obtaining a sign permit, and the necessary building and electrical permits from the city's inspection services department. These directives shall not be construed to require any permit for change of copy on any sign, nor for the repainting, cleaning, or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified or enlarged in any way. However, if there is a change in the sign, the new owner(s) must obtain a new sign permit from the city's inspection services department. However, no permit or permit fee shall be required for face changes to multi-tenant free standing signs, so long as the changes do not change the display surface area or the height or other dimensions of the sign, the sign is not otherwise modified or enlarged in any way, and a permit has previously been issued for the sign.

- b. *Applications.* Applications for sign permits shall be upon forms provided by the city and/or the Southern Building Code and shall contain such information as may be required by the city to assure compliance with all appropriate laws and regulations of the city, including, but not limited to, the following:
 - (1) Name, address, telephone number of applicant, sign erector, sign owner, and property owner. Name and type of business for which the permit is requested.
 - (2) A sketch showing the dimensions of the proposed sign, location of structures upon the property on which the sign is to be located, and location of the sign in relation to such structures, property lines, and road rights-of-way, the zoning of the property and location and sketch of all existing signs.
 - c. Sign permit fees and application forms, along with all supporting documentation, shall be filed with the inspection services department.
 - d. No application for a permit shall be processed and no permit shall be issued until the sign permit fees herein established are paid. Sign permit fees shall be recommended by the inspection services department subject to adoption and establishment of the fees by the city council. A schedule of such permit fees shall be maintained and open for public inspection in the inspections services department and the city clerk's office.
 - e. *Permit duration.* All work must be completed on the proposed sign within six (6) months of the issuance of the sign permit, or the permit shall be null and void.
 - f. *Permit fees.* The following fees shall be payable prior to the issuance of a sign permit based upon the square footage of total copy size of each permanent sign as follows:
 - (1) *Nonilluminated signs:* \$0.50 per square foot, but no less than \$10.00 per sign.
 - (2) *Illuminated signs:* \$1.00 per square foot, but no less than \$25.00 per sign.
 - g. *Inventory fee.* There shall a one-time inventory fee for each sign in the amount of fifteen dollars (\$15.00) which shall be paid to the land use/code administration department.
 - h. *Reinspection fee.* There shall be a fifty-dollar fee per reinspection necessary under the terms of this section for any sign found not in compliance with the terms of the ordinance.
 - i. *User of permit, inventory and reinspection fee.* The income generated from the above-described fees shall be earmarked for the use of the inspection services department in the administration of this section.
5. *Signs for which a permit is not required.* A permit is not required for the following types of signs which meet the criteria set out below, and such signs shall not be considered in determining the allowable number or size or signs on a lot.
- a. Official notices issued by any court, public agency, or officer.
 - b. Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
 - c. Flag and insignia of any government except when displayed in connection with commercial promotion.
 - d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
 - e. Most indoor signs are not required to have a sign permit, however permanent mall corridor signs must comply with the provisions of this ordinance. There shall be no limit upon the size, number, type or location of indoor signs, other than those located in mall corridors.
 - f. Signs for which the predominant feature and purpose of such signage is to advertise the time and temperature or signs for which the predominant feature and purpose of such signage is to advertise public service announcements.
 - g. Signs directing and guiding traffic services on private property but bearing no advertising matter and not exceeding twenty (20) square feet for each sign, except in the cases of hospitals or health care facilities in which case each sign shall not exceed

forty (40) square feet.

- h. Signs located on the inside of windows intended for the purpose of disseminating information about special sales or promotional campaigns, provided that such signs are of a temporary nature, and are constructed of such materials and are of such a nature that clearly indicates that they are temporary.
 - i. *Gasoline pump signs.* Shall be allowed on gasoline pumps so as to provide required information to the public such as "gallons," "price," "octane rating," and "type of fuel." As the tradename of the business is oftentimes incorporated into the name for the different types of fuel, said tradename and any associated symbols shall be permitted on the pumps as flat signs not to exceed three (3) square feet in area per sign face and an aggregate area of six (6) square feet per pump.
 - j. *Oil rack signs.* Since oil is marketed on the pump island, the identification signs on the merchandise are visible and shall be permitted. Any additional signs on the oil rack shall not exceed three (3) square feet per sign face and an aggregate area of six (6) square feet per rack.
 - k. *Pricing signs.* A sign advertising only the price of gasoline, other than pump signs, shall be permitted and shall not exceed twelve (12) square feet per sign face and an aggregate area of twenty-four (24) square feet, not shall it exceed five (5) feet in height, if freestanding. One (1) such sign per on-premise frontage shall be allowed with a maximum of two (2) such signs per premises. However, should such pricing sign be attached to, or be a part of, a permanent freestanding sign which identifies the premises, such sign must then conform to the requirements of freestanding signs in their respective categories.
 - l. Contractor's signs and craftsmen's signs which pertain to development or construction on the site on which they are located, and signs offering real property for sale or lease on the property which is for sale or lease.
 - m. *Essential signs.* Where it is necessary to warn or furnish the public, tenants, and employees with information necessary to prevent property damage or ensure their health, welfare, and safety, no limits shall be placed on the number and/or size. (i.e. Hard Hat Area, Low Area, Low Clearance, Fire Lane, Rail Crossing, etc.)
 - n. *Temporary signs.* A temporary sign, which shall include a mobile or portable sign, may be allowed for no more than seven (7) days per location per six (6) months to advertise a special event or occurrence of a charitable or non-profit organization.
 - o. *Moving vehicle signage.*
 - 1. Signs on public transportation vehicles (vehicles owned and/or operated by a government sponsored or contracted agency, providing seating for ten (10) or more persons). Signage shall include full vehicle wraps.
 - 2. Delivery vans, service or repair vehicles - when vehicle function is normal part of day to day activities of the business and is integral to business operation.
 - 3. Personal vehicles or vehicles on loan from dealerships/sales for use relating to special events and to include such events as bowl games, non-profit or service organization fund raisers, Bayfest, Junior Miss, etc. Signage shall not include full vehicle wraps.
 - 4. Taxi service - mounted on roof, maximum height of eighteen (18) inches above roof of vehicle
 - 5. Personal Mobility Equipment (including wheelchairs, bicycles, Segways, walkers, and other equipment as designated by the Director or her designee)—Maximum size 32" × 32". Signage on Personal Mobility Equipment is limited to the Henry Aaron Loop.
 - 6. Prohibitions.
 - a. Digital, electronic, or moving/rotating signs.
 - b. Trailer signs.
 - c. Vehicles for which the sole or primary purpose is advertising - whether owned by the company or rented advertising space.
 - d. Stationary vehicle with advertising (a delivery van, service or repair vehicle parked on private property within twenty-five (25) feet of a street) will be considered a prohibited sign.
6. *Prohibited signs.* The following signs are unlawful, and are prohibited in the city.
- a. Signs imitating traffic or emergency signals. No sign shall be permitted which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which displays intermittent lights resembling the color, size, shapes, or order of lights customarily used in traffic signals, on emergency vehicles, or on law enforcement vehicles, except as a part of a permitted private or public traffic control sign.
 - b. Signs employing strobe type lights. No sign shall be permitted which utilizes intense flashing lights, spot lights, flood lights, flashing or blinking lights, or any type of pulsating or moving light which may impair the vision, cause glare, or otherwise interfere with any driver's operation of a motor vehicle. Computerized message signs shall be allowed as long as said signs

comply with all requirements of this ordinance.

- c. Signs employing confusing motion. No sign shall be permitted which employs motion in such a manner as to obstruct or interfere with a driver's view of approaching, merging, or intersecting traffic, or a traffic signal, device, or sign, or which would otherwise interfere with a driver's operation of a motor vehicle.
- d. Sign lighting which is incompatible with residential character. No sign shall be illuminated in such a way that it casts intense illumination onto any residential premises located in any residential district in a manner which by intensity, duration, location, or other characteristic is incompatible with the residential character of the district into which such illumination is cast.
- e. Roof-mounted signs. Such signs are prohibited to the extent that any portion of the sign extends above the facade of the building.
- f. Portable trailer signs.
- g. Anchored flying paraphernalia.
- h. Signs of any kind attached to public utility poles.
- i. Any trailer sign with copy being towed or transported.
- j. Bus bench signs.
- k. Signs which are not clean and in good repair.
- l. Signs that are not securely fixed on a substantial structure.
- m. Signs which attempt or appear to attempt to regulate, warn or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.
- n. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- o. Signs that prevent free ingress or egress from any door, window, or fire escape, or that are attached to a standpipe or escape.
- p. Stacked off-premise signs.
- q. Wind activated signs, as defined in section 64-11.1.1 are prohibited.

7. *Signs in historic districts and along Government Street.*

- a. *Purposes.* The purposes of this subsection are: to encourage the effective use of signs as a means of communication, to protect the city's historic districts and historic structures; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; and to enable the fair and consistent enforcement of these sign regulations.
- b. *Applicability effect.* A sign may be erected, placed, established, painted, created, or maintained within any historic district, or the properties along Government Street from Water Street to the intersection of Government Street and Dauphin Island Parkway or on a building site with any portion thereof located in a historic district, only in conformance with the standards, procedures, exemptions, and other requirements of this section. If any standard or regulation adopted pursuant to this section differs or conflicts with the standards prescribed by any other law, the most restrictive standard shall apply.
- c. *Definitions and interpretation.* Words and phrases used in this section shall have the meanings set forth in this section. Words and phrases not defined in this section but defined elsewhere in the zoning ordinance of the city shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.
 - (1) *Animated sign:* Any sign that uses movement or change of lighting to depict action or create a special effect or scene. Time and temperature signs shall be considered animated signs.
 - (2) *A.R.B.:* The architectural review board as established by chapter 44, Mobile City Code, as amended.
 - (3) *Banner:* Any sign of lightweight fabric or similar material that is securely mounted to a building. Flags shall not be considered banners.
 - (4) *Beacon:* Any light with one or more beams directed into the atmosphere or directed at one (1) or more points not on the same building site as the light source; also, any light with one (1) or more beams that rotate or move.
 - (5) *Board of zoning adjustment:* The board established pursuant to Alabama Code, section 11-52-80 (1975) as amended.
 - (6) *Building marker:* Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
 - (7) *Canopy sign:* Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

- (8) *Certificate of appropriateness*: Certificate issued by the review boards specifying work approved by the boards pursuant to subsection 7.
- (9) *Changeable copy sign*: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering any other portion of the sign.
- (10) *Commercial message*: 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.
- (11) *Director*: The director of the urban development department or her or his designee.
- (12) *Flag*: Any fabric or other material containing distinctive colors, patterns, or symbols, used as a symbol of a government or political subdivision.
- (13) *Freestanding sign*: Any sign supported by structures or posts that are placed on, or anchored in, the ground and that are independent from any building or other structure.
- (14) *Historic district*: Any area of the city designated:
 - (a) Pursuant to chapter 44 of this Code, as amended, as a historic district;
 - (b) The properties along Government Street from Water Street to the intersection of Government Street and Dauphin Island Parkway;
 - (c) Any area designated by the MHDC as a historic district.
- (15) *Historic markers*: Any sign indicating historic significance as awarded or recognized by the MHDC.
- (16) *Incidental sign*: A sign that provides on-site directional assistance for the convenience of the public such as location of exits, entrances, and parking lots. Incidental signs shall not contain a commercial message.
- (17) *Lot*: Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.
- (18) *Marquee*: Any permanent rooflike structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- (19) *Marquee sign*: Any sign attached to, in any manner, or made a part of a marquee.
- (20) *Menu board*: A sign serving drive-through facilities listing items and prices.
- (21) *MHDC*: Mobile historic development commission as established by chapter 44 of this Code, as amended.
- (22) *Monument sign*: A monolithic at grade sign independent from any building or structure.
- (23) *Nonconforming sign*: Any sign that does not conform to the requirements of this Code.
- (24) *ODWRB*: The Old Dauphin Way review board as established by chapter 44 of this Code, as amended.
- (25) *Off-premise sign*: A sign located away from or advertising a product not sold at the location on which the sign is placed.
- (26) *On-premise sign*: Any sign that is used to attract attention to an object, person, institution, organization, business, service, event or location that is located on the premise upon which the sign is located.
- (27) *Pennant*: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- (28) *Person*: Any individual, association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.
- (29) *Portable sign*: A sign that is not permanently affixed to a building, structure, or the ground or designed to be permanently affixed to a building, structure, or the ground. Trailer signs are considered to be portable signs.
- (30) *Primary building wall*: Exterior building walls that face a street and contain a primary public entrance.
- (31) *Projecting sign*: Any sign affixed perpendicularly or at an angle of forty-five (45) degrees, to a building or wall.
- (32) *Review boards*: The architectural review board, the Old Dauphin Way review board, and any other entity designated by the city to review applications for signs in historic districts.
- (33) *Roof sign*: Any sign or any portion of a sign that is erected, constructed or maintained above any portion of the building's facade.
- (34) *Sandwich board sign*: Two-sided, A-frame style self-supporting sign, which is not permanently affixed to the ground and is designed to be moveable.
- (35) *Setback*: The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

