MONTGOMERY, AL

# UPDATED ZONING ORDINANCE

## PUBLIC DRAFT

MARCH 2026

planning NEXT

CLARION

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# Article 1: General Provisions

**Commentary on Draft:**

**Article 1: General Provisions,** contains important provisions that pertain to the regulations as a whole. It includes ten sections that:

- Establish the title or official name, of the zoning ordinance;
- Identify the statutory authority for the City Council to adopt the ordinance;
- State the City Council's purpose and intent in adopting the ordinance;
- Set out areas in and activities to which the regulations in the ordinance apply;
- Clarify that the more restrictive regulation applies in cases where there is a conflict between two ordinance regulations or between ordinance provisions and state or federal law;
- Adopt and incorporate by reference the City's Official Zoning Map
- Address the rules governing development that have been approved under the previous regulations but not yet started or completed, or development applications that have been submitted but not yet approved;
- Establish a requirement for a building permit before construction may begin, and a certificate of occupancy before a constructed building or structure may be occupied;
- Provide a severability provision in the event a portion of the ordinance is determined invalid by a court of law; and
- Establish the effective date of the ordinance.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

## Section 1.1 Title[1]

This Ordinance shall be officially known as the "Zoning Ordinance of the City of Montgomery, Alabama," and may be referred to as the "Montgomery Zoning Ordinance," "Zoning Ordinance," or "this Ordinance."

## Section 1.2 Authority[2]

### 1.2.1. General Authority

This Ordinance is adopted in accordance with the enabling authority in the Code of Alabama, 1975, including Title 11, Chapter 40, Section 21; Title 11, Chapter 45; Title 11, Chapter 52; Title 41, Chapter 9, Section 166; and all other relevant laws of the state of Alabama.

[1] This builds on Article I, Section I of the current Zoning Ordinance. The adoption of the Official Zoning Map is relocated below.
[2] This is a new section that references the applicable state statutes that authorize the City to exercise land-use regulatory authority.

### 1.2.2. Amendments to Code of Alabama

Whenever any provision of this Ordinance refers to or cites a section of the Code of Alabama, 1975, and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

## Section 1.3 General Purpose and Intent[3]

The purpose of this Ordinance is to promote the health, safety, and general welfare of the city, and to implement the goals and policies of the Comprehensive Plan. More specifically, the intent of this Ordinance is to:

**(A)** Provide for the orderly growth and development of the City in a manner that accommodates reasonable overall community growth, including population and employment growth, provides opportunities for development of a variety of uses, and supports the efficient use of land, water, roads, and other resources;

**(B)** Support economic growth and development;

**(C)** Manage traffic congestion;

**(D)** Facilitate the adequate provision of transportation, water, sewerage, schools, parks, recreation, emergency services, and other public facilities;

**(E)** Ensure development is compatible with the desired character of the zone district where it is located and surrounding uses;

**(F)** Facilitate infill development, redevelopment of land, and adaptive reuse of land and buildings;

**(G)** Preserve the character and quality of residential neighborhoods;

**(H)** Ensure the provision of adequate open space for recreation and other uses;

**(I)** Provide for a diversity of housing opportunities;

**(J)** Conserve the natural resources and environmental quality of the City and its environs; and

**(K)** Establish comprehensive, consistent, effective, efficient, and equitable standards and procedures for the review and approval of development that implement the adopted plans, respect the rights of landowners, and consider the interests of the City's citizens

## Section 1.4 Applicability[4]

1.4.1. Except as provided in Section 1.4.2 below, the provisions of this Ordinance shall apply to the development of all land within the corporate limits and the police jurisdiction of the City, conducted by all public and private entities to the full extent permitted by law, unless the land or development is expressly exempted by a specific provision of this Ordinance. Development shall not occur and land shall not be used except in accordance with the requirements of this Ordinance and all other applicable City, county, state, and federal laws and regulations.

1.4.2. The provisions of this Ordinance shall not apply to development and redevelopment by the City, county, state, or federal government, and their agencies and departments.

[3] These are new general purpose statements.
[4] This new section establishes the area in which this Ordinance applies.

# Section 1.5 Relationship with Other Laws, Covenants, or Decrees[5]

## 1.5.1. Conflicts with Provisions of Adopted Codes or Ordinances

**(A)** If a provision of this Ordinance is inconsistent or conflicts with another provision of this Ordinance or with a provision found in other adopted ordinances or codes of the City, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

**(B)** When it is possible to implement, administer, or construe a particular provision of this Ordinance in more than one way, it shall be implemented, administered, or construed in a way that eliminates or minimizes conflicts with other Ordinance provisions.

## 1.5.2. Conflicts with State or Federal Law

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

## 1.5.3. Relationship to Restrictive Covenants and Deed Restrictions

The City shall not be responsible for monitoring or enforcing easements, covenants, deed restrictions, or other agreements between private parties. All development shall comply with the minimum requirements of this Ordinance regardless of the terms of any such agreements.

# Section 1.6 Official Zoning Map[6]

## 1.6.1. Establishment of Official Zoning Map.

The Official Zoning Map designates the location and boundaries of the various base zone districts and overlay zone districts under this Ordinance.

## 1.6.2. Incorporated by Reference

The Official Zoning Map, including all its notations, is incorporated into this Ordinance by reference. The Official Zoning Map is on file in the Community Development Department for public inspection during normal business hours. The City may maintain the Official Zoning Map in digital format.

## 1.6.3. Interpretation of Zoning Map Boundaries[7]

The Administrator shall be responsible for interpretation of the Official Zoning Map in accordance with Section 2.5.14, Interpretation, and the following standards:

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[5] This builds on the general rules of interpreting this Ordinance in the context of other City codes and state and federal statutes and regulation in Article V, Section 1 of the current Zoning Ordinance. It adds a section which makes clear that restrictive covenants and other such land restrictions are private contracts that are enforced by the parties to the contract, and that the City will not enforce them and that the City's rules are required to be complied with regardless of the existence of any such private agreements.

[6] This builds on the establishment of the zoning map in Article I, Section 1 of the current Zoning Ordinance. It allows the Official Zoning Map to be maintained as an electronic file and provides rules for interpreting any ambiguities in the Official Zoning Map.

[7] This expands upon the district boundary interpretation rules in Article I, Sections 3 and 4 of the current Zoning Ordinance, with revisions for improved clarity and new provisions as noted below. Because the current Zoning Ordinance was first adopted nearly 60 years ago, this provision from Section 3 has not been carried forward: "Unless otherwise shown in said zoning map, the boundaries of districts are lot lines, the centerlines of streets or alleys or

**(A)** When a district boundary is shown as approximately following a street, highway, alley, road, right-of-way, parkway, public utility right-of-way, railroad, stream, or watercourse, the boundary shall be deemed to be the center line of such feature.

**(B)** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

**(C)** Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.[8]

**(D)** Boundaries indicated as approximately following established corporate limits and county borders shall be construed as following such lines.

**(E)** Boundaries indicated as separated from but approximately parallel to any of the features indicated in subsections (A) through (D) above, or any landmarked or monumental line, shall be deemed to be parallel to the center line of the feature.

**(F)** Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

**(G)** Where a street, highway, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the Official Zoning Map, the physical monument or marker located on the ground shall control.

**(H)** Where physical features, such as flood plains, vary from those shown on the Official Zoning Map, or in other circumstances not covered by subsections (A) through (G) above, the Administrator shall determine the district boundaries. An aggrieved person may appeal the Administrator's determination to the Board of Adjustment in accordance with Section 2.5.13, Appeal.

## Section 1.7 Transitional Provisions[9]

### 1.7.1. Violations Continue

Any violation of the prior Zoning Ordinance and other regulations replaced by this Ordinance shall continue to be a violation under this Ordinance, and subject to the procedures and penalties set forth in Article 7: Enforcement, unless the development complies with the express terms of this Ordinance.

### 1.7.2. Completed Applications Upon Which No Final Action Taken

**(A)** Any development application submitted and accepted as complete before __ [*insert the effective date of this Ordinance]*, but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted as complete. Complete applications shall be processed in good faith. If the applicant fails to take reasonable efforts to secure approval of a development application in a timely fashion, the application shall expire, and future development shall be subject to the requirements and standards of this Ordinance.

**(B)** To the extent an application proposes development that does not comply with this Ordinance but is approved in accordance with subsection (A) above, the subsequent development,

such lines extended, railroad right-of-way lines or the corporate limit lines as they existed at the time of enactment of this ordinance."

[8] New provision.

[9] This is a new section which addresses several impacts of the new Ordinance, such as the treatment of violations of the current Zoning Ordinance, how applications in the development review process should be handled, and the transitions from the set of current zone districts to the new set of zone districts.

although permitted, shall be nonconforming and subject to the provisions of Article 6: Nonconformities.

**(C)** An applicant with a pending application accepted as complete before __ *[insert the effective date of this Ordinance]* may choose to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending application and submitting a new application in accordance with the requirements of this Ordinance.

### 1.7.3. Approved Applications

**(A)** Any development approvals granted before __ *[insert effective date of this Ordinance],* except a qualified zone district and a Planned Unit Development (PUD) zone district, shall remain valid until their expiration date, unless they are revoked (e.g., for failure to comply with their terms and conditions) or are substantially modified with respect to the character of development or the intent of the approval. Development with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval. If the approval or permit expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), or is substantially modified with respect to the character of development or the intent of the approval, any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance.

**(B)** A qualified zone district and a PUD zone district shall remain valid and shall not expire, and land in those districts shall remain subject to the regulations of the qualified zone district and PUD zone district, as applicable, until the zoning designation assigned to the land is amended in accordance with Section 2.5.2, Official Zoning Map Amendment.[10]

**(C)** To the extent the prior approval or permit recognized by this section proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 6: Nonconformities.

### 1.7.4. New Applications

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

### 1.7.5. Zoning District Transition

**(A) General**

On __ *[insert effective date of this Ordinance]*, land zoned with a zone district classification from the previous zoning ordinance shall be reclassified to one of the zone district classifications in this Ordinance as set forth in Article 3: Zone Districts. Table 1-1: Zone District Transitions, summarizes the translation or reclassification of the zone districts used in the previous zoning ordinance to the zone districts used in this Ordinance. For example, Table 1-1 shows that all lands classified as R-75-s and R-65-s in the previous zoning ordinance (under the column titled "Former District") are classified RSF-8.4 in this Ordinance (under the column titled "New District").