- (36) *Sign*: any device, fixture, placard, object, or structure that uses any color, form, graphic, illumination, symbol, or writing to attract the purpose of, or identify a person or entity, or to communicate information of any kind to the public.
- (37) *Sign area*: is measured by finding the area of an imaginary rectangle, circle, square or triangle which fully encloses the sign message, including background and logos but not including supports or braces.
- (38) *Street*: A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.
- (39) *Suspended sign*: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- (40) *Temporary sign*: Any sign other than a banner, that is not permanently mounted, to be displayed for a specified period of time.
- (41) *Wall sign*: A sign painted on a wall or attached to a wall of a building, parallel to the wall.
- (42) *Window sign*: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window frame or upon the window panes or glass and is visible from the exterior of the window.
- d. *Review board procedure.*
- (1) *Application*. Applications shall be on forms prescribed by the review board and contain such information required by the board, including, but not limited to:
- Sign owner's name, address, and telephone number; name, address, and telephone number of builder or erector of sign; address and location of the sign;
 - A site plan showing the location and size of all existing signs, buildings, structures, and streets; dimensions of the proposed sign; a photograph of the proposed sign location; and
 - A sketch or plan showing color scheme, lettering or graphic style, lighting, material, and proportions.
- (2) *Certificate of appropriateness required*. Except for sandwich board signs that comply with chapter 64-11, section 8.c.(6) of the Mobile City Code, no sign may be placed, constructed, erected, painted, created, maintained or modified within a historic district, or on a building site with any portion thereof located in a historic district, unless the owner of the lot shall first secure a certificate of appropriateness from the A.R.B. Obtaining a certificate of appropriateness does not exempt the owner from any other requirement of law, including obtaining a sign permit.
- (3) *Authority*. The review board shall have the authority to adopt such rules and regulations consistent with law to carry out its duties under this chapter. In exercising this authority, the review board shall consider:
- The location of the signs (site plan), including size, mounting, placement, height, materials and illumination;
 - The impact of the sign in relation to the building; and
 - The overall relationship of the sign to the district in which it is located or to be located.
- The rules or regulations adopted pursuant to this shall be kept on file in the office of the MHDC, or its successor, and shall be made available to all applicants.
- (4) *Findings*. Before granting a certificate of appropriateness for any sign to be located in a historic district, the review board shall find that the granting of the certificate will not:
- Materially impair the architectural or historic value of the building; and
 - Will not materially impair the character of the historic district.
- (5) *Form of decision*. All decisions of the review board shall be in writing and shall set forth its findings, decision, and reasons therefore. The board shall also identify for the applicant such changes the review board requires before the application will be eligible for reconsideration.
- (6) *Appeals*.
- Any person aggrieved by a decision of the review board may, within fifteen (15) days thereafter, appeal such decision to the board of zoning adjustment. Written notice of appeal shall be filed with the review board specifying the decision from which such appeal is taken and stating the reasons for the appeal. Upon receiving notice of appeal, the review board shall transmit to the board of adjustment a certified copy of the proceedings in the case.
 - The appeal proceedings before the board of adjustment shall be in accordance with Alabama Code, section 11-52-80 (1975), as amended.

- e. *Permissible signs in historic districts.* The following signs are permitted in historic districts provided they comply with all of the requirements stated in this chapter. In calculating the maximum allowable signage for all signs, except for banners and sandwich board signs, shall not exceed one and one-half (1.5) square feet per linear foot of the primary building wall, for a maximum of sixty-four (64) square feet. The sides of projecting, monument or freestanding signs containing a commercial message shall be included.
- (1) Awning signs;
 - (2) Banners. Banners that comply with section 64-11 of the City Code, as amended;
 - (3) Canopy signs. Maximum copy size shall not exceed that allowed for wall sign;
 - (4) Changeable copy signs;
 - (5) Freestanding signs. No portion of a freestanding sign shall exceed eight (8) feet in height;
 - (6) Marquee signs;
 - (7) Menu board signs. Maximum size shall not exceed twenty-five (25) square feet;
 - (8) Monument signs. No portion of a monument sign shall exceed six (6) feet in height; and monument signs may be allowed up to a maximum of fifty (50) square feet;
 - (9) Projecting signs. Limited to a maximum of forty (40) square feet; no sign shall extend five (5) feet beyond the building wall; signs may project into the right-of-way a maximum of two-thirds (2/3) of the distance to the roadway, but no sign may project five (5) feet from the building wall and no sign shall be closer than two (2) feet to a roadway; and minimum height to bottom of sign shall be eight (8) feet;
 - (10) Suspended signs;
 - (11) Wall signs, thirty (30) percent of usable wall area maximum; and
 - (12) Window signs, twenty (20) percent of window area maximum.
- f. *Signs prohibited under this section.* The following signs are prohibited in historic districts:
- (1) Animated signs;
 - (2) Beacons;
 - (3) Inflatable signs and tethered balloons;
 - (4) Off-premise signs;
 - (5) Pennants;
 - (6) Portable signs;
 - (7) Roof signs;
 - (8) Strings of lights, not permanently mounted to a rigid background, except those allowed under the holiday lights provision stated in subsection g.;
 - (9) Temporary signs; and
 - (10) All other signs prohibited in this chapter.
- g. *Signs exempt from regulation under this section.* The following signs shall be exempt from regulation under this section:
- (1) Any public notice or warning, to be displayed on any lot or structure within a historic district, required by a valid and applicable federal, state, or local law, regulation, or ordinance;
 - (2) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the building site or parcel on which such sign is located;
 - (3) Works of art that do not include a commercial message;
 - (4) Holiday lights and decorations with no commercial message, but only between November 15 and January 15; and the two (2) weeks preceding Mardi Gras;
 - (5) Traffic control signs on private property, such as stop, yield, and similar signs, the face of which meet department of transportation standards and which contain no commercial message;
 - (6) Building markers;
 - (7) Construction signs;
 - (8) Flags;
 - (9) Historic markers;
 - (10) Incidental signs. A sign that provides on-site directional assistance for the convenience of the public such as location of exits, entrances, and parking lots. Incidental signs shall not contain a commercial message;

- (11) Political campaign signs that comply with section 64-11 of the City Code as amended; and
- (12) Real estate signs.

8. *Standards by use.*

General: All setbacks are measured from any property line and outside of all sight visibility triangles.

- a. Permits are required for all allowed signs and must conform to the following criteria:
 - (1) *Single-family subdivision identification signs.* Signs that identify the name of a single-family residential subdivision, located at any street entrance to the subdivision, shall be erected as follows:
 - Permitted number: Two (2) monument signs per entrance.
 - Maximum size, height, setback: Thirty-five (35) square feet per side; ten (10) feet high on private property.
 - (2) *Multi-family complex signs.* Signs that identify the name and/or address of an apartment, townhouse, condominium, or other multi-family residential complex, located at any street or private drive entrance to the complex, shall be erected as follows:
 - Permitted number: Two (2) monument or one (1) pole per main entrance, not to exceed two (2) per complex.
 - Maximum size, height, setback:
 - Monument sign: Twenty-five (25) square feet per side; ten (10) square feet high.
 - Pole sign: Twenty-five (25) square feet per side; fifteen (15) feet high.
 - (3) *Home occupation signs.* One (1) non-illuminated sign shall be permitted for each home occupation provided that the display surface area of such sign does not exceed one (1) square foot in area and that such sign is mounted flat against the wall of the dwelling in which such home occupation is conducted.
 - (4) *Accessory management or rental office signs.* Signs that identify an accessory management or rental office shall be erected as follows:
 - Permitted number: One (1) wall sign.
 - Maximum size: Twenty-five (25) square feet; located below the roofline.
- b. *Signs in T-B districts.* Single establishments on single-building sites. Single establishments may erect one (1) monument sign and one (1) wall, awning, canopy, marquee or projecting sign.
 - (1) Wall, awning, or canopy: Ten (10) percent usable wall area, one hundred (100) square feet maximum, not above roofline.
 - (2) Monument: One (1) square foot per two (2) linear foot of street frontage, seventy-five (75) square feet display area per side maximum not to exceed five (5) feet in height.
 - (3) Marquee: Ten (10) percent usable wall area, seventy-five (75) square feet maximum; not above roofline.
 - (4) Projecting: One-half (½) foot per linear foot of building frontage, forty (40) square-feet maximum, not above roofline.
 - Multiple establishments on a single building site. Multiple establishments on single building site may erect one (1) monument sign per site and one (1) wall, awning, canopy, marquee or projecting sign per tenant space.
 - (1) Wall, awning, or canopy: Ten (10) percent usable wall area, one hundred (100) square feet maximum, not above roofline.
 - (2) Monument: One (1) square foot per two (2) linear foot of street frontage, seventy-five (75) square feet display area per side maximum not to exceed five (5) feet in height.
 - (3) *Marquee: Ten (10) percent usable wall area, seventy-five (75) square feet maximum; not above roofline.*
 - (4) Projecting: One-half (½) foot per linear foot of building frontage, forty (40) square-feet maximum, not above roofline.
- c. *Commercial and industrial districts.* Permits are required for all allowed signs and must conform to the following criteria:
 - (1) *Minimum setbacks.* All signs and sign structures must be located at least eighteen (18) inches from right-of-way or ten (10) feet from any side property line if adjacent to property zoned R-1, single-family residential, or R-2, two-family residential.
 - (2) *Building sites with one (1) establishment.* Any establishment located on a building site with one (1) establishment may erect signs as follows:

Permitted number: Maximum of three (3) signs, but in no case shall two (2) freestanding signs be allowed on the same building site.

Types: Wall, awning, canopy, marquee, projecting, freestanding, monument, and window.

Maximum size and height:

- (a) Wall, awning, or canopy: Thirty (30) percent usable wall area, three hundred fifty (350) square feet maximum, not above roofline.
- (b) Freestanding and monument: One (1) square foot per linear foot of street frontage two hundred (200) square feet display area per side maximum and a maximum height of thirty-five (35) feet.
- (c) Marquee: Thirty (30) percent usable wall area, two hundred (200) square feet maximum; not above roofline.
- (d) Projecting: One (1) per linear foot of building frontage, one hundred twenty-five (125) square feet maximum, no more than five (5) feet above parapet.
- (e) Window: Twenty (20) percent of window area and a maximum of two hundred (200) square feet.
- (f) Menu board: One (1) drive-thru menu/order board per drive-thru lane, with a maximum of forty-eight (48) square feet each. Must be located a minimum of twenty-five (25) feet from any residential property line; and must conform to the following standards for maximum volume (documentation from manufacturer required with permit application for menu board sign).

Distance from the Speaker (Feet)	SPL (dBA)
1 foot	84 dBA
2 feet	78 dBA
4 feet	72 dBA
8 feet	66 dBA
16 feet	60 dBA
32 feet	54 dBA

- (g) High rise sign: Two hundred (200) square feet display area per side and a maximum height restriction of one hundred (100) feet for any business with a property line that is within one thousand (1,000) feet of the center line of interstate highway I-65 and I-10.

- (3) *Multiple establishments on single building site.* Multiple establishments on single building sites may erect one (1) monument sign with a maximum size of seventy-five (75) square feet per side and height of five (5) feet or one (1) freestanding sign with a maximum size of three hundred fifty (350) square feet per face and height of fifty (50) feet. In addition, each establishment located on a single building site with two (2) or more establishments may erect one (1) sign as follows:

Permitted type: Wall, projecting, awning, canopy or marquee.

Maximum size:

- (a) Each tenant shall be allowed one (1) wall sign per street frontage that is faces not to exceed thirty (30) percent of usable wall area not to exceed three hundred fifty (350) square feet.
 Freestanding: No more than three (3) freestanding signs shall be permitted for each development. If the linear feet of street front of the development is one (1) through six hundred (600) feet, then one (1) freestanding sign shall be allowed; if the linear feet of street front of the development is six hundred one (601) through one

thousand two hundred (1,200) feet, then two (2) freestanding signs shall be allowed; and, if the linear feet of street front of the development is more than one thousand two hundred one (1,201) feet, then three (3) freestanding signs shall be allowed. The total area of signage which shall be allowed shall be no greater than one (1) square foot of display surface area for each linear foot of street front, and this area may be apportioned in any manner between the freestanding signs, notwithstanding the above, each sign shall be permitted a maximum display surface area of three hundred fifty (350) square feet per side, with a maximum height of fifty (50) feet.

Where two (2) or more tenants own adjoining parcels and the intent is not to function as a single center, signs shall be governed by the district in which they are located.

Group developments shall be permitted to vary their allocated signage by the fashions listed below with prior approval of the zoning and subdivision administration staff. Any single or combination action of the alternatives may not exceed the total allocation of a development without a variance from the board of zoning adjustment.

- (b) Group developments are permitted to increase the maximum display area by reducing the number of allotted signs and combining display area. The maximum display surface for two (2) such signs shall be seven hundred (700) square feet. The maximum display for a single sign shall be one thousand fifty (1,050) square feet.
- (c) Where a group development exists on a corner location and functions as a single center, the total display surface area may be apportioned on the various streets.
- (d) Menu board: One (1) drive-thru menu/order board per drive-thru lane, with a maximum of forty-eight (48) square feet each. Must be located a minimum of twenty-five (25) feet from any residential property line; and must conform to the following standards for maximum volume (documentation from manufacturer required with permit application for menu board sign).

Distance from the Speaker (Feet)	SPL (dBA)
1 foot	84 dBA
2 feet	78 dBA
4 feet	72 dBA
8 feet	66 dBA
16 feet	60 dBA
32 feet	54 dBA

;adv=6a;(4) *Off-premise advertising:*

A. Moratorium.

- 1. Outdoor off-premise advertising structures shall not be allowed in any of the city's officially designated historic districts as reflected on the maps maintained by the city historic development commission, in any area placed on the National Register of Historic Places, along Water Street from Broad-Beauregard Street on the North to the intersection of Water Street and Canal Street on the South, and on Government Street from the Mobile River to Dauphin Island Parkway. Such signs shall be removed within forty-five (45) days of the enactment of this ordinance.
- 2. No outdoor off-premise advertising structure shall be constructed or erected after the date of the enactment of this ordinance except for signs conforming to all of the following provisions:
 - (a) Replacement of an outdoor off-premise advertising structure for an existing outdoor off-premise

advertising structure in B-2, B-3, B-5, I-1 and I-2 zoning districts will be permitted subject to compliance with all other provisions of this ordinance. V-type or back to back signs shall be considered as one (1) sign.

- (b) In the event of a natural disaster, replacement of an outdoor off-premise advertising structure with damage not exceeding seventy-five (75) percent of the sign's total value will be permitted in B-2, B-3, B-5, I-1 and I-2 districts subject to compliance with all other provisions of this ordinance.
- (c) In a B-2 zoning district no outdoor off-premise advertising structure shall be constructed or erected after the date of the enactment of this ordinance, except to the extent that such outdoor off-premise advertising structure replaces an existing outdoor off-premise advertising structure in a B-2 district and otherwise complies with the provisions of this ordinance.

3. Location and spacing.

- (a) Outdoor off-premise advertising structures shall be permitted by right in B-2, B-3, B-5, I-1 and I-2 zoning districts as those districts are defined in the zoning ordinance of the City of Mobile, as the same may be amended from time to time.
- (b) No outdoor off-premise advertising structure shall be constructed within five hundred (500) feet of a residential property line (R-1, R-2, R-3).
- (c) On all interstate highways, streets, and all other highways, no outdoor off-premise advertising structure shall be located within one thousand (1,000) feet measured along one side of the street from any other outdoor off-premise advertising structure.
- (d) No sign shall be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or physically interfere with a driver's view of approaching intersecting traffic.
- (e) All outdoor off-premise advertising structures will be inspected by a designated official of the Land Use/Code Administration Department of the City of Mobile.

4. Lighting.

- (a) No revolving or rotating beam or beacon of light that simulates any emergency light device shall be permitted as part of any private or commercial sign. Flashing or blinking devices shall not be permitted upon a sign; however, illuminated signs which indicate customary public information only such as time, date, temperature or other similar information shall be permitted.
- (b) External lighting such as flood lights, thin line goose-neck reflectors are permitted provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed onto any portion of the traveled way so as to cause glare or limit vision.
- (c) The illumination of any sign within a five hundred (500) foot radius of a residential boundary line shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts, including but not limited to single-family or multi-family zoning districts or uses.

5. Height and size.

- (a) The minimum distance from the base of the sign face to the ground shall measure no less than (10) feet. The maximum height of an off-premise advertising structure shall not exceed thirty-five (35) feet overall height as measured from the base of the sign signature to its highest point.
- (b) The maximum area of a sign face shall be three hundred (300) square feet. No cutouts shall be allowed.

(5) *Banners.* A banner may be permitted for a business, institution or organization to announce a special sale, offering or function subject to the following criteria:

- (a) A banner is described as a sign made of a nonrigid material such as fabric, cloth, or vinyl with text and/or graphic designs. Banners shall be affixed to the existing building and attached to rigid frame material, or hung with tension devices to maintain tautness and flexibility. Banners shall be maintained in such a way as to avoid fading, cracking and fraying, and to maintain tautness.
- (b) Permitting shall be limited to one (1) on-premise banner per business, and one (1) banner per occurrence of a special sale, offering, or function. A maximum of three (3) occurrences per year may be permitted.
- (c) Maximum banner size shall not exceed thirty-two (32) square feet.
- (d) Display of a permitted banner shall be limited to a maximum of thirty (30) consecutive days per occurrence from

the date of permitting; a maximum of three (3) occurrences per annum, not to run consecutively.

- (e) Placement of a banner shall meet all of the requirements of the zoning ordinance.
 - (f) A sign permit shall be required for each banner. No inventory fee shall be required. The permit fee for a banner shall be twenty (\$20.00) dollars and shall in no way reduce or exempt the business from permit fees for permanent signage.
- (6) *Sandwich board signs.* Sandwich board signs are permitted within the Corporate Limits of the City of Mobile as follows:
- (a) Sandwich board shall be in front of the business location for which it is permitted; exact location to be approved by the Urban Development Department, Planning Section, and shall not obstruct pedestrian ways or reduce them to less than four (4) feet in width. Approval by Traffic Engineering, Engineering, Right-of-way, and/or Historic Development may also be required.
 - (b) Each business shall be limited to a maximum of one (1) sandwich board sign.
 - (c) Sandwich board signs (including frames) shall be no larger than twenty-four (24) inches in width and thirty-six (36) inches in height.
 - (d) Illuminated sandwich board signs are not permitted.
 - (e) A twenty-five dollar (\$25.00) permit fee is required for all sandwich board signs.
 - (f) All sandwich board signs shall be removed each day, before the close of the permit holder's business each day.
 - (g) Before any permit provided for herein is issued, the applicant must submit a hold harmless and release agreement satisfactory to the city.
 - (h) Failure of the permittee to comply with any of these conditions shall result in the revocation of the permit and any display of the sandwich board sign thereafter is prohibited.
- (7) *Electronic or digital signs; flashing signs.* Electronic or digital signs, and flashing signs, as defined in section 64-11.1.1 of this chapter, are prohibited unless they comply with the following conditions:
- (a) Electronic or digital signs are allowed only in the following conditions:
 - i. Electronic or digital signs are prohibited in the historic districts.
 - ii. For the area shown as the "Springhill Boundary" as shown in the adopted "Blueprint for Springhill", electronic or digital signs may only be placed on commercially zoned properties fronting the Interstate 65 Service Road or fronting streets of not less than four (4) through traffic lanes. A "through traffic lane" is defined as a lane comprising part of a street and intended for motor vehicle traffic. For a traffic lane to be considered a through traffic lane, it must continue for a distance of not less than one-quarter ($\frac{1}{4}$) mile from the designated point without merging into another traffic lane, requiring a turn onto another roadway, being marked as a turn lane, or otherwise reaching a dead end. For the purposes of counting through traffic lanes, direction of travel does not impact the count (for example, one through traffic lane in each direction equals a total of two through traffic lanes).
 - iii. Only if sign is placed a distance of not less than three hundred (300) feet from any residential zoned property. This distance shall be measured in a straight line, without regard to intervening structures or objects, from the proposed location of the sign to the nearest property line of any residential zoned property.
 - iv. On-premise electronic message board or digital signs may display animation and effects, so long as they do not flash or constitute a flashing sign as defined in this chapter.
 - v. All such signs shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions.
 - vi. The maximum brightness levels for such signs shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness, during daylight hours.
 - vii. The maximum brightness levels for such signs shall not exceed five hundred (500) nits when measured from the sign's face at its maximum brightness, between sunset and sunrise, as those times are determined by the National Weather Service.
 - viii. Written certification from the sign manufacturer must be provided at the time of application for a sign permit certifying that the light intensity of the sign has the ability to be set to not to exceed the illumination levels established by this section, and that the intensity level is protected from manipulation by password protected software or other approved method.
 - ix. All on-premise electronic message board or digital signs shall contain a default design that will freeze the

device and message in one position if a malfunction occurs.

- x. Existing conforming on-premise signs may be converted to accommodate electronic message board or digital technology, subject to compliance with all other provisions and requirements of this chapter. The conversion of any existing conforming on-premise sign requires permitting from the city's urban development department.
 - xi. Existing nonconforming on-premise signs may be converted to accommodate electronic message board or digital technology, subject to compliance with all other provisions and requirements of this chapter. The conversion of any existing nonconforming on-premise sign requires permitting from the city's urban development department.
- (b) Permitting. All on-premise electronic message board or digital signs shall require permits as follows:
- i. Application for a sign permit shall be made to the urban development department, and shall be accompanied by such drawings, plans, specifications, and engineering designs as may be necessary to fully advise and acquaint the department personnel with the proposed sign and sign location. The application shall be accompanied with written certification from the sign manufacturer certifying that the light intensity of the sign has been preset not to exceed the illumination levels established by this subsection, and that the preset intensity level is protected from end user manipulation by password protected software or other approved method.
 - ii. Electrical permits are also required.
- (c) No on-premise electronic message board or digital sign shall advertise for any off-premise business, service, merchandise or function. This provision shall not be construed as prohibiting the advertising of any noncommercial event or activity located off of the premises on which the sign is placed.
- (d) The provisions of this section shall apply to electronic or digital signs, and flashing signs, whether interior or exterior, if such signage is visible from any location off of the private property.
- (e) These restrictions do not apply to traffic or other public notification signage installed, maintained, or directed by governmental agencies.
- (f) In the case of conflicts, these provisions shall supersede the other provisions of chapter 64-11, the balance of which remain in effect.

(Ord. No. 80-057, 5-16-67; Ord. No. 54-014, 4-7-92; Ord. No. 64-051, § 1, 8-16-94; Ord. No. 64-058, § 1, 9-20-94; Ord. No. 64-093, § 1, 11-29-94; Ord. No. 64-033, § 1, 7-25-95; Ord. No. 64-008, §§ 1—7, 2-2-99; Ord. No. 64-021, §§ 1—4, 4-8-03; Ord. No. 64-041-2006, § I, 10-10-06; Ord. No. 64-003-2008, § I, 2-6-08; Ord. No. 64-039-2008, § 1, 5-21-08; Ord. No. 64-019-2012, §§ XVII, XVIII, 8-7-12; Ord. No. 64-040-2012, § II, 12-11-12; Ord. No. 64-007-2013, § I, 2-19-13; Ord. No. 64-018-2013, § I—III, 6-4-13; Ord. No. 64-046-2013, § 1, 12-31-2013; Ord. No. 64-004-2014, §§ I, II, 2-11-14)

Sec. 64-12. - Chart of permitted uses.