**Table 1-1: Zone District Transitions**

| Former District | New District |
|---|---|
| **Agricultural Districts** | |
| AGR-2: General Agriculture | AGR: Agriculture |
| AGR-1: Residential Agriculture | AGR-RES: Agriculture Residential |

[10] This clarifies hat qualified zone districts and PUD districts remain valid and do not expire.

| Table 1-1: Zone District Transitions | |
|---|---|
| **Former District** | **New District** |
| **Residential Districts** | |
| R-125: Residential Very Low Density | RSF-20: Residential Single Family-20 |
| R-100: Residential Very Low Density | RSF-12: Residential Single Family-12 **CONSOLIDATED** |
| R-85: Residential Very Low Density | |
| R-75-s | RSF-8.4: Residential Single Family-8.4 **CONSOLIDATED** |
| R-65-s | |
| R-60-s | RSF-7.2: Residential Single Family-7.2 **CONSOLIDATED** |
| R-60-d | |
| R-50 | RSF-6: Residential Single Family-6 |
| R-75-d | RME-8.4: Residential Mixed-8.4 **CONSOLIDATED** |
| R-75-m | |
| R-65-d | |
| R-65-m | |
| R-60-m | RMF-7.2: Residential Mutil-Family-7.2 consolidated |
| R-60-a | |
| R-99-s | RMH-S: Residential Mobile Home Subdivision |
| R-99-p | RMH-P: Residential Mobile Home Park |
| R-24-t: Townhouse | ***Deleted*** |
| R-20-t: Townhouse | ***Deleted*** |
| PGH-35 | ***Deleted*** |
| PGH-40 | ***Deleted*** |
| **Institutional Districts** | |
| **New** | INST-PK-O: Institutional Parks and Open Space |
| INST | INST-G: Institutional General |
| **New** | INST-U: Institutional University |
| **New** | INST-M: Institutional Military |
| **Commercial Districts** | |
| **New** | CN: Commercial Neighborhood |
| **New** | CC: Commercial Community |
| B-2: Individual Stores | CG: Commercial General |
| **New** | CR: Commercial Regional |
| **New** | CCOR: Commercial Corridor |
| B-3: Highway Commercial | CH: Commercial Highway |
| B-1-a: Central Business | ***Deleted*** |
| B-1-b: Central Business | ***Deleted*** |
| B-4: Local Shopping (planned commercial) | ***Deleted*** |
| B-5: Community Shopping (planned commercial) | ***Deleted*** |
| **Office Districts** | |
| O-0: Office Complex Zero Lot Line | ***Deleted*** |
| O-1: Office Complex | OC: Office Complex |
| O-2: Office Park | OP: Office Park |
| U: Utilities | ***Deleted*** |
| W-R: Waterfront Recreation | ***Deleted*** |

| Table 1-1: Zone District Transitions | |
|---|---|
| **Former District** | **New District** |
| **Industrial Districts** | |
| M-1: Light Industry | IL: Industry Light |
| M-2: Industrial Park | Deleted |
| M-3: General Industry | IG: Industry General |
| **Planned Development Districts** | |
| PUD Districts | ***Deleted*** |
| **New** | PD: Planned Development |
| **New** | PD-TND: Planned Development Traditional Neighborhood Development |
| **Special District** | |
| Flood Hazard | FH: Flood Hazard |
| **Overlay Districts** | |
| Airport Hazard Areas | AH-O: Airport Hazard Overlay |

**(B) Transition of Qualified Districts**

Development under a qualified district established in accordance with the previous zoning ordinance shall continue to remain valid and subject to the ordinance which enacted the qualified district and the development rules that applied at that time. No changes to the qualified district ordinance shall be permitted. A substantial modification to the development that requires an amendment to the terms of the qualified district shall require a rezoning, including but not limited to a new qualified district in accordance with Section 2.5.3, Qualified Zone District Classification.

**(C) Transition of Planned Unit Development Districts**

Development under a Planned Unit Development (PUD) district established in accordance with the previous zoning ordinance shall continue to remain valid and subject to the approved PUD zoning map amendment and development plan. A substantial modification to the PUD that requires an amendment to the terms of the PUD zoning map amendment or development plan shall require a rezoning, including but not limited to a Planned Development (PD) or Planned Development Traditional Neighborhood Development (PD-TND) district in accordance with Section 2.5.4, Planned Development.

## Section 1.8 Construction and Occupancy

### 1.8.1. Building Permit[11]

**(A)** No land clearing, building or structure construction (including accessory structures), or related activities, such as storage of building materials on a site, shall commence until the Building Official has issued a building permit, except that a building permit is not required for the grading or filling of one or more lots where no excavation is made for construction.

**(B)** No building permit shall be issued until the Land Use Control Administrator has determined that the plans, specifications, and intended use of the structure comply with the provisions of this Ordinance.

[11] This carries forward, revises, and simplifies Article II, Sections 2 and 3 of the current Zoning Ordinance, and removes the reference to detailed procedures for issuance of a building permit, which may be addressed in a Procedures Manual or in other materials outside this Ordinance.

### 1.8.2. Certificate of Occupancy[12]

No land, building, or other structure that has been erected, moved, or changed its use may be used until a certificate of occupancy has been issued.

## Section 1.9 Severability[13]

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

## Section 1.10 Effective Date

The Effective Date of this Zoning Ordinance is __ *[insert the effective date of this Ordinance]*

[12] This carries forward, revises, clarifies, and simplifies Article II, Section 4 of the current Zoning Ordinance.
[13] This builds on Article V, Section 2 of the current Zoning Ordinance.

# Article 2: Administration

**Article 2: Administration,** consolidates all development review procedures and creates a set of standard procedures that generally apply to the review of development applications. It also makes changes to the development review procedures to streamline and simplify the review process. The article is organized into five sections.

**Section 2.1, Purpose and Organization,** provides an overview of the organization of the article.

**Section 2.2, Summary Table of Development Review Responsibilities,** consists of a summary table of the development approvals and permits required under the Ordinance, and the staff and review and decision-making bodies responsible for reviewing, making recommendations on, and making decisions on each application.

**Section 2.3, Advisory and Decision-Making Bodies and Persons,** identifies the powers and duties of the different bodies and staff under the Ordinance, including the responsibilities of each with regard to the various types of applications in the Ordinance. It also sets forth the basic organization of the Board of Adjustment.

**Section 2.4, Standard Application Requirements and Procedures,** establishes a standard set of review procedures that are generally applicable to the review of development applications. It provides the framework under which the City's development review procedures for applications are made uniform to the greatest degree possible.

**Section 2.5, Application-Specific Review Procedures and Decision Standards,** supplements the standard review procedures. For each type of development application, it identifies in what situations application approval is necessary (or available), any applicable modifications of or additions to the standard procedures, and the standards for making a decision on the application.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

## Section 2.1 Purpose and Organization

### 2.1.1. Purpose

The purpose of this article is to establish the review and approval procedures for all development applications subject to this Ordinance.

### 2.1.2. Organization

The remaining sections of this article are organized as follows:

**(A)** Section 2.2, Summary Table of Development Review Responsibilities, includes a summary table of development review procedures that provides an overview of the development approvals under the Zoning Ordinance.

**(B)** Section 2.3, Advisory and Decision-Making Bodies and Persons, identifies and clarifies the roles of the different bodies and staff responsible for review, advice, and decision-making on applications for development approvals.

**(C)** Section 2.4, Standard Application Requirements and Procedures, establishes a standard set of review procedures that generally apply to the review of all applications for development approvals.

**(D)** Section 2.5, Application-Specific Review Procedures and Decision Standards, includes the specific review standards and any unique procedural review requirements for each individual application.

## Section 2.2 Summary Table of Development Review Responsibilities

**Table 2.2: Summary of Development Review Responsibilities**
**D = Decision R = Recommendation S = Staff Review A= Appeal * = Public Hearing**

| Review Procedure *Section* | Land Use Control Administrator | Planning Commission | Board of Adjustment | City Council |
|---|---|---|---|---|
| **Discretionary Approvals** | | | | |
| Text Amendment *2.5.1* | S | R* | | D* |
| Official Zoning Map Amendment *2.5.2* | S | R* | | D* |
| Qualified Zone District Classification *2.5.3* | S | R* | | D* |
| Planned Development *2.5.4* | S | R* | | D* |
| Special Exception *2.5.5* | S | | D* | |
| Cemetery Development Plan *2.5.6* | S | R* | | D* |
| **Site Development** | | | | |
| Development Plan *2.5.7(B)* | D | | A | |
| **Other Approvals** | | | | |
| Building Permit | See Building Code (Section 5-71 of the City Code) and Section 1.8.1, Building Permit | | | |
| Certificate of Occupancy | See Building Code (Section 5-71 of the City Code) and Section 1.8.2, Certificate of Occupancy | | | |
| Floodplain Development Permit | See Flood Damage Prevention Ordinance (Section 5-671 *et seq.* of the City Code) | | | |
| Outdoor Advertising Approval *2.5.8* | D | | A | |
| Temporary Use Approval *2.5.9* | D | | A | |
| Vending License *2.5.10* | D | | A | |
| **Relief and Interpretation** | | | | |
| Administrative Adjustment *2.5.11* | D | | | |
| Variance, Floodplain | See Flood Damage Prevention Ordinance (Section 5-671 *et seq.* of the City Code) | | | |
| Variance, Zoning *2.5.12* | | | D* | |
| Appeal *2.5.13* | | | D* | |
| Appeal, Floodplain | See Flood Damage Prevention Ordinance (Section 5-671 *et seq.* of the City Code) | | | |
| Interpretation *2.5.14* | D | | A | |

# Section 2.3 Advisory and Decision-Making Bodies and Persons

## 2.3.1. City Council[14]

In addition to the powers and duties established under state law and in the City Code, the City Council shall have the following powers and duties under this Ordinance:

**(A)** To review and decide the following:

**(1)** Zoning Ordinance Text Amendment (see Section 2.5.1);

**(2)** Official Zoning Map Amendment (see Section 2.5.2);

**(3)** Qualified Zone District Classification (see Section 2.5.3);

**(4)** Planned Development (see Section 2.5.4); and

**(5)** Cemetery Development Plan (see Section 2.5.6);

**(B)** To establish fees and appropriate means of payment for applications reviewed under this Ordinance; and[15]

**(C)** To take any other action not assigned or delegated to another decision-making body or person as the City Council may deem desirable and necessary to implement the provisions of this Ordinance.

## 2.3.2. Planning Commission

The Planning Commission is established in accordance with Sec. 21-31 of the City Code

**(A) Powers and Duties**

The Planning Commission shall have the following powers and duties:[16]

**(1)** To review and make a recommendation on the following:

**(a)** Zoning Ordinance Text Amendment (see Section 2.5.1);

**(b)** Official Zoning Map Amendment (see Section 2.5.2);

**(c)** Qualified Zone District Classification (see Section 2.5.3);

**(d)** Planned Development (see Section 2.5.4);

**(e)** Cemetery Development Plan (see Section 2.5.6); and

**(2)** Any other powers and duties assigned to it by the City Council in accordance with Title 11, Ch. 52 of the Code of Alabama, 1975.

**(B) Procedure**

An affirmative vote of a simple majority of the members of the Planning Commission who are present and eligible to vote is required to take any action. In the case of a tie in votes on any proposal, the proposal fails.

## 2.3.3. Board of Adjustment[17]

The Board of Adjustment is hereby established.