1. *Permitted uses.* The uses permitted in each of the zoning districts described in this section are defined as follows:
 - a. *Uses allowed by right.* Uses in the chart identified by "R" in any column are permitted by right in that particular district subject to the conditions specified in the "Uses and Conditions" column or elsewhere in this section.
 - b. *Uses requiring planning approval.* Uses in the chart identified by "P" in any column are permitted in that particular district upon approval of their location and site plan by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities; as not causing undue traffic congestion or creating a traffic hazard; and as being in harmony with the orderly and appropriate development of the district in which the use is located. Such uses are also subject to any conditions and limitations specified in the "Uses and Conditions" column or elsewhere in this section, or imposed by the planning commission. See section 64-8 for application information.
2. *Uses not permitted.* Uses in the chart identified by "-" are not permitted in that particular district.
3. *Uses not listed.* In any case where a requested use is not specifically listed in the chart, the director of inspection services or his agent shall make a determination of the district or districts in which the use may be permitted as a use by right or by planning approval. This determination shall be based upon the similarity in nature and character to one or more uses that are listed in the chart. Any person not satisfied with the determination of the director of inspection services or his agent may appeal such determination to the board of adjustment in accordance with the provisions of section 64-8 of this chapter.
4. *Compliance with district requirements.* Any use permitted in any district whether by right, with planning approval, or with

conditions specified, must comply with the requirements of the district in which it is located, unless it is approved as a planned unit development (PUD) with modifications as required by the planning commission, or unless variance from such requirements is specifically requested and approved by the board of adjustment.

- a. *Limitation of activities in office-distribution districts.* The uses in the chart requiring planning approval in B-5 districts apply to those operations involving processing, reprocessing, or manufacturing of materials and/or substances. Activities that require assembly or packaging of products manufactured at another location are allowed by right after a detailed review of operations by the director of inspection services, or his agent.
 - b. *Distribution and/or assembly—Light.* See definition, [section 64-2](#).
 - c. *Distribution and/or assembly—Heavy.* See definition, [section 64-2](#).
5. *Enclosure of uses.* Every use in any district other than R-A, I-1 or I-2, or as specifically noted in the chart, shall be conducted entirely within a completely enclosed structure, except accessory uses.
6. *District designations:*

Residential-Agricultural: R-A

Residential: R-1, R-2, R-3

Residential-Business: R-B

Historic-Business: H-B

Business: B-1, B-2, LB-2, B-3, B-4, B-5

Industrial: I-1, I-2

Chart of Permitted Uses															
Uses and Conditions	Types of Districts														
	R-A	R-1	R-2	R-3	R-B	T-B	H-B	B-1	B-2	LB-2	B-3	B-4	B-5	I-1	I-2
Abrasives manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Accessory use: see Definition, section 64-2 ; also see amusement game machine, pool table, church (revival) as accessory uses	R	R	R	R	R	—	R	R	R	—	R	R	R	R	R
Acid manufacture: hydrochloric, nitric, picric, sulfuric, sulphurous, carbolic	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Adult entertainment enterprise (see definition section) shall not be located within 1,000 feet of any existing church, school, park or residentially zoned (R-1, R-2, R-3) area and not located within 2,000 feet of any other adult entertainment enterprise:	—	—	—	—	—	—	—	—	—	—	R	R	—	—	—

Air condition and refrigeration repair:	—	—	—	—	—	—	—	—	—	—	R	R	—	R	R
Aircraft and aircraft engines manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Aircraft parts manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Airport:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Alkalies and chlorine manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Ambulance service:	—	—	—	—	—	—	—	—	—	—	R	P	—	R	R
Ammonia, bleaching powder and chlorine manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Ammunition manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Amusement game arcade: must be enclosed within sound-proof structure; limited to a maximum of 2, 500 sq. ft. in T-B districts; see Definition, section 64-2 .	—	—	—	—	—	R	—	—	P	—	R	R	—	—	—
Amusement game machine, as accessory use: machine space requirements limited to not more than 20% of the total floor area of the room(s) where the principal business activity occurs; see Definition, section 64-2	—	—	—	—	R	R	—	—	R	—	R	R	—	R	R
Amusement park:	—	—	—	—	—	—	—	—	—	—	P	—	—	P	—
Amusement, commercial: not elsewhere classified	—	—	—	—	—	—	—	—	—	—	R	R	—	—	—
Amusement, outdoor: such as amphitheater, waterslide, amusement rides, and go-cart raceway; need not be enclosed within structure	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—
Animal shelter: need not be enclosed within structure	R	—	—	—	—	—	—	—	—	—	—	—	—	R	R

Animal specialty farms: including chinchilla, dog, cat, bee, and laboratory animal farms	R	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Antique store: not including refinishing or repairing	—	—	—	—	R	R	R	R	R	R	R	R	—	—	—
Apothecary: limited to the sale of pharmaceuticals and medical supplies	—	—	—	—	R	R	—	P	R	R	R	R	—	—	—
Appliance (household) sales and service:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Appliance repair, electrical:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Aquarium:	—	P	—	—	—	—	—	P	P	—	P	P	—	—	—
Armory:	—	—	—	—	—	—	—	—	—	—	P	—	—	R	R
Art gallery: commercial	—	—	—	—	R	R	R	—	R	R	R	R	—	—	—
Art supply store:	—	—	—	—	R	R	R	—	R	R	R	R	—	—	—
Asbestos products manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Asphalt products manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Assembly—heavy:	—	—	—	—	—	—	—	—	—	—	P	P	R	R	R
Assembly—light:	—	—	—	—	—	—	—	—	—	—	R	R	R	R	R
Auditorium, civic center:	—	—	—	—	—	—	—	—	—	—	P	R	—	—	—
Automobile and truck fleet maintenance shops and garages: vehicles must be screened from view with a 3'—5' tall evergreen hedge and/or landscaped berm in B-3 districts along street frontage (privacy fence may be used along side and rear property lines); servicing and parking of serviced vehicles must occur entirely within a structure in B-4 districts	—	—	—	—	—	—	—	—	—	—	P	R	—	R	R
Automobile and truck leasing:	—	—	—	—	—	—	—	—	—	—	R	R	—	R	R

Automobile and truck sales and service: may not include commercial wrecking, dismantling, or salvage yard; need not be enclosed within structure in B-3, I-1 and I-2 districts; servicing and parking of serviced vehicles must occur entirely within a structure in B-4 districts	—	—	—	—	—	—	—	—	—	—	R	R	—	R	R
Automobile insurance adjuster: with automobile bay(s); servicing and parking of serviced vehicles must occur entirely within a structure in B-4 districts	—	—	—	—	—	—	—	—	R	—	R	R	—	R	—
Automobile service station, with repair: may not include commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within structure in B-3, I-1 and I-2 districts; servicing and parking of serviced vehicles must occur entirely within a structure in B-4 districts; see Definition, section 64-2 ; also see carwash	—	—	—	—	—	—	—	—	—	—	R	R	—	R	R
Automobile service station, without repair: may not include repair; services limited to automobile maintenance; servicing and parking of serviced vehicles must occur entirely within a structure in B-4 districts; fuel pumps need not be enclosed within structure; see Definition, section 64-2 ; also see carwash	—	—	—	—	—	—	—	—	R	—	R	R	R	R	R
Automotive detailing: servicing and parking of serviced vehicles must occur entirely within a structure in B-4 districts	—	—	—	—	—	—	—	—	—	—	R	R	—	R	R

Automotive glass replacement service: servicing and parking of serviced vehicles must occur entirely within a structure in B-4 districts	—	—	—	—	—	—	—	—	P	—	R	R	—	R	R
Automotive maintenance shop: including oil change, lubrication, and minor engine servicing; servicing and parking of serviced vehicles must occur entirely within a structure in B-4 districts	—	—	—	—	—	—	—	—	R	—	R	R	—	R	R
Automotive paint and body shop: including van conversion; vehicles must be screened from view with a 3'—5' tall evergreen hedge and/or landscaped berm in B-3 districts along street frontage (privacy fence may be used along side and rear property lines); servicing and parking of serviced vehicles must occur entirely within a structure in B-4 districts	—	—	—	—	—	—	—	—	—	—	R	P	—	R	R
Automotive parking, commercial: including parking lots and garages; but not including tow-in lots or salvage yard; need not be enclosed within structure; vehicles must be screened from view with a 3'—5' tall evergreen hedge and/or landscaped berm in B-4 districts along street frontage (privacy fence may be used along side and rear property lines)	—	—	—	—	—	—	—	R	R	—	R	R	R	R	R
Automotive parts and supplies, distribution—heavy: may not include salvage operation	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Automotive parts and supplies, distribution—light: may not include salvage operation	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R

Automotive parts sales: may not include salvage operation	—	—	—	—	—	—	—	—	R	—	R	R	—	R	R
Automotive radio and telephone sales and service: including installation of items sold; servicing and parking of serviced vehicles must occur entirely within a structure in B-4 districts	—	—	—	—	—	—	—	—	R	—	R	R	—	R	R
Automotive repair, general: vehicles must be screened from view with a 3'—5' tall evergreen hedge and/or landscaped berm in B-3 districts along street frontage (privacy fence may be used along side and rear property lines); servicing and parking of serviced vehicles must occur entirely within a structure in B-4 districts	—	—	—	—	—	—	—	—	—	—	R	R	—	R	R
Automotive steam cleaning: vehicles must be screened from view with a 3'—5' tall evergreen hedge and/or landscaped berm in B-3 districts along street frontage (privacy fence may be used along side and rear property lines)	—	—	—	—	—	—	—	—	—	—	R	—	—	R	R
Automotive towing service and storage: vehicles must be screened from view with a 3'—5' tall evergreen hedge and/or landscaped berm in B-3 districts along street frontage (privacy fence may be used along side and rear property lines)	—	—	—	—	—	—	—	—	—	—	R	—	—	R	R
Automotive upholstery repair and trim shop: servicing and parking of serviced vehicles must occur entirely within a structure in B-4 districts	—	—	—	—	—	—	—	—	P	—	R	R	—	R	R

Automotive wrecking, dismantling or salvage: must be enclosed within an 8' high wall or privacy fence	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Aviary, commercial:	R	—	—	—	—	—	—	—	—	—	—	—	—	R	—
Bait and tackle shop:	R	—	—	—	—	—	—	—	—	—	R	—	—	R	R
Bakery: all products produced on the premises shall be sold at retail on the premises	—	—	—	—	R	R	R	P	R	R	R	R	—	—	—
Bakery products manufacture:	—	—	—	—	—	—	—	—	—	—	P	R	—	R	R
Bakery, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Bakery, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Bank or savings institution:	—	—	—	—	P	R	—	P	R	R	R	R	R	R	R
Bar, nightclub, lounge, tavern:	—	—	—	—	P	P	P	—	R	—	R	R	—	—	—
Barber and beauty supplies and equipment, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Barber and beauty supplies and equipment, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Barber shop or beauty shop:	—	—	—	—	R	R	—	—	R	R	R	R	—	—	—
Battery manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Bed and breakfast inn: see Definition, section 64-2	—	—	—	P	P	R	P	P	R	R	—	R	—	—	—
Beverage (alcoholic) distillation and/or blending:	—	—	—	—	—	—	—	—	—	—	—	P	—	R	R
Beverage (non-alcoholic) manufacture:	—	—	—	—	—	—	—	—	—	—	—	P	—	R	R
Beverage, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Beverage, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Bicycle manufacture:	—	—	—	—	—	—	—	—	—	—	—	P	—	R	R
Bicycle repair:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—

Bicycle sales and service:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Billboard (off-premise advertising sign): need not be enclosed within structure; located no closer than 300' from a dwelling	—	—	—	—	—	—	—	—	R	—	R	—	R	R	R
Bingo parlor:	—	—	—	—	—	—	—	—	P	—	R	R	—	—	—
Blacksmith shop:	R	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Blueprinting service:	—	—	—	—	—	—	—	—	R	—	R	R	—	R	—
Boarding horses:	R	—	—	—	—	—	—	—	—	—	—	—	—	R	—
Boarding kennels: need not be enclosed within structure	R	—	—	—	—	—	—	—	—	—	P	—	—	R	—
Boat building:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Boat repair: major super-structure repair limited to I-1 and I-2 districts; boats must be screened from view with a 3'—5' tall evergreen hedge and/or landscaped berm in B-3 districts (privacy fence may be used along side and rear property lines)	—	—	—	—	—	—	—	—	—	—	P	—	—	R	R
Boat sales, accessories, and service: servicing and parking of serviced vehicles must occur entirely within a structure in B-4 districts	—	—	—	—	—	—	—	—	—	—	R	R	—	R	R
Boiler or tank works:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Book store:	—	—	—	—	R	R	R	P	R	R	R	R	R	—	—
Botanical gardens, public: need not be enclosed within structure	—	P	—	—	P	—	—	R	R	—	R	R	—	—	—
Bottling plant, beverage:	—	—	—	—	—	—	—	—	—	—	—	P	—	R	R
Bowling alley:	—	—	—	—	—	—	—	—	—	—	R	R	—	—	—
Brewery:	—	—	—	—	—	—	—	—	—	—	—	P	—	R	R

Brick and clay products manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Broadcasting station (radio or TV) with communications tower: tower shall be enclosed within an 8' high fence; tower height limited to setback from each property line equal to the tower height	—	—	—	—	—	—	—	P	P	—	R	P	P	R	R
Broadcasting station (radio or TV) without communications tower:	—	—	—	—	—	—	—	R	R	—	R	R	R	R	R
Brooms and brushes manufacture:	—	—	—	—	—	—	—	—	—	—	—	R	—	R	R
Building material sales: including building specialties such as brick and tile, lighting fixtures, flooring, roofing, and siding materials, etc.	—	—	—	—	—	—	—	—	—	—	R	P	—	R	R
Bus charter service:	—	—	—	—	—	—	—	—	—	—	P	P	—	R	R
Bus or train station:	—	—	—	—	—	—	—	—	—	—	P	P	—	R	—
Business college or technical school: excludes instruction listed under vocational school; see Definition, section 64-2	—	—	—	—	—	—	—	P	R	—	R	R	—	—	—
Business records/computer data storage:	—	—	—	—	—	—	—	—	P	—	R	R	R	R	—
Butcher shop, meat market:	—	—	—	—	R	R	—	—	R	R	R	R	—	—	—
Cabinet manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Cabinet or carpenter shop, custom:	—	—	—	—	—	—	—	—	—	—	R	P	—	R	R
Cable television service: including equipment storage, maintenance shop, studio, and communications facilities	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Camera and photographic supplies store:	—	—	—	—	R	R	R	—	R	R	R	R	—	—	—

Candy, nut and confectionery, and popcorn sales:	—	—	—	—	R	R	R	—	R	R	R	R	—	—	—
Canned and frozen food manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Canvas products assembly and sales:	—	—	—	—	—	—	—	—	—	—	R	R	R	R	R
Canvas products manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Carnival or circus, temporary; must obtain zoning certificate; permit to be good for a period not exceeding 14 days; need not be enclosed within structure	P	P	—	—	—	—	—	—	—	—	R	R	—	R	—
Carpet manufacture: from purchased thread, yarn, jute, etc.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Carpet, upholstery, and rug cleaning service:	—	—	—	—	—	—	—	—	—	—	R	R	—	R	—
Carriage service, horse-drawn: including stabling facilities for horses engaged in the service; excludes buying, selling, riding, or boarding horses not used for the service; must be enclosed within an 8' tall privacy fence except in I-1 and I-2 districts	—	—	—	—	P	—	—	—	—	—	—	P	—	R	R
Carwash, as primary or accessory use: washing facilities shall be enclosed on at least two sides and be covered by a roof; vehicles must be screened from view with a 3'—5' tall evergreen hedge and/or landscaped berm in B-2 or B-3 districts (privacy fence may be used along side and rear property lines), all wastes shall be discharged into the sewer	—	—	—	—	—	—	—	—	R	—	R	—	—	R	—
Catalog or mail order house, with showroom: including the sale of items from the showroom	—	—	—	—	—	—	—	—	R	—	R	R	R	R	—

Catalog or mail order house, without showroom:	—	—	—	—	R	—	R	R	R	—	R	R	R	R	—
Catering shop:	—	—	—	—	R	R	—	—	R	R	R	R	—	—	—
Celluloid manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Cement manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Cemetery: may include funeral home as accessory use; need not be enclosed within structure	P	P	P	P	—	—	—	—	—	—	—	—	—	—	—
Ceramics school:	—	—	—	—	R	R	—	—	R	R	R	R	—	—	—
Ceramics shop with small kiln: includes ceramics instruction and supply sales	—	—	—	—	R	R	R	—	R	R	R	R	—	—	—
Check cashing agency (check exchange):	—	—	—	—	—	—	—	—	R	—	R	R	—	R	R
Chemical and fertilizer mineral mining: such as potash, soda, and borax	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Chemicals and allied products (hazardous), wholesale: such as acids, ammonia, caustic soda, chlorine, explosives	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Chemicals and allied products (non-hazardous), wholesale: such as detergents, dry ice, food additives, gelatin, naval stores, polishes	—	—	—	—	—	—	—	—	—	—	—	—	R	R	R
China, ceramics and porcelain manufacture:	—	—	—	—	—	—	—	—	—	—	—	P	—	R	R
Church or religious facility: including parish house, community house and educational buildings; see Definition, section 64-2	P	P	P	P	P	R	P	R	R	R	R	R	—	—	—

Church, revival (temporary): zoning certification and site plan review required; certification to be valid for up to 30 days;	R	R	R	R	—	R	—	R	R	R	R	R	—	R	—
Clinics of dentists: see Definition, section 64-2	—	—	—	—	—	R	—	R	R	R	R	R	—	—	—
Clinics of other health practitioners: including chiropractors, optometrists, podiatrists, physical therapists, psychologists, etc.	—	—	—	—	—	R	—	R	R	R	R	R	—	—	—
Clinics of physicians: see Definition, section 64-2	—	—	—	—	—	R	—	R	R	R	R	R	—	—	—
Clothing and accessories, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Clothing and accessories, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Clothing and accessory store:	—	—	—	—	R	R	R	—	R	R	R	R	—	—	—
Clothing manufacture:	—	—	—	—	—	—	—	—	—	—	—	P	P	R	R
Coal mining:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Coffee roasting:	—	—	—	—	—	—	—	—	—	—	P	P	—	R	R
Cold storage plant:	—	—	—	—	—	—	—	—	—	—	—	—	R	R	R
College or university:	—	—	—	—	—	—	—	P	R	—	R	R	—	—	—
Commercial equipment, distribution—heavy: such as restaurant supplies, store fixtures, vending machines	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Commercial equipment, distribution—light: such as restaurant supplies, store fixtures, vending machines	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Commercial fishing facilities: including docks, fueling equipment, and storage areas	—	—	—	—	—	—	—	—	—	—	—	P	—	R	R

Communication tower: shall be enclosed within an 8' high fence; see sections <u>64-2</u> and 64-4.J	—	—	—	—	—	—	—	P	P	—	P	P	P	R	R
Communications equipment and electronic components manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	P	R	R
Community center, recreation center: including social services, activity centers, outreach programs	—	P	P	P	P	R	—	R	R	R	R	R	—	—	—
Community residential facility: for persons with developmental disabilities; see Definition, <u>section 64-2</u>	—	—	—	R	—	R	—	R	R	R	R	R	—	—	—
Composting facility: must be enclosed completely within structure	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Computer and computer software sales and service:	—	—	—	—	—	R	—	—	R	R	R	R	R	—	—
Computer and office equipment assembly—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Computer and office equipment assembly—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Computer and office equipment manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	P	R	R
Computer leasing:	—	—	—	—	—	R	—	—	R	R	R	R	R	R	—
Computer repair and maintenance service:	—	—	—	—	—	R	—	—	R	R	R	R	R	R	—
Computer software production: production of prepackaged software on tape or disk	—	—	—	—	—	R	—	—	R	R	R	R	R	R	—
Computer, computer peripheral equipment and software, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R

Computer, computer peripheral equipment and software, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Concrete and concrete products manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Contractor's storage yard: for vehicles, equipment, materials and supplies; must be enclosed within a solid wall or fence at least 8' high	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Convenience food store: may not include gas pumps in T-B districts	—	—	—	—	—	R	—	—	R	R	R	R	R	R	R
Convent, monastery:	P	P	P	P	P	R	—	R	R	R	R	R	—	—	—
Convention center:	—	—	—	—	—	—	—	—	—	—	P	R	—	—	—
Corn sugars and starches manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Correctional, detention or penal institution:	—	—	—	—	—	—	—	—	—	—	P	—	—	P	P
Cosmetics and perfumes manufacture: compounding only	—	—	—	—	—	R	—	—	—	—	—	P	P	R	R
Cosmetics store:	—	—	—	—	R	R	—	—	R	R	R	R	—	—	—
Cosmetology school:	—	—	—	—	—	—	—	—	R	—	R	R	—	—	—
Cotton ginning and baling:	P	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Counseling center:	—	—	—	—	R	R	—	R	R	R	R	R	—	—	—
Credit union:	—	—	—	—	P	R	—	P	R	R	R	R	R	R	R
Crop dusting services:	R	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Dairy farm:	R	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dairy product sales:	—	—	—	—	R	—	—	—	R	—	R	R	—	—	—
Dairy products manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	P	R	R
Dance hall:	—	—	—	—	—	—	—	—	R	—	R	R	—	—	—

Dance school:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Day care center, adult and handicapped:	—	—	—	—	P	R	—	P	R	R	R	R	—	—	—
Day care, kindergarten, nursery: for infants and children	—	—	—	—	P	R	—	P	R	R	R	R	—	—	—
Delicatessen:	—	—	—	—	R	R	R	—	R	R	R	R	R	R	—
Department store: limited to sale of items which may be sold by any other use permitted in this district	—	—	—	—	—	—	—	—	—	—	R	R	—	—	—
Diet center: not including exercise facilities; also see health club	—	—	—	—	—	R	—	R	R	R	R	R	—	—	—
Dinner theater:	—	—	—	—	P	R	P	—	R	—	R	R	—	—	—
Distribution—heavy: uses not elsewhere classified; see also hazardous materials storage	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Distribution—light: uses not elsewhere classified; see also hazardous materials storage	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Dolls and stuffed toys manufacture:	—	—	—	—	—	—	—	—	—	—	—	P	P	R	R
Domiciliary care facility: see Definition, section 64-2	—	—	—	P	P	P	—	R	R	R	R	R	—	—	—
Drapery and curtain manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	P	R	R
Drapery shop: including custom drapery fabrication, drapery and upholstery material sales; but not including reupholstery	—	—	—	—	—	R	—	—	R	R	R	R	R	—	—
Drug manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Drug store:	—	—	—	—	R	R	—	—	R	R	R	R	—	—	—
Drugs and druggists' sundries, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Drugs and druggists' sundries, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R

Dry cleaning and laundry pick-up station:	—	—	—	—	R	R	—	—	R	—	R	R	—	R	—
Dry cleaning or commercial laundry plant: including flammable cleaning agents	—	—	—	—	—	—	—	—	—	—	R	P	—	R	R
Dwelling, multiple-family: allowed by right in B-2 and B-3 districts; allowed by right in B-4 districts, except within the Dauphin Street Overlay which requires planning approval for residential use on the first or ground floor (historic residential structures are exempt within the overlay); permitted only above 1st or ground floor in T-B or B-4 districts (historic residential structures are exempt from this restriction in B-4 districts as determined by MHDC); see definition, section 64-2	—	—	—	R	R	R	R	R	R	R	R	R	—	—	—
Dwelling, single-family: allowed by right above the first or ground floor in B-2 and B-3 districts; allowed by right in B-4 districts, except within the Dauphin Street Overlay which requires planning approval for residential use on the first or ground floor (historic residential structures are exempt within the overlay); permitted only above 1st or ground floor in T-B or B-4 districts (historic residential structures are exempt from this restriction in B-4 districts as determined by MHDC); see definition, section 64-2	R	R	R	R	R	R	R	R	R	R	R	R	—	—	—