**(A) Powers and Duties**

The Board of Adjustment has the following powers and duties under this Ordinance:

**(1)** To review and decide the following:

**(a)** Special Exceptions (see Section 2.5.5); and

[14] This new section states the powers and duties of City Council in the specific context of the Zoning Ordinance.
[15] The list of specific application fees in the current Zoning Ordinance will be replaced by a separate schedule.
[16] This replaces the provision establishing the size of the Planning Commission in Section 2-302.
[17] Carries forward Article III, Board of Adjustment. This section reorganizes Article III, Section 2 of the current Zoning Ordinance to fit within the structure of the new zoning ordinance.

**(b)** Variances (see Section 2.5.12);

**(2)** To hear and decide appeals from final decisions on the following:

**(a)** Administrative decisions of the Land Use Control Administrator:

**1.** Development Plan (see Section 2.5.7(B));

**2.** Outdoor Advertising Approval (see Section 2.5.8);

**3.** Temporary Use Approval (see Section 2.5.9); and

**4.** Vending License (see Section 2.5.10); and

**(b)** Interpretations (see Section 2.5.14); and

**(3)** To serve as the administrative agency for enforcement of regulations relating to the AH-O Airport Hazard Overlay District, in accordance with the Airport Zoning Act, Section 4-6-10, Code of Alabama, 1975. See Section 3.10.2, AH-O: Airport Hazard Overlay.[18]

**(B) Membership[19]**

The Board of Adjustment shall consist of nine members appointed by the City Council. Each member shall serve for a term of three years or until a successor is duly appointed and qualified. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of the member affected. Terms of members shall be staggered with no more than three members' terms expiring each year.

**(C) Proceedings**

**(1)** The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chair and at such other times as the Board may determine. A quorum of five shall be required to conduct business. The Chair or, in the Chair's absence, the acting Chair may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

**(2)** An affirmative vote of five Board members is required to take any action on requests before the Board.

**(3)** The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be of a public record and be immediately filed in the office of the Board.

## 2.3.4. Land Use Control Administrator[20]

The position of Land Use Control Administrator (Administrator) is hereby established.

**(A) Powers and Duties**

The Administrator shall have the following powers and duties under this Ordinance:

**(1)** To provide staff review and make recommendations for the following:

**(a)** Zoning Ordinance Text Amendment (see Section 2.5.1);

**(b)** Official Zoning Map Amendment (see Section 2.5.2);

---

[18] This section updates Article VIII, Section 5 of the current Zoning Ordinance with the latest update of the Airport Zoning Act.

[19] Removed from Article III, Section 1 of the current Zoning Ordinance: "One member shall be appointed for a term of three years, two members for two years, and two members for one year." The board is already in existence. In addition, staff noted that the membership established in Article III, Section 1 (five members, two of whose terms expire each year) is inconsistent with Section 2-302 of the City Code, which establishes the nine-person board. To reduce confusion, we recommend that the provisions establishing the planning commission and board of adjustment in Section 2-302 be deleted and replaced with the more comprehensive provisions included in this draft.

[20] This section designates the Land Use Control Administrator as the single position generally charged with administering the code. See detailed discussion on page II-14 of the Code Assessment.

**(c)** Qualified Zone District Classification (see Section 2.5.3);
**(d)** Planned Development (see Section 2.5.4);
**(e)** Special Exceptions (see Section 2.5.5); and
**(f)** Cemetery Development Plan (see Section 2.5.6);

**(2)** To review and decide the following:
**(a)** Development Plan (see Section 2.5.7(B));
**(b)** Outdoor Advertising Approval (see Section 2.5.8);
**(c)** Temporary Use Approval (see Section 2.5.9);
**(d)** Vending License (see Section 2.5.10);
**(e)** Administrative Adjustment (see Section 2.5.11); and
**(f)** Interpretations (see Section 2.5.14);

**(3)** To establish and chair a Technical Review Committee composed of representatives of relevant departments or agencies with expertise or review responsibilities pertaining to the development applications for the purpose of streamlining review of applications;

**(4)** To establish application content requirements for the review of applications;

**(5)** To compile and amend as necessary a Procedures Manual that includes requirements for application contents and forms, submission schedules, a schedule of fees (established by the City Council), and any additional information that the Administrator deems appropriate and relevant to the submittal of, review of, and decision on development applications;

**(6)** To maintain a copy of the current schedule of fees and payment procedures or, if compiled, the Procedures Manual, in an office available to the public or online;

**(7)** To oversee the enforcement of this Ordinance, in accordance with Article 7: Enforcement; and

**(8)** To carry out any other activities described in this Ordinance.

**(B) Delegation**

The Administrator may delegate any authority granted to the Administrator under this Ordinance to any professional-level subordinate staff.

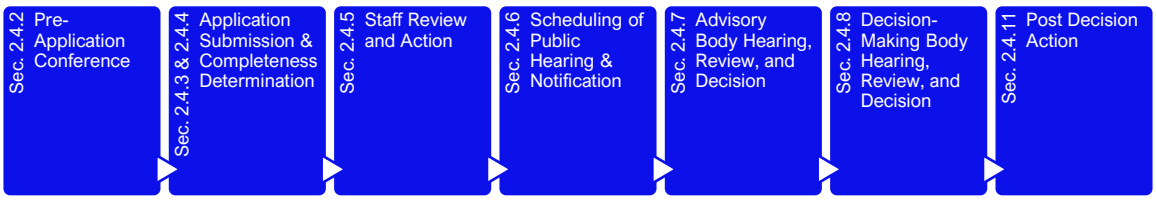
# Section 2.4 Standard Application Requirements and Procedures[21]

## 2.4.1. General

This section establishes standard procedures that are generally applicable to the review of development applications under this Ordinance. Not all procedures in this section are required for every development application. Section 2.5, Application-Specific Review Procedures and Decision Standards, identifies for a specific type of application which standard procedures are required, and whether there are additions or modifications to the standard procedure. Figure 2-1: Summary of Standard Review Procedures, provides a summary of the standard review procedures. A similar figure with applicable changes is provided for each application-specific procedure.

[21] This is a new section that establishes standard requirements for the submission and processing of development applicants in accordance with this Ordinance. As discussed in the Code Assessment (pages II-12 through II-13), these standard procedures contribute to an efficient development review process by providing a consistent set of procedures that apply to multiple application types. These procedures are modified as necessary for specific types of applications.

**Figure 2-1: Summary of Standard Review Procedures**




## 2.4.2. Pre-Application Conference[22]

### (A) Purpose

The purpose of a pre-application conference is to provide an opportunity for the applicant to review submission requirements, procedures, and standards that may apply to an anticipated application. The conference is also an opportunity for staff to become familiar with the project and offer preliminary comments about the scope, features, and impacts of the proposed development as they relate to the standards of the Ordinance.

### (B) Applicability

A pre-application conference is voluntary, and may be requested by an applicant before the submission of any development application.

### (C) Procedure

#### (1) Scheduling

Upon receipt of a request for a pre-application conference, the Administrator shall schedule the conference and notify the applicant of the meeting time and location.

#### (2) Submission of Materials Prior to Meeting

Before a pre-application conference is held, the applicant shall submit to the Administrator a narrative describing the scope of the proposed application, a conceptual site plan, other information that the applicant believes will assist City staff in evaluating the project, and any other information requested by the Administrator.

#### (3) Conduct of Meeting

The Administrator and relevant staff shall review the materials submitted by the applicant prior to the meeting, and at the meeting, seek any additional clarification needed from the applicant regarding the proposed application. The Administrator and staff shall identify any concerns, problems, or other factors the applicant should consider regarding the proposed application.

### (D) Effect

The pre-application conference facilitates the application review process. Any verbal or written comments made by staff during the pre-application conference are not binding on the City. Processing times for review of a development application do not begin until an application is submitted and determined to be complete in accordance with Section 2.4.4, Determination of Completeness.

[22] This is a new procedure which allow an applicant to request a meeting with staff prior to the submission of a development application. Meeting early in the process allows the applicant and staff to address issues with a proposal that may make the review of the eventual application more efficient.

## 2.4.3. Application Submission[23]

**(A) Application Submitted to Land Use Division[24]**

All applications shall be submitted to the Land Use Division.

**(B) Authority to Submit Application**

All applications for development approvals shall be submitted by the owner or owners of the land upon which the development is proposed, or their authorized agent.

**(C) Required Contents and Form[25]**

The application contents and form shall be in accordance with requirements established by the Administrator for the specific type of application.

**(D) Required Fees**

Required application fees shall be those established for the specific application by the City Council.

**(E) Schedule**

The schedule for application submission and review, including time frames for review, shall be established for the specific application type by the Administrator.

**(F) Simultaneous Processing of Applications**

When two or more forms or instances of review and approval are required under this Ordinance, the applications for those approvals may proceed simultaneously at the discretion of the Administrator, so long as all applicable City and state requirements are met. Simultaneous processing may result in additional fees for the applicant. Where multiple applications are reviewed simultaneously, a revision of one may require corresponding revisions in the others.

**(G) Examination and Copying of Application and Associated Materials**

At any time, upon reasonable request and during normal business hours, any person may examine a development application, a finalized staff report, and materials submitted in support or opposition to an application, in the Community Development Department.

## 2.4.4. Determination of Completeness[26]

**(A) General**

Upon receipt of an application, the Administrator shall determine if the application is complete. A complete application is one that:

**(1)** Contains all content required for the particular type of application;

**(2)** Is in the form required for the particular type of application;

**(3)** Includes information in sufficient detail to allow an evaluation of the application to determine whether it complies with the appropriate review standards of this Ordinance; and

**(4)** Is accompanied by the fee established for the particular type of application.

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[23] This new section establishes consistent rules for the submission of development applications and related matters.
[24] We recommend providing enough specificity to direct applicants to the appropriate office while allowing flexibility for future reorganization. This section can be expanded if the City wishes to direct particular permits or permissions to specific departments.
[25] Specific application requirements will be maintained by staff, as recommended in the Code Assessment (page II-7).
[26] As recommended in the Code Assessment (page II-13), this new section adds a formal step of review to ensure an application is complete, preventing wasted time and effort of both the applicant and staff.

**(B) Application Incomplete[27]**

**(1)** If the Administrator determines that the application is incomplete, the Administrator shall send notice to the applicant of the application's deficiencies electronically or by mail within 15 business days[28] of receipt of the application, and review of the application shall not proceed. The applicant may correct the deficiencies and resubmit the revised application for another completeness determination without payment of an additional fee.

**(2)** If the applicant fails to resubmit an incomplete application within 60 days after being notified of submittal deficiencies, the application shall be considered withdrawn.

**(3)** Notwithstanding the other provisions of this subsection, after an application is determined to be incomplete three times, the applicant may request, and the Administrator shall undertake, processing and review of the application.

**(C) Application Complete**

If the application is determined to be complete, it shall be reviewed in accordance with the applicable procedures and standards in this Ordinance. Any established time frame for review of the application shall start on the date the application is determined to be complete.

**(D) Amendment or Withdrawal of Application**

**(1) Application Amendment**

**(a)** An applicant may submit a revised application to the Community Development Department after receiving initial staff review comments on the application or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed but not yet taken action on the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by the Administrator or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections, and do not include significant substantive changes to the plan for development proposed in the application.

**(b)** Any other revisions to the application may be submitted at any time during the review procedure, but the revised application shall be submitted and reviewed as if it were a new application, and may be subject to additional application fees to defray the additional costs of processing the revised application.

**(2) Application Withdrawal**

**(a)** An applicant may withdraw an application at any time by submitting a letter of withdrawal to the Administrator.

**(b)** Applications withdrawn after required notice of any public hearing scheduled for the application shall be subject to limitations on the subsequent submittal of similar applications in accordance with Section 2.4.10(E), Limit on Subsequent Applications.

**(c)** If an application is withdrawn by the applicant, no further review of the application shall take place unless or until a new application (including new application fees) is submitted and determined to be complete. Application fees shall not be refunded for withdrawn applications.

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[27] This is a new procedure that provides staff a certain number of days to review the application and allows the applicant opportunities to correct any deficiencies. The last paragraph allows an applicant to request review of the application even if the Administrator determines it is not complete.

[28] This is a new standard. Some communities have set the timeframe for completeness determination as low as 10 business days.

## 2.4.5. Staff Review and Action

If review or a decision on the application by the Administrator is required in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the review or decision shall be in accordance with this section.

**(A) Review and Opportunity to Revise**

**(1)** If an application is determined to be complete, the Administrator shall distribute the application to all appropriate staff, departments, and other review agencies for review and comment. At the discretion of the Administrator this may include the assembly of a formal Technical Review Committee composed of representatives of different departments and agencies for the purpose of coordinating review.

**(2)** The Administrator shall review the application, relevant support material provided, and any comments or recommendation from the appropriate staff. If deficiencies in complying with the applicable standards of this Ordinance are identified, the Administrator shall notify the applicant of the deficiencies and provide the applicant a reasonable opportunity to revise the application to address them.

**(B) Application Subject to Staff Review**

If an application is subject to staff review, the Administrator shall, following completion of the review, prepare written notification that addresses the application's compliance with applicable review standards and recommends action on the application, including any recommended conditions of approval. The Administrator shall transmit the application and staff report to the appropriate advisory or decision-making body, provide the applicant a copy of the staff report, and make a copy of the staff report available for examination by the public during normal hours of operation.

**(C) Application Subject to Decision by Staff**

If an application is subject to a final decision by the Administrator, the Administrator shall review the application and make a decision authorized for the particular type of application, based on the decision standards applicable for the application type as set forth in Section 2.5, Application-Specific Review Procedures and Decision Standards.

**(D) Delegation of Staff Review to Professional Staff**

As described in Section 2.3.4(B), Delegation, the Administrator may delegate duties, including the organizing and conduct of staff review, to any knowledgeable professional staff of the City.

## 2.4.6. Scheduling of Public Hearing and Notification[29]

**(A) Compliance with State Law**

If a public hearing is required for an application, the public hearing shall be scheduled and public notification of the hearing provided in accordance with state law and applicable bylaws.

**(B) Public Notice**

Notification of a public hearing on an application shall be as required by state law and this Ordinance, as shown in Table 2-1: Public Notification Requirement.

[29] This section clarifies that notification provisions must be in compliance with state law. It carries forward notice requirements described in Article IV, Section 2 of the current Zoning Ordinance. The current Zoning Ordinance references the posting requirements, which we have carried forward, but there does not seem to be any provisions in the code which require the posting of notice. Therefore, though we have carried forward the posting standards, we have not included any new requirements for posting of notice.

| Table 2-1: Public Notification Requirement | | | |
|---|---|---|---|
| **Application Type** | **Published Notice** | **Mailed Notice** | **Posted Notice** |
| Zoning Ordinance Text Amendment | In accordance with Section 11-52-77, Code of Alabama 1975 | Not required | Not required |
| Official Zoning Map Amendment | In accordance with Section 11-52-77, Code of Alabama 1975 | In accordance with subsection (D) below | Not required |
| Qualified Zone District Classification | In accordance with Section 11-52-77, Code of Alabama 1975 | In accordance with subsection (D) below | Not required |
| Planned Development | In accordance with Section 11-52-77, Code of Alabama 1975 | In accordance with subsection (D) below | Not required |

**(C) Publication of Legal Notice**[30]

When a request requires publication of a legal notice, the Administrator shall prepare the required notice and submit it to the appropriate newspaper for publication. The cost of publication shall be billed directly to the applicant by the newspaper in which the notice appears, unless the cost of publication is explicitly included in the fees designated by City Council for an application type.

**(D) Mailed Notice**

Mailed notice shall be sent by the Administrator by first class mail to all owners of land adjacent to the property that is the subject of the application. The notice shall be mailed at least 15 days prior to a public hearing, to the names and address of adjacent owners as shown on the current county tax records.

**(E) Posted Notice**

When posting of notice is required, notice shall be posted on the property by the Administrator in accordance with the following:

**(1)** Notice shall be posted at 150-foot intervals along the street frontage of the property, with a minimum of one sign for each side of the property with street frontage. The Administrator shall post notice at additional locations that the Administrator deems necessary to provide adequate notification.

**(2)** All notice shall be posted at least 15 days prior to the date of the hearing for which the notice is placed.

## 2.4.7. Advisory Body Hearing, Review, and Decision

If an application requires review and recommendation by the Planning Commission, in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the Planning Commission shall review and make a recommendation on the application in accordance with the following:

**(A)** The Planning Commission shall consider the application, relevant support materials, and staff reports and recommendations. If applicable, the Planning Commission shall conduct a public hearing on the application and consider comments received during the hearing. Following the hearing, the Planning Commission shall recommend one of the decisions authorized for the particular type of application, based on the decision standards applicable to the application type, as set forth in Section 2.5, Application-Specific Review Procedures and Decision Standards.

[30] We have removed the provision exempting agents or employees of the City as the applicant is the City.

**(B)** The Planning Commission shall provide a statement in writing setting forth the basis or rationale for the recommended decision.

**(C)** If permitted for the particular type of application in accordance with Section 2.5, Application Specific Review Procedures and Decision Standards, the Planning Commission may recommend conditions of approval. Recommended conditions of approval must relate in both type and extent to the anticipated impacts of the proposed development.

**(D)** The Planning Commission shall provide its recommendation to the City Council.

## 2.4.8. Decision-Making Body Hearing, Review And Decision

If an application is subject to a final decision by the City Council, the Planning Commission, or the Board of Adjustment, in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the decision-making body shall review and make a final decision on the application in accordance with the following requirements:

**(A)** The decision-making body shall conduct a public hearing on the application and shall consider the application, relevant support materials, staff or Planning Commission reports and recommendations, and any comments received during the hearing. Following the public hearing, the decision-making body shall make in writing one of the decisions authorized for the particular type of application, based on the decision standards applicable to the application type, as set forth in Section 2.5, Application-Specific Review Procedures and Decision Standards. The decision shall state the basis or rationale for the decision.

**(B)** The decision-making body shall take action as promptly as reasonably possible in consideration of the interests of the applicant, affected parties, and citizens of the City.

**(C)** Before making its decision, the decision-making body may remand the application to the Planning Commission or staff, as applicable, for further consideration of any issue.

**(D)** If permitted for the particular type of application in accordance with Section 2.5, Application Specific Review Procedures and Decision Standards, the decision-making body may approve the application subject to conditions of approval. Conditions of approval must relate in both type and extent to the anticipated impacts of the proposed development.

## 2.4.9. Notification to Applicant of Decision

Within ten business days[31] after a final decision on a development application, or within another period of time as required by state law, the Administrator shall send notice of the decision to the applicant. The notification shall be in writing and in accordance with applicable state law. The Administrator shall also make a copy of the decision available to the public at the Land Use Division office during normal business hours.

## 2.4.10. Post-Decision Actions and Limitations[32]

**(A) Effect of Approval**

Approval of a development application in accordance with this Ordinance authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application and approval. If one development approval is a prerequisite to another development approval (e.g., variance approval prior to a development approval), development may not take place until all required development approvals are obtained. Approval of one

[31] Ten days is new.
[32] This new section describes the effect of an approval, other actions an applicant may take following a decision, and establishes an expiration for most approvals (other than text amendments and zoning map amendments) if further action is not taken following the approval.

development application does not necessarily guarantee approval of any subsequent development application.

**(B) Lapse in Approval**[33]

**(1)** Development approvals shall expire as provided in Section 2.5, Application-Specific Review Procedures and Decision Standards, for each type of development approval. If no expiration period is provided for the specific type of development approval, and if no expiration period is imposed as a part of its approval, the development approval shall expire if a building permit for the approved development is not obtained within two years of the date of approval.

**(2)** A change in ownership of the land that is the subject of a development approval shall not affect the established expiration time period for the development approval.

**(C) Amendment of Development Approval or Permit**

Unless otherwise specified in the procedure for the particular type of development application in Section 2.5, Application-Specific Review Procedures and Decision Standards, a development approval may only be amended or modified in accordance with the procedures and standards established for its original approval.

**(D) Appeal**

**(1)** Unless otherwise provided with respect to a particular type of application in Section 2.5, Application-Specific Review Procedures and Decision Standards, a decision by the Administrator may be appealed to the Board of Adjustment, in accordance with Section 2.5.13, Appeal.

**(2)** A decision by the Board of Adjustment may be appealed to circuit court, in accordance with state law.

**(E) Limit on Subsequent Applications**[34]

**(1) Prior Application Denied**

**(a)** If a development or zoning application requiring a public hearing is denied, an application proposing the same development or zoning designation on all or part of the same land shall not be submitted within one year after the date of decision denying the application unless the decision-making body waives this time limit in accordance with subsection (b) below. Only one request for a waiver of this time limit may be submitted during the one-year period.

**(b)** The owner of land that is the subject of an application that was denied, or the owner's authorized agent, may submit a written request for a waiver of the time limit established in subsection (a) above, along with a fee to defray the cost of processing the request, to the Administrator, who shall transmit the request to the decision-making body. Upon a favorable vote by two-thirds of its membership, the decision-making body may grant a waiver of the time limit only upon making a finding that the owner or agent has demonstrated at least one of the following:

**1.** There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the application of relevant review standards;

**2.** New or additional information is available that was not available at the time of review that might reasonably affect the application of relevant review standards;

[33] New general expiration rules for most development applications so that "stale" development approvals do not remain valid for years.

[34] This new section establishes minimum time periods following the denial or withdrawal of an application during which applications proposing the same development or zoning designation cannot be submitted. Such limitations support the integrity of the development review process by providing a degree of finality.