Dwelling, two-family: allowed by right above the first or ground floor in B-2 and B-3 districts; allowed by right in B-4 districts, except within the Dauphin Street Overlay which requires planning approval for residential use on the first or ground floor (historic residential structures are exempt within the overlay); permitted only above 1st or ground floor in T-B or B-4 districts (historic residential structures are exempt from this restriction in B-4 districts as determined by MHDC); see definition, section 64-2	—	—	—	R	R	R	R	R	R	R	R	R	—	—	—
Educational services, miscellaneous: such as photography, drama, speech, music, tutoring, etc.	—	—	—	—	R	R	—	R	R	R	R	R	—	—	—
Electric power generating station:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Electric substation: must be enclosed within a solid masonry wall or wood fence at least 8' high to obstruct view, noise and passage of persons; or must be placed underground	P	P	P	P	P	P	P	R	R	P	R	P	R	R	R
Electric transmission line right-of-way: for transmission lines of 44kv potential and above, over and across private property; need not be enclosed within structure	P	P	P	P	P	P	P	R	R	P	R	R	R	R	R
Electric transmission or distribution line: excluding electric transmission lines of 44kv potential and above; need not be enclosed within structure	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Electrical and electronic repair, nec: including medical equipment and business machines	—	—	—	—	—	—	—	—	—	R	R	R	R	—	

Electrical industrial equipment manufacture: such as transmission and distribution equipment, motors and generators, and industrial controls	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Electroplating:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Elevator maintenance and service:	—	—	—	—	—	—	—	—	—	R	R	R	R	R	R
Emergency shelter facility: temporary housing for persons otherwise homeless	—	—	—	—	—	—	—	P	P	—	P	P	—	—	—
Employment agency, private:	—	—	—	—	—	—	—	R	R	—	R	R	R	R	—
Employment agency, public:	—	—	—	—	—	—	—	—	—	—	R	R	R	R	—
Engine repair, automobile and light truck: vehicles must be screened from view with a 3'—5' tall evergreen hedge and/or landscaped berm in B-3 districts along street frontage (privacy fence may be used along side and rear property lines); servicing and parking of serviced vehicles must occur entirely within a structure in B-4 districts	—	—	—	—	—	—	—	—	—	—	R	R	—	R	R
Engine repair, diesel: heavy trucks and equipment	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Equipment rental and leasing, heavy: including heavy construction equipment, medical equipment; need not be enclosed within structure	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Equipment rental and leasing, light: including tools, medical equipment, office machines, party supplies; but not including heavy equipment or machinery	—	—	—	—	—	—	—	—	—	—	R	R	R	R	R

Executive or legislative government offices: offices of the Mayor, County Commission, Congress, etc.	—	—	—	—	—	—	—	—	P	P	—	P	R	—	—	—
Explosives, fireworks, and gunpowder manufacture and/or storage:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Fabric mill: from purchased thread	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Fabric store:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—	—
Fabricated rubber products manufacture: from purchased materials	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Fabrics and notions, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R	—
Fabrics and notions, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R	—
Fairgrounds, baseball park and stadium:	—	—	—	—	—	—	—	—	—	—	P	—	—	P	—	—
Farm labor contractors:	—	—	—	—	—	—	—	R	R	—	R	R	—	R	—	—
Farm management services: including cultivating and harvesting activities	R	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Farm or dairy equipment and supplies, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R	—
Farm or dairy equipment and supplies, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R	—
Farm product warehousing: including cotton compresses but not including grain elevators	—	—	—	—	—	—	—	—	—	—	—	—	P	R	R	—
Farm supplies, distribution—heavy: such as fertilizers, insecticides, hay, feed, and seeds	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R	—

Farm supplies, distribution—light: such as fertilizers, insecticides, hay, feed, and seeds	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Farming and truck gardening:	R	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Fertilizer manufacturing or processing:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Fire station:	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P
Firearms sales:	—	—	—	—	—	—	—	—	R	—	R	R	—	—	—
Flea market, outdoor: site must be screened from view along street frontage with a 3'—5' tall evergreen hedge and/or landscaped berm in B-3 Districts; site must be screened from view with a 6' tall privacy fence when abutting residential or commercial districts	—	—	—	—	—	—	—	—	—	—	P	—	—	R	—
Floats, decoration and/or construction of:	—	—	—	—	—	—	—	—	—	—	—	P	P	R	R
Floor covering and carpet sales:	—	—	—	—	—	R	—	—	R	R	R	R	R	—	—
Floor covering and carpet sales and service: including cleaning, binding, and repair	—	—	—	—	—	—	—	—	—	—	R	R	R	R	—
Floor covering and carpet, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Floor covering and carpet, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Florist: also see potted plant leasing	—	—	—	—	P	R	P	—	R	R	R	R	—	—	—

Food locker plant: renting only individual lockers for home consumer storage of food; cutting and packaging of meats and game permitted but not including any slaughtering or eviscerating thereof	—	—	—	—	—	—	—	—	—	—	R	R	R	R	—
Footwear, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Footwear, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Fortune teller, palm reader, astrologist:	—	—	—	—	—	—	—	—	—	—	R	R	—	—	—
Foundry (castings):	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Fraternity, sorority house, or dormitory (college): located off campus; see Definition, section 64-2	—	—	—	P	—	—	—	P	—	—	—	—	—	—	—
Freight or cargo shipping agency: office use only to provide shipping information and arrange transportation; allowed only above first or ground floor in H-B districts	—	—	—	—	R	R	R	R	R	R	R	R	R	R	R
Fruit and vegetable sales:	—	—	—	—	R	R	—	—	R	R	R	R	—	—	—
Funeral home, mortuary or undertaking establishment:	—	—	—	—	—	—	—	—	—	—	R	R	—	—	—
Fur manufacture: including bleaching, dressing, cutting, and dyeing; but not including leather tanning	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Furnace and chimney cleaning service:	—	—	—	—	—	—	—	—	—	—	R	—	R	R	R
Furniture (household) manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Furniture (office) manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Furniture repair and reupholstery:	—	—	—	—	—	—	—	—	P	—	R	R	—	R	R

Furniture sales:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Furniture, distribution—heavy: including office furniture	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Furniture, distribution—light: including office furniture	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Games and toys manufacture: not including bicycles	—	—	—	—	—	—	—	—	—	—	—	P	P	R	R
Garden supply sales: handling packaged fertilizer only	—	—	—	—	—	—	—	—	R	—	R	R	—	—	—
Gas regulator station:	P	P	P	P	P	P	P	R	R	P	R	P	R	R	R
Gaskets, packing and sealing devices manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Gift or greeting card shop:	—	—	—	—	R	R	R	—	R	R	R	R	—	—	—
Glass manufacture: from raw materials	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Glass products manufacture: from purchased glass, such as glassware, mirrors, aquariums, windshields	—	—	—	—	—	—	—	—	—	—	—	—	P	R	R
Glass sales: sheet glass preparation for installation and repair	—	—	—	—	—	—	—	—	—	—	R	R	—	R	—
Glue (animal) manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Glue, size, or gelatin manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Golf course, miniature: need not be enclosed within structure	—	—	—	—	—	—	—	—	—	—	R	R	—	—	—
Golf driving range, baseball batting range, archery range: need not be enclosed within structure	—	—	—	—	—	—	—	—	—	—	R	R	—	—	—
Grain drying or feed manufacture from refuse, mash or grain:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Grain elevator and storage: storage only	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P

Grain mill products manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Grain milling: including storage and grain elevators	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Graphite manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Greenhouse(s):	R	—	—	—	—	—	—	—	—	—	P	—	—	R	R
Groceries and food products, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Groceries and food products, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Grocery store:	—	—	—	—	R	R	—	—	R	R	R	R	—	—	—
Guided missile and space vehicle parts assembly:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Guided missiles, space vehicles and propulsion unit manufacture: not including storage of flammable or explosive materials	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Gum and wood chemical manufacture or distillation: such as acetone, navel stores, wood oils, turpentine	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Gunsmith:	—	—	—	—	—	—	—	—	R	—	R	R	—	R	—
Hair goods manufacture: including wigs, toupees, and products made from hair	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Hardware manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Hardware store:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Hardware, plumbing, heating and air conditioning equipment, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Hardware, plumbing, heating and air conditioning equipment, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R

Hazardous materials or substances processing or manufacture: see Definition, section 64-2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Hazardous materials storage: see Definition, section 64-2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Health club, fitness center, gymnasium:	—	—	—	—	—	R	—	P	R	R	R	R	—	—	—
Heliport, helipad: as an accessory use to commercial facilities	R	—	—	—	—	—	—	P	P	—	P	R	—	R	R
Hobby supply store:	—	—	—	—	R	R	R	—	R	R	R	R	—	—	—
Home occupation: see Definition, section 64-2	R	R	R	R	R	—	R	R	—	—	—	R	—	—	—
Home furnishings sales, except furniture: such as kitchenware, lamps, linens, and fireplace accessories	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Home furnishings, distribution— heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Home furnishings, distribution— light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Horse farm:	R	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Hospital or sanitarium: see Definition, section 64-2	—	—	—	—	—	—	—	R	R	—	R	R	—	—	—
Hotel, motel: see Definition, section 64-2	—	—	—	—	—	P	P	—	—	—	R	R	—	—	—
House moving contractor:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Household appliance, audio and visual equipment, and electric lighting manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	P	R	R
Ice cream or frozen yogurt shop:	—	—	—	—	R	R	R	P	R	R	R	R	R	—	—
Ice manufacture:	—	—	—	—	—	—	—	—	—	—	P	R	—	R	R
Incinerator:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P

Industrial and scientific instruments, photographic equipment, watches and clocks assembly—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Industrial and scientific instruments, photographic equipment, watches and clocks assembly—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Industrial and scientific instruments, photographic equipment, watches and clocks manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	P	R	R
Industrial chemicals manufacture, processing or storage:	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P
Industrial engine and turbine manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Industrial gases manufacture or storage: including carbon dioxide, helium, hydrogen, nitrogen, oxygen, acetylene	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Industrial machinery and equipment, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Industrial machinery and equipment, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Industrial, commercial, and farm machinery manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	P	R
Inorganic pigments manufacture: such as animal black, iron oxide, lead oxide, ochers, umbers, vermilion	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Insulation manufacture or fabrication:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Interior decorating shop:	—	—	—	—	R	R	—	—	R	R	R	R	—	—	—

Janitorial or maid service: including carpet, and window cleaning, floor waxing, and window blind cleaning	—	—	—	—	—	—	—	P	R	—	R	R	R	R	—
Jewelry (costume) manufacture:	—	—	—	—	—	—	—	—	—	—	—	P	P	R	R
Jewelry (precious metal) and silverware manufacture:	—	—	—	—	—	—	—	—	—	—	—	P	P	R	R
Jewelry store: including repair of jewelry, watches and clocks	—	—	—	—	R	R	R	—	R	R	R	R	—	—	—
Jewelry, watch, and clock repair:	—	—	—	—	—	R	—	—	R	R	R	R	R	—	—
Junk yard: including storage, baling or sale of rags, paper, scrap metal or junk; must be enclosed within an 8' high wall or privacy fence; material storage cannot exceed height of required fence	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Knitting mill: including outerwear and hosiery	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Laboratory (dental, medical, or optical):	—	—	—	—	—	—	—	R	R	—	R	R	R	R	R
Laboratory, research or testing:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Landfill: see Definition, <u>section 64-2</u>	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Lapidary work (gem cutting and polishing):	—	—	—	—	—	—	—	—	—	—	R	R	R	R	R
Laundry and dry cleaning service, coin-operated: with non-flammable cleaning agents only	—	—	—	—	—	R	—	—	R	—	R	R	—	—	—
Laundry, linen supply, or diaper service:	—	—	—	—	—	—	—	—	R	—	R	P	R	R	R
Lawn or landscape services:	R	—	—	—	—	—	—	—	—	—	R	—	—	R	R
Lawnmower sales:	—	—	—	—	—	—	—	—	R	—	R	R	—	—	—

Lawnmower, and motorcycle repair: including small engine repair (gas powered tools, etc.); repair must occur entirely within a structure in B-4 districts	—	—	—	—	—	—	—	—	—	—	R	R	—	R	—
Leather or luggage store:	—	—	—	—	R	R	R	—	R	R	R	R	—	—	—
Leather products assembly—heavy: such as luggage, handbags and gloves, or custom work	—	—	—	—	—	—	—	—	—	—	P	P	R	R	R
Leather products assembly—light: such as luggage, handbags and gloves, or custom work	—	—	—	—	—	—	—	—	—	—	R	R	P	R	R
Leather tanning and finishing:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Library or reading room:	—	—	—	—	R	R	—	R	R	R	R	R	—	—	—
Library, public:	—	P	P	P	R	R	—	R	R	R	R	R	—	—	—
Lime, gypsum, and plaster manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Limousine service:	—	—	—	—	—	—	—	P	R	—	R	R	—	R	R
Linoleum manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Liquor store:	—	—	—	—	—	—	—	—	R	—	R	R	—	—	—
Livestock farm: including cattle, hogs, sheep and goats	R	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Livestock, feedlots:	P	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Livestock, wholesale:	R	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Loan office, mortgage or finance company:	—	—	—	—	R	R	—	R	R	R	R	R	—	—	—
Locksmith:	—	—	—	—	—	—	—	—	R	—	R	R	—	R	—
Lumber and building materials, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Lumber and building materials, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R