3. The new application proposed to be submitted is not substantially the same as the prior application; or
4. The final decision on the application was based on a material mistake of fact.

**(2) Prior Application Withdrawn**

If an application requiring a public hearing is withdrawn after required notice of the public hearing is provided, no application proposing the same or similar development on all or part of the same land shall be submitted within six months after the date of withdrawal. Any such application shall be considered a new application.

# Section 2.5 Application-Specific Review Procedures and Decision Standards[35]

## Discretionary Appeals

### 2.5.1. Zoning Ordinance Text Amendment[36]

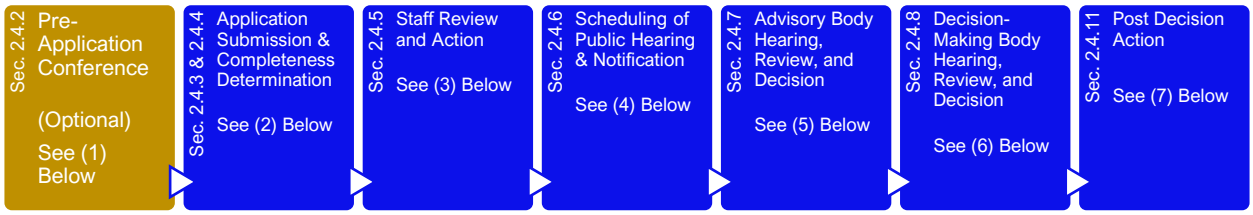
**(A) Applicability**

Approval of a Zoning Ordinance Text Amendment in accordance with this section is required to amend the text of this Ordinance.

**(B) Procedure for Zoning Ordinance Text Amendment**

An application for a Zoning Ordinance Text Amendment shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-2: Summary of Zoning Ordinance Text Amendment Procedure, identifies the standard procedures that apply to text amendment applications and those that do not apply.

**Figure 2-2: Summary of Zoning Ordinance Text Amendment Procedure**




[35] This section includes the specific procedural review requirements and decision standards for each type of application. As discussed in Section 1.6 of the Diagnosis in the Code Assessment, this section adds, consolidates, and revises development applications in order to streamline and modernize the review process. Each procedure is accompanied by a review process flow chart and includes reference to each of the steps in the standard procedures including pre-application conference, application submission, determination of application completeness, staff review and action, scheduling of public hearing and public notification, public hearing procedures, advisory body review and recommendation, decision-making body hearing, review, and decision, notification of decision, and post-decision actions and limitations. In addition, for each application procedure this section sets forth any specific standards added or modified in each of the listed actions.

[36] This subsection establishes the procedure for a text amendment to the Zoning Ordinance. The procedure includes review by the Administrator, a recommendation from the Planning Commission, and a decision by City Council following a public hearing.

**(1) Pre-Application Conference**

A pre-application conference is optional at the discretion of the applicant, in accordance with Section 2.4.2, Pre-Application Conference.

**(2) Application Submission and Completeness Determination**

**(a)** Applications shall be submitted in accordance with Section 2.4.3, Application Submission, except that text amendments may be initiated by the City Council, the Planning Commission, the Administrator, an owner of land in the City, or a person with a financial or other interest in land in the City.

**(b)** For purposes of this section, a resolution adopted by the City Council or the Planning Commission initiating a text amendment shall constitute the application.

**(3) Staff Review and Action**

The Administrator shall review the application and provide a recommendation in accordance with Section 2.4.5, Staff Review and Action.

**(4) Scheduling of Public Hearing and Notification**

Public hearings shall be scheduled and notification of the hearings provided in accordance with Section 2.4.6, Scheduling of Public Hearing and Notification.

**(5) Advisory Body Hearing, Review, and Decision**

The Planning Commission shall conduct a public hearing on the application and make a recommendation on the application in accordance with Section 2.4.7, Advisory Body Hearing, Review, and Decision, and subsection (C) below. The Planning Commission's recommendation shall be one of the following:

**(a)** Recommend approval of the ordinance adopting the Text Amendment;

**(b)** Recommend approval of the ordinance adopting the Text Amendment, with revisions; or

**(c)** Recommend denial of the application for Text Amendment.

**(6) Decision-Making Body Hearing, Review, and Decision**

The City Council shall conduct a public hearing on the application and make a decision on the application in accordance with Section 2.4.8, Decision-Making Body Hearing, Review And Decision, and subsection (C) below. The City Council's decision shall be one of the following:

**(a)** Approve the ordinance adopting the Text Amendment;

**(b)** Approve ordinance adopting the Text Amendment, with revisions;

**(c)** Deny the application for Text Amendment; or

**(d)** Remand the application for Text Amendment to the Planning Commission for further consideration.

**(7) Post-Decision Actions and Limitations**

**(a)** An approved Zoning Ordinance Text Amendment does not lapse.

**(b)** The City Council, the Planning Commission, and the Administrator are not subject to the limitations in Section 2.4.10(E), Limit on Subsequent Applications.

**(C) Decision-Making Standards for Zoning Ordinance Text Amendment[37]**

The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to approve or deny the proposed Zoning Ordinance Text Amendment, the City Council may

[37] This new section provides decision-making standards for this application type. Amendments to the ordinance are a legislative action and so City Council may consider a wide array of factors.

consider many factors, including but not limited to whether, and the extent to which, the proposed amendment:

**(1)** Is in accordance with the goals of the comprehensive plan and other applicable plans and planning documents adopted by the City;

**(2)** Is required by changed conditions;

**(3)** Addresses a demonstrated community need;

**(4)** Is consistent with the purpose and intent of the zone districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the City;

**(5)** Is consistent with other related State and local laws and regulations;

**(6)** Would result in a logical and orderly development pattern; and

**(7)** Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

## 2.5.2. Official Zoning Map Amendment[38]

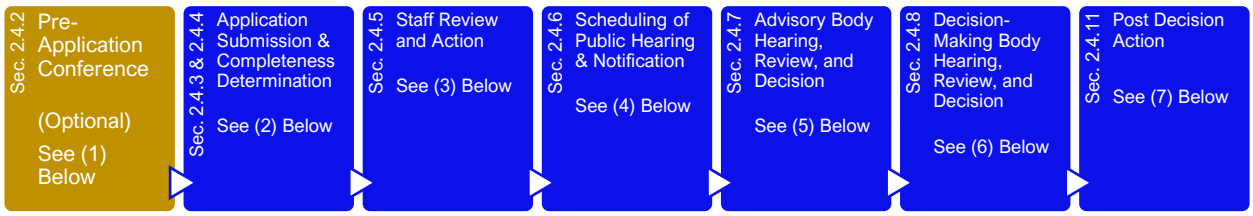
### (A) Applicability

Approval of an Official Zoning Map Amendment in accordance with this section is required to amend the Official Zoning Map.

### (B) Procedure for Official Zoning Map Amendment

An application for an Official Zoning Map Amendment shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-3: Summary of Official Zoning Map Amendment Procedure, identifies the standard procedures that apply to Official Zoning Map Amendment applications and those that do not apply.

**Figure 2-3: Summary of Official Zoning Map Amendment Procedure**




#### (1) Pre-Application Conference

A pre-application conference is optional at the discretion of the applicant, in accordance with Section 2.4.2, Pre-Application Conference.

#### (2) Application Submission and Completeness Determination

**(a)** Applications shall be submitted in accordance with Section 2.4.3, Application Submission, except that Official Zoning Map Amendments may be initiated by the City Council, the Planning Commission, the Administrator, an owner of land in the City, or a person with a financial or other interest in land in the City.

[38] This subsection establishes the procedure for a Zoning Map Amendment. The procedure includes review by the Administrator, a recommendation from the Planning Commission, and a decision by City Council following a public hearing.

**(b)** For purposes of this section, a resolution adopted by the City Council or the Planning Commission initiating a map amendment shall constitute the application.

**(3) Staff Review and Action**

The Administrator shall review the application and provide a recommendation in accordance with Section 2.4.5, Staff Review and Action.

**(4) Scheduling of Public Hearing and Notification**

Public hearings shall be scheduled and notification of the hearings provided in accordance with Section 2.4.6, Scheduling of Public Hearing and Notification.

**(5) Advisory Body Hearing, Review, and Decision**

The Planning Commission shall conduct a public hearing on the application and make a recommendation on the application in accordance with Section 2.4.7, Advisory Body Hearing, Review, and Decision, and subsection (C) below.

**(a)** Recommend approval of the application for Official Zoning Map Amendment;

**(b)** Recommend approval of the Official Zoning Map Amendment, with revisions; or

**(c)** Recommend denial of the application for Official Zoning Map Amendment.

**(6) Decision-Making Body Hearing, Review, and Decision**

The City Council shall conduct a public hearing on the application and make a decision on the application in accordance with Section 2.4.8, Decision-Making Body Hearing, Review And Decision, and subsection (C) below. The City Council's decision shall be one of the following:

**(a)** Approve the application for Official Zoning Map Amendment;

**(b)** Approve the application for Official Zoning Map Amendment, with revisions;

**(c)** Deny the application for Official Zoning Map Amendment; or

**(d)** Remand the application for Official Zoning Map Amendment to the Planning Commission for further consideration.

**(7) Post-Decision Actions and Limitations**

Post-decision action on the Official Zoning Map Amendment shall be in accordance with Section 2.4.10, Post-Decision Actions and Limitations, with the following adjustments:

**(a)** An approved Official Zoning Map Amendment does not lapse.

**(b)** The City Council, the Planning Commission, and the Administrator are not subject to the limitations in Section 2.4.10(E), Limit on Subsequent Applications.

**(C) Decision-Making Standards for Official Zoning Map Amendment[39]**

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

**(1)** Is in accordance with the goals of the Comprehensive Plan and other applicable plans and planning documents adopted by the City;

**(2)** Is required by changed conditions;

**(3)** Addresses a demonstrated community need;

**(4)** Would allow a range of uses that are compatible with the uses allowed on other property in the vicinity;

[39] This new section provides decision-making standards for a proposed rezoning. Amendments to the zoning map are a legislative action and so City Council may consider a wide array of factors.

**(5)** Would avoid creating an inappropriately isolated district unrelated to adjacent and surrounding districts;

**(6)** Would result in a logical and orderly development pattern;

**(7)** Would allow the subject property to be put to a reasonably viable economic use;

**(8)** Would result in development that can be served by available, adequate, and suitable public facilities (e.g., streets, potable water, sewerage, stormwater management); and

**(9)** Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

## 2.5.3. Qualified Zone District Classification[40]

### (A) Applicability

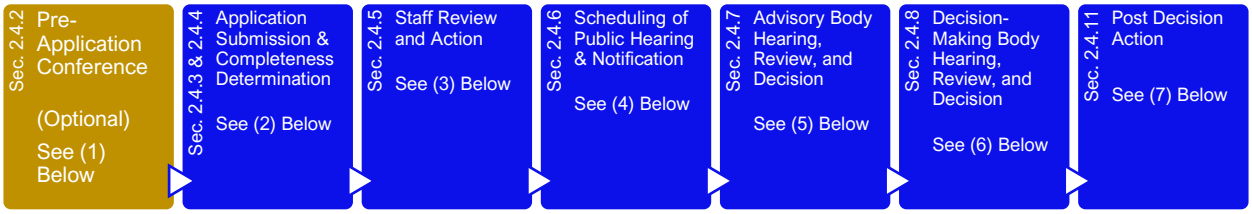
**(1)** Approval of a Qualified Zone District Classification amendment in accordance with this section is required to amend the Official Zoning Map to a qualified district.