Lumber yard and mill products sales:	—	—	—	—	—	—	—	—	—	—	—	—	R	R	R
Machine shop:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Machinery, tools and construction equipment, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Machinery, tools and construction equipment, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Marina: including boat and accessory sales, service and storage; need not be enclosed within structure	—	—	—	—	—	—	—	—	—	—	R	P	—	R	R
Marine cargo handling; stevedoring:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Marine stores and supplies:	—	—	—	—	—	—	—	—	—	—	R	R	R	R	R
Marine supply, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Marine supply, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Martial arts instruction:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	-
Massage therapy (each massage therapist must be certified and licensed by the state to locate in B-1 districts)	—	—	—	—	—	R	—	R	R	R	R	R	—	—	—
Matches manufacturing:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Maternity home:	—	—	—	R	P	—	—	R	R	—	R	R	—	—	—
Mattress manufacture and rebuilding:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Meat and poultry slaughtering or packing:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Medical supplies and equipment sales:	—	—	—	—	—	—	—	—	R	—	R	R	R	—	—
Medical, dental, hospital equipment and supplies, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R

Medical, dental, hospital equipment and supplies, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Membership organization meeting hall: including non-profit civic, social, fraternal, business, or political organizations; but not including college fraternities or sororities	—	—	—	—	P	P	—	P	R	P	R	R	R	R	—
Metal mining:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Metal products fabrication:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Metal sharpening:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Metal smelting, refining, rolling, drawing and extruding:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Millinery manufacture:	—	—	—	—	—	—	—	—	—	—	—	P	P	R	R
Millwork and similar wood products manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Mini self-storage facility: with lockers or spaces for rent to individuals only and not exceeding 400 sq. ft. per space; minimum 100 lockers per development	—	—	—	—	—	—	—	—	P	—	R	P	R	R	R
Mining and quarrying of nonmetallic minerals: such as limestone, granite, sand and gravel	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Mirror repair:	—	—	—	—	—	R	—	—	—	—	—	—	—	—	—
Mobile home park: see Definition, section 64-2	—	—	—	P	—	—	—	—	—	—	—	—	—	—	—
Mobile home sales:	—	—	—	—	—	—	—	—	—	—	R	—	—	R	—
Mobile home, trailer, or manufactured home: when used as a single-family dwelling on a separate building site; see Definition, section 64-2	P	P	P	P	—	—	—	P	—	—	—	—	—	—	—

Mobile homes manufacture: including commercial mobile buildings	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Model home, sales office: when not located within a residential subdivision	—	—	—	—	—	—	—	R	R	—	R	P	—	R	—
Monument sales: also see stone cutting, shaping, and finishing	—	—	—	—	—	—	—	—	—	—	R	P	R	R	—
Motion picture production and distribution:	—	—	—	—	—	—	—	—	—	—	P	R	R	R	—
Motion picture theater, drive-in: need not be enclosed within structure; located no closer than 500' from a residential district	—	—	—	—	—	—	—	—	—	—	P	—	—	R	—
Motion picture theater, indoor:	—	—	—	—	P	—	P	—	R	—	R	R	—	—	—
Motor vehicle parts manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	P	R
Motor vehicle parts, assembly— heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Motor vehicle parts, assembly— light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Motor vehicles manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Motor vehicles, wholesale:	—	—	—	—	—	—	—	—	—	—	R	R	—	R	R
Motorcycle manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Motorcycle sales and service: servicing and parking of serviced vehicles must occur entirely within a structure in B-4 districts	—	—	—	—	—	—	—	—	—	—	R	R	—	R	—
Museum: public or semi-public; or art, natural history, science, technology, etc.	—	P	—	—	R	R	R	R	R	R	R	R	—	—	—
Musical instrument sales:	—	—	—	—	P	R	—	—	R	R	R	R	—	—	—
News stand:	—	—	—	—	—	R	R	R	R	R	R	R	R	—	—

Novelty and souvenir manufacture:	—	—	—	—	—	—	—	—	—	—	—	P	P	R	R
Novelty or souvenir shop:	—	—	—	—	R	R	R	—	R	R	R	R	—	—	—
Nursery stock growing:	R	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nursery stock, sod, top soil, sales: need not be enclosed within structure; may include greenhouses	R	—	—	—	—	—	—	—	—	—	R	—	—	R	—
Nursing home: see definition, section 64-2	—	—	—	P	—	—	—	R	R	—	R	R	—	—	—
Nursing school: not in conjunction with medical facility; includes allied health care training	—	—	—	—	—	—	—	R	R	—	R	R	—	—	—
Office and store fixture manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Office equipment, distribution— heavy: such as photocopiers, typewriters, cash registers, and blueprinting machines	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Office equipment, distribution— light: such as photocopiers, typewriters, cash registers, and blueprinting machines	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Office supplies and stationery:	—	—	—	—	—	R	—	—	R	R	R	R	R	R	R
Offices of agriculture, forestry, and fishing establishments:	R	—	—	—	R	R	R	R	R	—	R	R	R	R	R
Offices of attorneys; legal services:	—	—	—	—	R	R	R	R	R	R	R	R	R	R	R

Offices of contractors: Allowed only above first or ground floor in H-B districts. Outside storage is allowed in B-1, B-2, B-3 and B-4 districts under the following restrictions: said construction storage area shall be completely screened by a 6' privacy fence; all materials stored shall not be stacked higher than 6'; heavy equipment such as bull dozers, dump trucks, etc. are not allowed; said area is allowed only in the rear yard	—	—	—	—	R	R	R	R	R	R	R	R	R	R	R
Offices of dentists:	—	—	—	—	R	R	R	R	R	R	R	R	R	R	R
Offices of engineers, architects, accountants, business services, or membership organizations:	—	—	—	—	R	R	R	R	R	R	R	R	R	R	R
Offices of finance, insurance, and real estate establishments:	—	—	—	—	R	R	R	R	R	R	R	R	R	R	R
Offices of government establishments:	—	—	—	—	R	R	R	R	R	R	R	R	R	R	R
Offices of landscape architects:	—	—	—	—	R	R	R	R	R	R	R	R	R	R	R
Offices of manufacturing establishments:	—	—	—	—	R	R	R	R	R	R	R	R	R	R	R
Offices of mining establishments:	—	—	—	—	R	R	R	R	R	R	R	R	R	R	R
Offices of other health practitioners:	—	—	—	—	R	R	R	R	R	R	R	R	R	R	R
Offices of physicians:	—	—	—	—	R	R	R	R	R	R	R	R	R	R	R
Offices of retail establishments:	—	—	—	—	R	R	R	R	R	R	R	R	R	R	R
Offices of transportation, communication, and utility establishments:	—	—	—	—	R	R	R	R	R	R	R	R	R	R	R
Offices of wholesale establishments:	—	—	—	—	R	R	R	R	R	R	R	R	R	R	R

Oil and gas extraction:	P	P	P	P	—	—	—	P	P	—	P	—	P	P	P
Oils and fats manufacture: animal and vegetable	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Optical goods sales: may include lens grinding and fitting glasses to prescription	—	—	—	—	R	R	—	—	R	R	R	R	—	—	—
Optical goods, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Optical goods, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Outside storage/laydown yard with aggregate surfacing—Primary or accessory use (for equipment, materials and vehicles; cannot be used for required parking except in I-2 districts. Does not usurp or negate compliance with other codes and ordinances such as but not limited to the city's storm water control ordinance):	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Paint and wallpaper contractor:	—	—	—	—	—	—	—	—	—	—	R	R	—	R	R
Paint and wallpaper store:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Paints, varnishes, lacquers, enamels and related products manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Pallet (wood) manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Paper products (industrial and service), distribution—heavy: such as bags, boxes, cups, drums, napkins, food containers, shipping supplies	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Paper products (industrial and service), distribution—light: such as bags, boxes, cups, drums, napkins, food containers, shipping supplies	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R

Paper products manufacture: from purchased paperboard or sheet material; such as containers, boxes, coated papers, bags and stationery	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Paper, pulp or paperboard mill:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Parcel delivery service, local: including courier services, mail delivery, packaging for delivery; not including fleet maintenance and storage	—	—	—	—	—	—	—	—	R	—	R	R	R	R	R
Parcel delivery service, long distance: by air or truck for non-local distribution	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Park and/or playground, public: need not be enclosed within structure	P	P	P	P	P	P	P	P	P	R	P	P	P	P	P
Pawn shop: vehicles and boats may not be stored or sold in B-2 or B-4 districts	—	—	—	—	—	—	—	—	R	—	R	P	—	—	—
Pens, pencils, and artists' materials manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Pest control service:	—	—	—	—	—	—	—	—	—	—	R	—	—	R	—
Pesticides and fungicides manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Pet grooming: must be enclosed within sound-proof structure	—	—	—	—	—	—	—	R	R	—	R	R	—	R	—
Pet shop: must be enclosed within sound-proof structure	—	—	—	—	—	—	—	—	R	—	R	R	—	—	—
Petroleum and petroleum products, distribution: including bulk stations and terminals	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Petroleum gas (liquified) sales: including bottled butane and propane gas	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P

Petroleum refining and petroleum products manufacture or storage:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Photocopying, xerographing, or fax service:	—	—	—	—	P	R	—	R	R	P	R	R	R	R	—
Photofinishing laboratory:	—	—	—	—	—	—	—	—	R	—	R	R	R	R	—
Photographic film, paper, and chemical manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Photographic studio, portrait:	—	—	—	—	R	R	R	P	R	R	R	R	—	—	—
Photography, commercial:	—	—	—	—	R	R	—	P	R	R	R	R	R	R	—
Piano sales and service:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Picture framing:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Pipe storage:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Pipeline right-of-way:	R	R	R	R	R	—	R	R	R	—	R	R	R	R	R
Plants, live: rental or leasing: also see florist	R	—	—	—	P	R	—	—	R	R	R	R	R	R	—
Plastic products manufacture: from purchased resins; such as plastic film, sheet, pipe, foam, plumbing fixtures, jars, wall coverings	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Plastics materials, distribution— heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Plastics materials, distribution— light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Plastics, synthetic rubber, and cellulose manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Plumbing, heating, and air conditioning contractor:	—	—	—	—	—	—	—	—	—	—	R	—	R	R	R
Police department or precinct, highway patrol, sheriffs' office:	P	P	P	P	P	R	P	P	P	R	P	P	P	P	P
Police livery stable:	—	—	—	—	P	—	—	—	—	—	P	P	—	P	P

Police training facility:	—	—	—	—	—	—	—	P	P	—	P	—	P	P	—
Polishes (furniture, shoe, automobile) manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Pool hall: Also see pool tables, as accessory use	—	—	—	—	—	—	—	—	R	—	R	R	—	—	—
Pool tables, as accessory use: table space requirements limited to not more than 25% of the total floor area of the room(s) where the principal business activity occurs	—	—	—	—	—	—	—	—	R	—	R	R	—	R	R
Post office:	—	—	—	—	—	R	—	P	P	R	P	P	P	P	P
Poultry and/or egg farm:	R	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Poultry dressing:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Poultry hatchery:	R	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Prefabricated wood buildings manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Printing, commercial: by lithographic or offset, gravure, or screen printing processes	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Printing, quick or custom: small establishments primarily engaged in offset or lithographic printing on a job or custom basis	—	—	—	—	P	P	—	P	R	P	R	R	R	R	—
Produce and fruit, distribution— heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Produce and fruit, distribution— light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Publishing; desk-top: but not including printing by letterpress, lithography, offset, or similar methods; allowed only above first or ground floor in H-B districts	—	—	—	—	R	R	R	R	R	R	R	R	R	R	—