**(2)** A qualified zone district may only be established in conjunction with a base zone district in accordance with Section 3.7.2, Qualified Districts.

### (B) Procedure for Qualified Zone District Classification Amendment

An application for a Qualified Zone District Classification amendment shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-4: Summary of Qualified Zone District Classification Procedure, identifies the standard procedures that apply to Qualified Zone District Classification applications and those that do not apply.

**Figure 2-4: Summary of Qualified Zone District Classification Procedure**




**(1) Pre-Application Conference**

A pre-application conference is optional at the discretion of the applicant, in accordance with Section 2.4.2, Pre-Application Conference. It is recommended for Qualified Zone District Classification amendment applications.

**(2) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Section 2.4.3, Application Submission.

**(3) Staff Review and Action**

The Administrator shall review the application and provide a recommendation in accordance with Section 2.4.5, Staff Review and Action.

[40] This subsection establishes the procedure for a Qualified Zone District Classification amendment. The procedure includes review by the Administrator, a recommendation from the Planning Commission, and a decision by City Council following a public hearing.

**(4) Scheduling of Public Hearing and Notification**

A public hearing shall be scheduled and notification of the hearing provided in accordance with Section 2.4.6, Scheduling of Public Hearing and Notification.

**(5) Advisory Body Hearing, Review, and Decision**

The Planning Commission shall conduct a public hearing on the application and make a recommendation on the application in accordance with Section 2.4.7, Advisory Body Hearing, Review, and Decision, and subsection (C) below. The Planning Commission's recommendation shall be one of the following:

**(a)** Recommend adoption of an ordinance approving the application for Qualified Zone District Classification amendment;

**(b)** Recommend adoption of an ordinance approving the application for Qualified Zone District Classification amendment, with revisions; or

**(c)** Recommend denial of the application for Qualified Zone District Classification amendment.

**(6) Decision-Making Body Hearing, Review, and Decision**

The City Council shall conduct a public hearing on the application and make a decision on the application in accordance with Section 2.4.8, Decision-Making Body Hearing, Review And Decision, and subsection (C) below. The City Council's decision shall be one of the following:

**(a)** Adopt an ordinance approving the application for Qualified Zone District Classification amendment;

**(b)** Adopt an ordinance approving the application for Qualified Zone District Classification amendment, with revisions;

**(c)** Deny the application for Qualified Zone District Classification amendment; or

**(d)** Remand the application for Qualified Zone District Classification amendment to the Planning Commission for further consideration.

**(7) Post-Decision Actions and Limitations**

**(a)** Post-decision action on the Qualified Zone District Classification shall be in accordance with Section 2.4.10, Post-Decision Actions and Limitations, except that in cases where a subsequent amendment to the qualified zone district is requested, and the amendment is only to modify standards placed on the use by the approved qualified zone district classification related to the topics listed below, the final decision on that amendment shall be by the Planning Commission and not the City Council:[41]

**1.** The standards in Sec. 5.3.5, Perimeter Buffers ;

**2.** Ingress and egress standards in Section 5.1. Access and Connectivity Standards;

**3.** Drainage standards; and

**4.** Environmental plans, but not including the standards in Section 5.10, Flood Damage Prevention.

**(b)** All applicable limitations and standards within a Qualified Zone District shall be considered to apply permanently and may only be modified by a rezoning to another zone district or a modification in accordance with Section 3.7.4, Applicable Standards and Conditions.

[41] This carries forward the distinction from Article VIII, Section 11.6 in the current Zoning Ordinance and updated to reference applicable sections in the development standards.

**(C) Decision-Making Standards for Qualified Zone District Classification[42]**

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

**(1)** Is not achievable through other means such as the designation of a base zone district or allowable administrative adjustments to development standards.

**(2)** Would result in development that is harmonious and compatible with the surrounding development and not have an undesirable or detrimental impact.

**(3)** Is in accordance with the goals of the comprehensive plan and other applicable plans and planning documents adopted by the City;

**(4)** Is required by changed conditions;

**(5)** Addresses a demonstrated community need;

**(6)** Would allow a range of uses that are compatible with the uses allowed on other property in the surrounding area;

**(7)** Would avoid creating an inappropriately isolated district unrelated to adjacent and surrounding districts;

**(8)** Would result in a logical and orderly development pattern;

**(9)** Would allow the subject property to be put to a reasonably viable economic use;

**(10)** Would result in development that can be served by available, adequate, and suitable public facilities (e.g., streets, potable water, sewerage, stormwater management); and

**(11)** Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

## 2.5.4. Planned Development[43]

**(A) Applicability**

Approval of a planned development in accordance with this section is required to amend the Official Zoning Map to establish a planned development district.

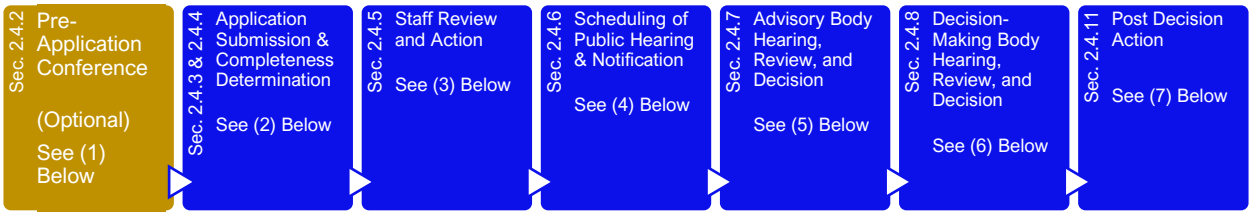
**(B) Procedure for Planned Development**

An application for a planned development shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-5: Summary of Planned Development Procedure, identifies the standard procedures that apply to Planned Development applications and those that do not apply.

[42] This new section provides decision-making standards for a request to establish a Qualified Zone District Classification amendment to the Official Zoning Map. It is a legislative action and so City Council may consider a wide array of standards.

[43] This subsection establishes the procedure for a Planned Development. The procedure includes review by the Administrator, a recommendation from the Planning Commission, and a decision by City Council following a public hearing.

**Figure 2-5: Summary of Planned Development Procedure**




**(1) Pre-Application Conference**

A pre-application conference is optional at the discretion of the applicant, in accordance with Section 2.4.2, Pre-Application Conference. It is recommended for planned development applications.

**(2) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Section 2.4.3, Application Submission, and shall also include:

**(a)** A map identifying the location of the lands proposed to be assigned to the planned development.

**(b)** A proposed Planned Development Plan (PD Plan), in accordance with Section 3.9.3(A), Planned Development (PD) Plan.

**(c)** A proposed Planned Development Agreement (PD Agreement), in accordance with Section 3.9.3(B), Planned Development (PD) Agreement.

**(3) Staff Review and Action**

The Administrator shall review the application and provide a recommendation in accordance with Section 2.4.5, Staff Review and Action.

**(4) Scheduling of Public Hearing and Notification**

Public hearings shall be scheduled and notification of the hearings provided in accordance with Section 2.4.6, Scheduling of Public Hearing and Notification.

**(5) Advisory Body Hearing, Review, and Decision**

The Planning Commission shall conduct a public hearing on the application and make a recommendation on the application in accordance with Section 2.4.7, Advisory Body Hearing, Review, and Decision, Review and Decision, and subsection (C) below. The Planning Commission's recommendation shall be one of the following:

**(a)** Recommend adoption of an ordinance establishing the planned development district, PD Plan, and PD Agreement;

**(b)** Recommend adoption of an ordinance establishing the planned development district, PD Plan, and PD Agreement, with revisions; or

**(c)** Recommend denial of the application for planned development district.

**(6) Decision-Making Body Hearing, Review, and Decision**

The City Council shall conduct a public hearing on the application and make a decision on the application in accordance with Section 2.4.8, Decision-Making Body Hearing, Review And Decision, and subsection (C) below. The City Council's decision shall be one of the following:

**(a)** Adopt an ordinance approving the planned development district, PD Plan, and PD Agreement;

**(b)** Adopt an ordinance approving the planned development district, PD Plan, and PD Agreement, with revisions;

**(c)** Deny the application for planned development district; or

**(d)** Remand the application to the Planning Commission for further consideration.

**(7) Post-Decision Actions and Limitations**

**(a)** The approved planned development district, PD Plan, and PD Agreement shall be the binding on the land that is subject to the application. Any subsequent development approval or permit shall comply with the approved Planned Development District, PD Plan, and PD Agreement.

**(b)** An approved planned development district, PD Plan, or PD Agreement may be amended only in accordance with the procedure and standards used for its original approval. However, minor district modifications, as set forth in subsection (c) below, are not considered amendments of the PD Plan or PD Agreement.

**(c)** Subsequent applications for development approvals and permits within a planned development district shall comply with the approved PD Plan and PD agreement; however, subsequent development may include minor deviations from the PD Plan or PD Agreement, provided such modifications are limited to:

**1.** Changes that result in a decrease in the density or intensity of development approved for a specific lot;

**2.** An increase in residential density for any specific lot of ten percent or less, if the total approved density within the planned development district does not increase;

**3.** A change in a land use designation from multifamily to single-family;

**4.** A change in land use designation from any use to open space/passive recreation;

**5.** A modification of design of facilities for amenities such as parks, gardens, or open spaces;

**6.** A change in street layout to accommodate other allowable deviation, which does not significantly affect the PD Plan; or

**7.** A deviation specifically listed in the approved PD Agreement as a minor deviation not materially affecting the planned development district's basic concept or the designated general use of lots within the district.

**(C) Decision-Making Standards for Planned Developments**

The advisability of adopting a planned development district is a matter committed to the legislative discretion of the City Council. In determining whether to adopt or deny a planned development district, the City Council may consider the decision-making standards in Section 2.5.2(C), Decision-Making Standards for Official Zoning Map Amendment. The City Council shall not adopt a proposed planned development district unless it finds that the district complies with the standards for the proposed type of planned development district in Section 3.9.4, PD: Planned Development, and Section 3.9.5, PD-TND: Planned Development-Traditional Neighborhood Development, as applicable.

## 2.5.5. Special Exception[44]

**(A) Applicability**

A use that is designated as a special exception in Table 4-1: Principal Use Table, is a use that may be appropriate in a particular zone district but that requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district

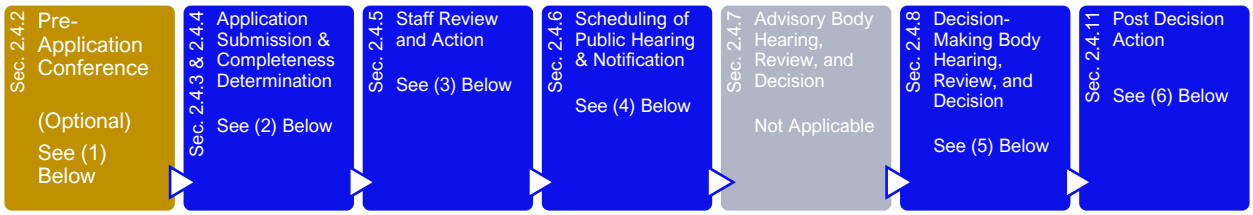
[44] This subsection establishes the procedure for approval of a use which requires a Special Exception, which in the current Zoning Ordinance is also known as a use "permitted on appeal." The procedure includes review by the Administrator, and a decision by the Board of Adjustment following a public hearing.

and compatible with its surroundings because of its nature, extent, and external effects. The purpose of this section is to establish a uniform mechanism for the review of special exception uses to ensure they are appropriate for the location where they are proposed. Approval of a Special Exception in accordance with the procedure and standards in this section is required prior to the establishment of any use designated as a special exception use in Article 4: Use Regulations.

### (B) Procedure for Special Exception

An application for a Special Exception shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-6: Summary of Special Exception Procedure, identifies the standard procedures that apply to a Special Exception application and those that do not apply.

**Figure 2-6: Summary of Special Exception Procedure**




#### (1) Pre-Application Conference

A pre-application conference is optional at the discretion of the applicant, in accordance with Section 2.4.2, Pre-Application Conference.

#### (2) Application Submission and Completeness Determination

Applications shall be submitted in accordance with Section 2.4.3, Application Submission.

#### (3) Staff Review and Action

The Administrator shall review the application and provide a recommendation in accordance with Section 2.4.5, Staff Review and Action.

#### (4) Scheduling of Public Hearing and Notification

A public hearing shall be scheduled and notification of the hearings provided in accordance with Section 2.4.6, Scheduling of Public Hearing and Notification.

#### (5) Decision-Making Body Hearing, Review, and Decision

The Board of Adjustment shall conduct a public hearing on the application and make a decision on the application in accordance with Section 2.4.8, Decision-Making Body Hearing, Review And Decision, and subsection (C) below. The Board of Adjustment's decision shall be one of the following:

**(a)** Approve the special exception as proposed;

**(b)** Approve the special exception, subject to conditions of approval or;

**(c)** Deny the special exception.

#### (6) Post-Decision Actions and Limitations

Post-decision action on a Special Exception shall be in accordance with Section 2.4.10, Post-Decision Actions and Limitations. In addition, unless it expires, a Special Exception, including any conditions of approval, shall run with the land, shall be binding on the

landowners and their successors and assigns, and shall not be affected by a change in ownership.

**(C) Decision-Making Standards for Special Exceptions**[45]

The Board Adjustment shall only approve a Special Exception application if it finds the proposed special exception:

**(1)** Complies with all applicable district-specific standards in Article 3: Zone Districts;

**(2)** Complies with all applicable use-specific standards in Article 4: Use Regulations;

**(3)** Complies with all applicable standards in Article 5: Development Standards;

**(4)** Complies with all relevant standards in the Subdivision Regulations;

**(5)** Will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety;

**(6)** Is compatible with the character of surrounding development and the neighborhood;

**(7)** Will not have a substantial adverse impact on adjoining properties in terms of noise, lights, glare, vibrations, fumes, odors, litter, loss of privacy, or obstruction of air or light;

**(8)** Will not have a substantial adverse impact on the aesthetic character of the area where it is proposed to be located; and

**(9)** Will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public.

## 2.5.6. Cemetery Development Plan[46]

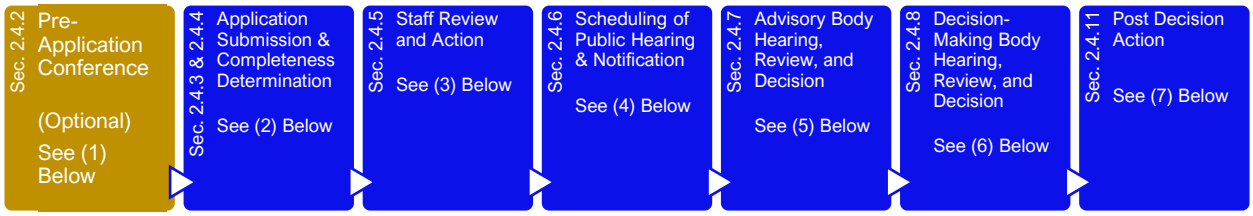
**(A) Applicability**

Approval of a Cemetery Development Plan in accordance with the procedure and standards in this section is required prior to the establishment of a cemetery.

**(B) Procedure for Cemetery Development Plan**

An application for a Cemetery Development Plan shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-7: Summary of Cemetery Development Plan Procedure, identifies the standard procedures that apply to a Cemetery Development Plan application and those that do not apply.

**Figure 2-7: Summary of Cemetery Development Plan Procedure**




[45] This subsection expands and clarifies the broad decision-making standards granted in Article III, Section 3b of the current Zoning Ordinance, which authorizes the Board "to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance or to deny special exceptions when not in harmony with the purpose and intent of this ordinance."

[46] This section carries forward and formalizes the procedure for approval of cemeteries in Article VI, Section 10.13 of the current Zoning Ordinance.

**(1) Pre-Application Conference**

A pre-application conference is optional at the discretion of the applicant, in accordance with Section 2.4.2, Pre-Application Conference.

**(2) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Section 2.4.3, Application Submission, and include a report from the Montgomery County Health Department indicating that the proposed site is suitable for a cemetery use.

**(3) Staff Review and Action**

The Administrator shall review the application and provide a recommendation in accordance with Section 2.4.5, Staff Review and Action.

**(4) Scheduling of Public Hearing and Notification**

Public hearings shall be scheduled and notification of the hearings provided in accordance with Section 2.4.6, Scheduling of Public Hearing and Notification.

**(5) Advisory Body Hearing, Review, and Decision**

The Planning Commission shall conduct a public hearing on the application and make a recommendation in accordance with Section 2.4.7, Advisory Body Hearing, Review, and Decision, and subsection (C) below. The Planning Commission's recommendation shall be one of the following:

**(a)** Recommend approval of the Cemetery Development Plan as proposed;

**(b)** Recommend approval of the Cemetery Development Plan, subject to modification or conditions of approval or;

**(c)** Recommend denial of the Cemetery Development Plan.

**(6) Decision-Making Body Hearing, Review, and Decision**

The City Council shall conduct a public hearing on the application and make a decision on the application in accordance with Section 2.4.8, Decision-Making Body Hearing, Review And Decision, and subsection (C) below. The City Council's decision shall be one of the following:

**(a)** Approve the Cemetery Development Plan as proposed;

**(b)** Approve the Cemetery Development Plan, subject to modification or conditions of approval or;

**(c)** Deny the Cemetery Development Plan.

**(7) Post-Decision Actions and Limitations**

Post-decision action on the Cemetery Development Plan shall be in accordance with Section 2.4.10, Post-Decision Actions and Limitations.

**(C) Decision-Making Standards for Cemetery Development Plan[47]**

The advisability of approving a Cemetery Development Plan is a matter committed to the legislative discretion of the City Council in accordance with Sec. 11-47-40, Code of Alabama 1975. In determining whether to approve or deny a Cemetery Development Plan, the City Council may consider if the plan:

**(1)** Is in accordance with the goals of the comprehensive plan and other applicable plans and planning documents adopted by the City;

**(2)** Is required by changed conditions;

**(3)** Addresses a demonstrated community need;

**(4)** Is consistent with other related state and local laws and regulations;

[47] These decision standards provide new additional guidance beyond citing the general authority from state law.

**(5)** Is compatible with the surrounding area and nearby development;

**(6)** Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and

**(7)** Complies with the use-specific standards in Section 4.2.3(D)(1), Cemetery.

## Site Development

### 2.5.7. Development Plan[48]

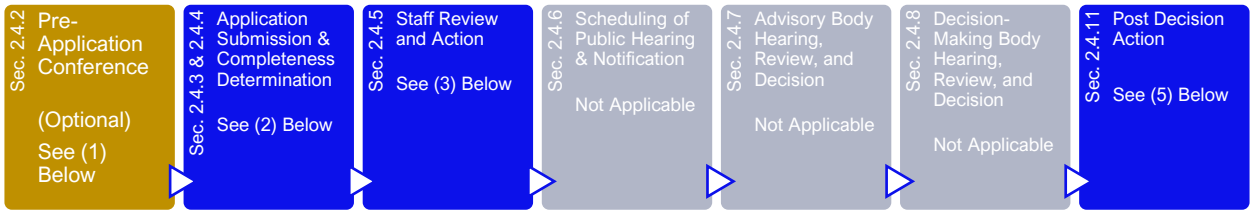
**(A) Applicability**

All development shall receive approval of a development plan in accordance with this section prior to the issuance of a Building Permit or a Certificate of Occupancy, whichever occurs first.

**(B) Procedure for Development Plan**

An application for a development plan shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-8: Summary of Development Plan Procedure, identifies the standard procedures that apply to minor development plan applications and those that do not apply.

**Figure 2-8: Summary of Development Plan Procedure**




**(1) Pre-Application Conference**

A pre-application conference is optional at the discretion of the applicant, in accordance with Section 2.4.2, Pre-Application Conference.

**(2) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Section 2.4.3, Application Submission.

**(3) Staff Review and Action**

The Administrator shall review the application and make a decision in accordance with Section 2.4.5, Staff Review and Action, based on the decision standards applicable for the application type as set forth in subsection (C) below.

**(4) Appeal**

The Administrator's decision may be appealed to the Board of Adjustment, in accordance with Section 2.5.13, Appeal.

[48] After discussion with staff, we have not included a new requirement for approval by Planning Commission of certain major development plans as suggested in the Assessment (page II-17)

**(5) Post-Decision Actions and Limitations**

Post-decision action on the Development Plan shall be in accordance with Section 2.4.10, Post-Decision Actions and Limitations.

**(C) Decision-Making Standards for Development Plan**

A Development Plan shall be approved only on finding the applicant demonstrates all the following standards are met:

**(1)** The proposed uses in the plan are allowed in accordance with Article 4: Use Regulations;

**(2)** The development proposed in the plan and its general layout and design comply with all applicable standards in Article 3: Zone Districts, and Article 5: Development Standards;

**(3)** The development proposed in the plan and its general layout and design comply with all applicable standards in the Subdivision Regulations;

**(4)** The development proposed in the plan and its general layout and design comply with any terms and conditions of approval to which the property is subject; and

**(5)** The development proposed in the plan is consistent with all other applicable standards of this Ordinance and the City Code.