Publishing; newspapers, periodicals and books: including printing by letterpress, lithography, offset, gravure, or screen methods; may include book binding	—	—	—	—	—	—	—	—	—	—	—	P	—	R	R
Race track: such as horses, dogs, cars, motorcycles; need not be enclosed within structure	—	—	—	—	—	—	—	—	—	—	P	—	—	P	—
Radio and television repair: including repair of other household audio/visual equipment	—	—	—	—	—	R	—	—	R	R	R	R	R	R	—
Radio and television sales and service:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Radiotelephone or cellular telephone service: including transmission or receiving equipment such as microwave or satellite facilities	—	—	—	—	—	—	—	P	R	—	R	R	R	R	R
Railroad car repair service:	—	—	—	—	—	—	—	—	—	—	—	—	—	P	R
Railroad equipment building: such as locomotives, railway cars, rapid transit cars	—	—	—	—	—	—	—	—	—	—	—	—	—	P	R
Railroad right-of-way: but not including shops, yards, and team tracks; need not be enclosed within structure	P	P	P	P	—	—	—	P	P	—	P	P	P	R	R
Railroad terminal, passenger or freight: except shops; need not be enclosed within structure	—	—	—	—	—	—	—	—	—	—	P	R	—	R	R
Railroad yard: including shops, yards, and team tracks	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Record and tape store:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Recording studio: must be enclosed in soundproof structure	—	—	—	—	—	—	—	—	R	—	R	R	R	R	—

Recreational vehicle and trailer sales: need not be enclosed within structure	—	—	—	—	—	—	—	—	—	—	R	—	—	R	—
Recreational vehicle park, trailer park, campground: see Definition, section 64-2	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—
Recyclable materials recovery facility: see Definition, section 64-2	—	—	—	—	—	—	—	—	—	—	—	—	P	R	R
Recycling drop-off center: see Definition, section 64-2	—	—	—	—	—	—	—	—	R	—	R	R	R	R	R
Recycling plant: including aluminum, plastic, and glass materials reprocessing	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Recycling transfer station: see Definition, section 64-2	—	—	—	—	—	—	—	—	—	—	—	—	P	R	R
Refrigeration and service industry machinery manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Repossession service: including the storage and sales of operable motor vehicles; motor vehicles need not be enclosed within structure in B-3 and I-1 districts; storage and sale of vehicles prohibited in B-4 districts	—	—	—	—	—	—	—	—	—	—	R	R	—	R	—
Residential care facility, youth: including facilities for orphans, foster children, and abused children; see Definition, section 64-2	—	—	—	R	—	—	—	R	R	—	R	R	—	—	—
Restaurant: may include carry-out service; but may not include automobile drive-thru window or curbside service; see Definition, section 64-2	—	—	—	—	R	R	R	—	R	R	R	R	R	R	R

Restaurant, drive-in: provides automobile curbside service; may include drive-thru window; see Definition, section 64-2	—	—	—	—	—	—	—	—	P	—	R	—	—	R	—
Restaurant, drive-thru: may not include automobile curbside service; see Definition, section 64-2	—	—	—	—	—	—	—	—	R	R	R	P	R	R	R
Retirement home, elderly housing: see Definition, section 64-2	—	—	—	—	R	P	—	R	—	—	—	P	—	—	—
Riding academy: need not be enclosed within structure	R	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Rock crushing or grinding:	—	—	—	—	—	—	—	—	—	—	—	—	—	P	R
Roofing and sheet metal contractor:	—	—	—	—	—	—	—	—	—	—	R	—	—	R	R
Roofing, siding, and sheet metal, distribution—heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Roofing, siding, and sheet metal, distribution—light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Rooming house, boarding house: see Definitions, section 64-2	—	—	—	—	—	—	—	—	P	—	R	R	—	—	—
Rubber or gutta percha manufacture, processing or reclaiming:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Sand and gravel sales or storage:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Sand blasting: operation must prevent debris from reaching surrounding properties	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Sawmill, planing mill:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
School bus service, private:	—	—	—	—	—	—	—	—	—	—	R	—	—	R	R
School bus storage: need not be enclosed within structure;	—	—	—	—	—	—	—	—	—	—	R	—	—	R	R
School supply store:	—	—	—	—	R	R	—	—	R	R	R	R	—	—	—

Schools, elementary and secondary: meeting all requirements of the compulsory education laws of the State of Alabama; including boarding schools	—	P	P	P	P	—	—	P	P	—	P	P	—	—	—
Seafood processing:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Seafood store:	—	—	—	—	—	—	—	—	P	—	R	P	—	—	—
Security systems service:	—	—	—	—	—	—	—	—	R	R	R	R	R	R	R
Sewage disposal plant:	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P
Sewer and septic tank cleaning service: no tank cleaning or disinfecting on the premises	—	—	—	—	—	—	—	—	—	—	R	—	—	R	R
Sewing machine or vacuum cleaner sales and service:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Sewing machine repair:	—	—	—	—	—	R	—	—	R	R	R	R	R	R	—
Shelter for women and children:	—	—	—	R	—	—	—	R	R	R	R	P	—	—	—
Shipbuilding and repairing:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Shoe manufacture:	—	—	—	—	—	—	—	—	—	—	—	P	—	R	R
Shoe repair shop:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Shoe store:	—	—	—	—	—	R	R	—	R	R	R	R	—	—	—
Shooting range, indoor: must be enclosed within sound-proof structure	—	—	—	—	—	—	—	—	P	—	P	—	P	R	—
Shooting range, outdoor: need not be enclosed within structure	P	—	—	—	—	—	—	—	—	—	—	—	—	P	P
Sign lettering shop: small signs using press-on type or similar process	—	—	—	—	—	—	—	—	R	—	R	R	R	R	—
Sign manufacture: electrical, mechanical, cutout, advertising displays, and neon signs	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R

Sign painting shop: but not including sign manufacturing	—	—	—	—	—	—	—	—	—	—	R	R	R	R	R
Skating rink:	—	—	—	—	—	—	—	—	—	—	R	R	—	—	—
Small arms and ordinance manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Soap, detergents and disinfectants manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Soil preparation and crop services:	R	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Specialty food products manufacture: such as snack foods, spices, macaroni, and peanut butter	—	—	—	—	—	—	—	—	—	—	—	P	P	R	R
Specialty food store: such as health food, vitamins, coffee, beer and wine (no liquor)	—	—	—	—	R	R	R	—	R	R	R	R	—	—	—
Sporting and athletic goods manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	P	R	R
Sporting goods repair: such as golf clubs, tennis rackets	—	—	—	—	—	—	—	—	R	—	R	R	—	R	—
Sporting goods sales and service:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Sporting goods, distribution— heavy:	—	—	—	—	—	—	—	—	—	—	P	—	R	R	R
Sporting goods, distribution— light:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Sports and recreation club, membership: such as country club, golf club, swimming club; facilities may include golf course, pro-shop, swimming pool, tennis court, etc.	—	P	P	P	—	—	—	P	R	—	R	P	—	—	—
Stained glass shop:	—	—	—	—	R	R	R	—	R	R	R	R	R	R	—
Stationery store:	—	—	—	—	R	R	R	—	R	R	R	R	—	—	—
Steel mill:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P

Stockyards:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Stone cutting, shaping and finishing: may include sandblasting	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Sugar and confectionery products manufacture, except refining:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Sugar refining:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Syrup manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	R
Tailor shop:	—	—	—	—	R	R	R	—	R	R	R	R	—	—	—
Tanning salon:	—	—	—	—	R	R	—	—	R	R	R	R	—	—	—
Tar manufacture or distillation:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Tattoo parlor:	—	—	—	—	—	—	—	—	—	—	R	R	—	—	—
Taxicab service: Fleet maintenance and storage of vehicles prohibited in B-4 districts	—	—	—	—	—	—	—	—	—	—	R	R	—	R	R
Taxidermist:	—	—	—	—	—	—	—	—	—	—	P	—	—	R	—
Teen club:	—	—	—	—	—	—	—	—	R	—	R	—	—	—	—
Telephone exchange, with shops and garages:	—	—	—	—	—	—	—	—	—	—	R	—	R	R	R
Telephone exchange, without shops or garages:	—	—	—	—	—	—	—	R	R	—	R	P	R	R	R
Telephone lines: need not be enclosed within structure	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Tennis center: need not be enclosed within structure	—	—	—	—	—	—	—	P	R	—	R	R	—	—	—
Theatrical production or symphony orchestra:	—	—	—	—	—	P	—	—	P	—	R	R	—	—	—
Tire retreading or vulcanizing:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R

Tire sales and service: servicing and parking of serviced vehicles must occur entirely within a structure	—	—	—	—	—	—	—	—	R	—	R	R	—	R	R
Tires and inner tube manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Tobacco shop:	—	—	—	—	R	R	R	—	R	R	R	R	—	—	—
Toy store:	—	—	—	—	R	R	R	—	R	R	R	R	—	—	—
Trailer manufacture, light:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Trailer, when used for temporary business: district is determined by the intended use	—	—	—	—	—	—	—	R	R	—	R	—	R	R	R
Transit vehicle storage and servicing: need not be enclosed within structure	—	—	—	—	—	—	—	—	—	—	P	—	—	R	R
Travel agency: allowed only above first or ground floor in H-B districts	—	—	—	—	R	R	R	R	R	R	R	R	R	R	R
Tree farms:	R	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Trucking: including hauling, crating, furniture moving	—	—	—	—	—	—	—	—	—	—	—	—	R	R	R
Tuxedo, formal wear, or costume rental:	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Typesetting:	—	—	—	—	—	—	—	—	R	—	R	R	R	R	R
Typewriter repair:	—	—	—	—	—	—	—	—	R	—	R	R	R	R	—
Typewriter sales and service:	—	—	—	—	—	—	—	—	R	—	R	R	—	R	—
Variety store: limited to the sale of items which may be sold by any other use in this district	—	—	—	—	—	R	—	—	R	R	R	R	—	—	—
Vending machine or amusement game machine distributor:	—	—	—	—	—	—	—	—	—	—	R	P	R	R	R
Veterinary hospital for livestock:	R	—	—	—	—	—	—	—	—	—	—	—	—	R	R

Veterinary hospital for pets: must be enclosed within sound-proof structure; outside runs are permitted with Planning Approval	—	—	—	—	—	—	—	R	R	—	R	R	—	R	—
Video movie rental:	—	—	—	—	P	R	—	—	R	R	R	R	—	—	—
Vocational or trade school: excludes instruction listed under business college or technical school; see Definition, section 64-2	—	—	—	—	—	—	—	—	—	—	R	P	—	R	—
Warehousing—Heavy: uses not elsewhere classified; also see hazardous materials storage (see definition, section 64-2 , distribution—heavy):	—	—	—	—	—	—	—	—	—	—	P	P	R	R	R
Warehouse—Light: uses not elsewhere classified; also see hazardous materials storage (see definition, section 64-2 (distribution—light):	—	—	—	—	—	—	—	—	—	—	R	R	R	R	R
Water distillation:	—	—	—	—	—	—	—	—	—	—	—	—	P	R	R
Water or sewage pumping station:	P	P	P	P	P	—	—	R	R	—	R	P	R	R	R
Water storage: need not be enclosed within structure	P	P	P	P	—	—	—	P	R	—	R	—	R	R	R
Water transportation of freight:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Water transportation of passengers:	—	—	—	—	—	—	—	—	—	—	R	R	—	R	R
Welding shop:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Well drilling contractor:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Wholesale trade: uses not elsewhere classified	—	—	—	—	—	—	—	—	—	—	—	—	R	R	R
Window blind and drapery hardware manufacture:	—	—	—	—	—	—	—	—	—	—	—	—	—	R	R
Wood preserving with creosote or other impregnation treatment:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P

Yarn and thread mill:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	R
Youth organization camp:	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Zoo, public: permitted only as an accessory use in a major public park; need not be enclosed within structure	—	P	—	—	—	—	—	—	P	P	—	P	P	—	—	—

(Ord. No. 64-001, § II, 1-4-00; Ord. No. 06-049, 9-26-00; Ord. No. 64-030, § 1, 4-23-02; Ord. No. 64-053, § 1, 9-3-02; Ord. No. 64-090, § II, 12-17-02; Ord. No. 64-002, § III, 2-4-03; Ord. No. 64-076-2005, § 1, 11-29-05; Ord. No. 64-041-2006, § I, 10-10-06; Ord. No. 64-019-2012, § XIX, 8-7-12; Ord. No. 64-044-2013, § 1, 12-31-13)