## Other Approvals

### 2.5.8. Outdoor Advertising Approval[49]

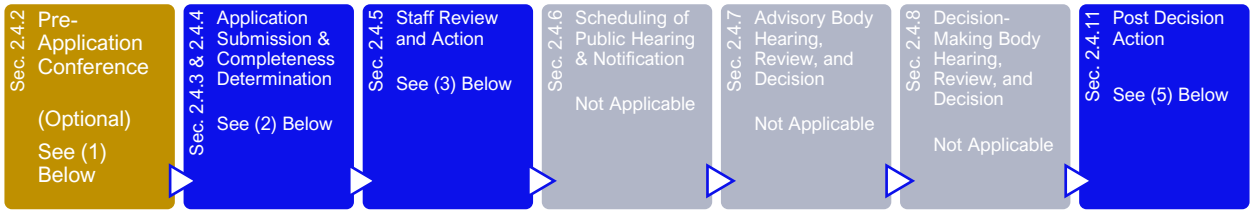
**(A) Applicability**

Approval of Outdoor Advertising in accordance with the procedure and standards in this section is required prior to the construction or operation of outdoor advertising signs or structures.

**(B) Procedure for Outdoor Advertising Approval**

An application for an Outdoor Advertising Approval shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-9: Summary of Outdoor Advertising Approval Procedure, identifies the standard procedures that apply to an Outdoor Advertising Approval application and those that do not apply.

**Figure 2-9: Summary of Outdoor Advertising Approval Procedure**




**(1) Pre-Application Conference**

A pre-application conference is optional at the discretion of the applicant, in accordance with Section 2.4.2, Pre-Application Conference.

[49] This subsection establishes the procedure for an Outdoor Advertising Approval. The procedure includes review and decision by the Administrator (who, in accordance with Section 2.3.4(B), Delegation, may delegate the duty to other professional staff).

**(2) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Section 2.4.3, Application Submission.

**(3) Staff Review and Action**

The Administrator shall review the application and make a decision in accordance with Section 2.4.5, Staff Review and Action, based on the decision standards applicable for the application type as set forth in subsection (C) below.

**(4) Appeal**

The Administrator's decision may be appealed to the Board of Adjustment, in accordance with Section 2.5.13, Appeal.

**(5) Post-Decision Actions**

Post-decision action on the Outdoor Advertising Approval shall be in accordance with Section 2.4.10, Post-Decision Actions and Limitations.

**(C) Decision-Making Standards for Outdoor Advertising Approval**

In determining whether to adopt or deny an Outdoor Advertising Approval application, the Administrator shall find that the outdoor advertising:

**(1)** Is permitted in the applicable zone district;

**(2)** Complies with all applicable standards in Article 3: Zone Districts and Article 5: Development Standards;

**(3)** Complies with any use-specific standards for outdoor advertising in Article 4: Use Regulations; and

**(4)** Is consistent with other relevant state and local laws and regulations.

## 2.5.9. Temporary Use Approval[50]

**(A) Applicability**

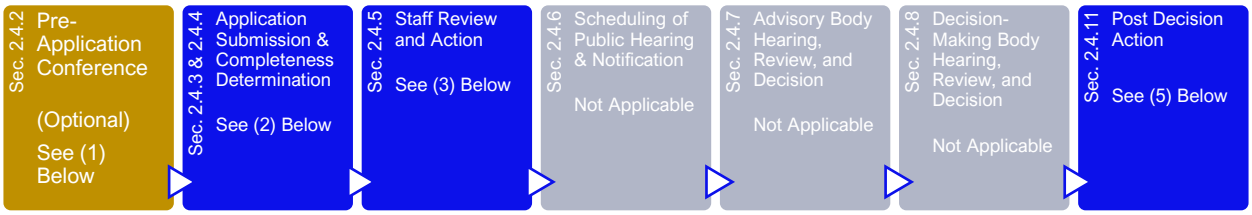
Approval of a temporary use in accordance with the procedure and standards in this section is required prior to the construction or operation of temporary uses or structures for which a temporary use approval is required in Section 4.4, Temporary Uses and Structures.

**(B) Procedure for Temporary Use Approval**

An application for a Temporary Use Approval shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-10: Summary of Temporary Use Approval Procedure, identifies the standard procedures that apply to temporary use approval applications and those that do not apply.

[50] This subsection establishes the procedure for a Temporary Use Approval. The procedure includes review and decision by the Administrator.

**Figure 2-10: Summary of Temporary Use Approval Procedure**




**(1) Pre-Application Conference**

A pre-application conference is optional at the discretion of the applicant, in accordance with Section 2.4.2, Pre-Application Conference.

**(2) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Section 2.4.3, Application Submission.

**(3) Staff Review and Action**

The Administrator shall review the application and make a decision in accordance with Section 2.4.5, Staff Review and Action, based on the decision standards applicable for the application type as set forth in subsection (C) below.

**(4) Appeal**

The Administrator's decision may be appealed to the Board of Adjustment, in accordance with Section 2.5.13, Appeal.

**(5) Post-Decision Actions and Limitations**

Post-decision action on the Temporary Use Approval shall be in accordance with Section 2.4.10, Post-Decision Actions and Limitations.

**(C) Decision-Making Standards for Temporary Use Approval**

In determining whether to approve a Temporary Use Approval application, the Administrator shall find the temporary use:

**(1)** Is permitted in the applicable zone district;

**(2)** Complies with all applicable standards in Article 3: Zone Districts, and Article 5: Development Standards;

**(3)** Complies with any use-specific standards for the temporary use in Article 4: Use Specific Standards; and

**(4)** Complies with other related State and local laws and regulations.

## 2.5.10. Vending License[51]

**(A) Applicability**

**(1)** Approval of a Vending License in accordance with the procedure and standards in this section is required prior to operating a vending business in a vending district.

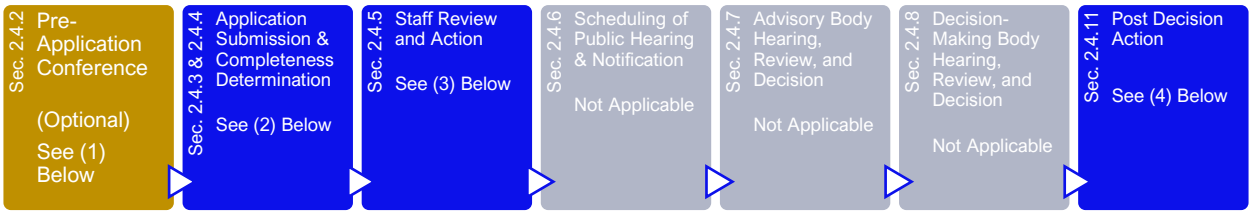
**(2)** This procedure does not apply to temporary vending business for festivals, community projects, or public events which occur on a periodic basis and which are specifically approved by City Council, which may require additional permits from the festival or event.

[51] This subsection establishes the procedure for a Vending License. The procedure includes review and decision by the Administrator. We have removed the detailed application requirements from the current Zoning Ordinance. They should be placed in the Procedures Manual.

### (B) Procedure for Vending License Approval

An application for a Vending License shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-11: Summary of Vending License Procedure, identifies the standard procedures that apply to a Vending License application and those that do not apply.

**Figure 2-11: Summary of Vending License Procedure**




#### (1) Pre-Application Conference

A pre-application conference is optional at the discretion of the applicant, in accordance with Section 2.4.2, Pre-Application Conference.

#### (2) Application Submission and Completeness Determination

Applications shall be submitted in accordance with Section 2.4.3, Application Submission.

#### (3) Staff Review and Action

The Administrator shall review the application and make a decision in accordance with Section 2.4.5, Staff Review and Action, based on the decision standards applicable for the application type as set forth in subsection (C) below.

#### (4) Post-Decision Actions and Limitations

Post-decision action on the vending license application shall be in accordance with Section 2.4.10, Post-Decision Actions and Limitations. Following approval of a vending license application, the applicant shall provide the approval to the License and Revenue Division to receive the vending license.

### (C) Decision-Making Standards for Vending License

In determining whether to adopt or deny a vending license application, the Administrator shall find the vending business:

**(1)** Complies with the use regulations in the applicable zone district.

**(2)** Complies with other related State and local laws and regulations; and

**(3)** The applicant demonstrates the capacity to perform conditions of the license in a manner which serves the public interests.

## Relief and Interpretation

### 2.5.11. Administrative Adjustment[52]

#### (A) Applicability[53]

This section establishes a uniform mechanism for the Administrator to approve minor adjustments from the dimensional or development standards identified in Table 2-2: Allowable Administrative Adjustment, up to the limits set forth in Table 2-2, in accordance with the procedures and standards of this section.

**Table 2-2: Allowable Administrative Adjustment**

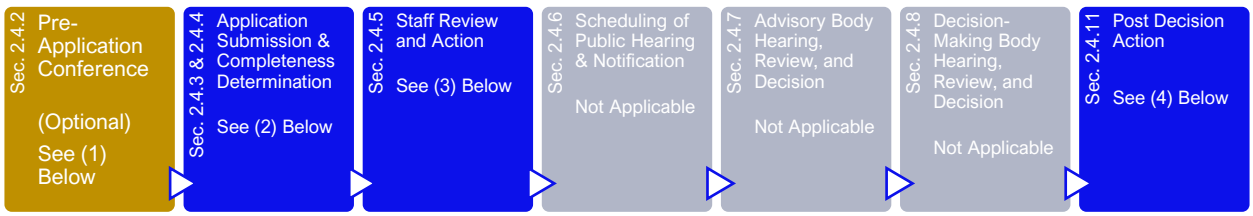
| Standard | Allowed Adjustment |
|---|---|
| Building Setback, minimum | Up to 10 percent |
| Lot Area, minimum | Up to 5 percent |
| Lot Width, minimum | Up to 5 percent |
| Height, maximum | Up to 10 percent |
| Required off-street vehicular parking | Up to 10 percent [1] |

**NOTE:**
[1] If fewer than ten parking spaces are required in accordance with Section 5.2, Off-Street Parking and Loading Standards, a reduction of up to one parking space is permitted.

#### (B) Procedure for Administrative Adjustment

An application for an Administrative Adjustment shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-12: Summary of Administrative Adjustment Procedure, identifies the standard procedures that apply to an Administrative Adjustment application and those that do not apply.

**Figure 2-12: Summary of Administrative Adjustment Procedure**




##### (1) Pre-Application Conference

A pre-application conference is optional at the discretion of the applicant, in accordance with Section 2.4.2, Pre-Application Conference.

[52] This is a new procedure. It allows staff to administratively authorize minor modifications to development standards if the applicant demonstrates that the modifications comply with the specific review standards. The standards for approval of a specific dimensional or other administrative adjustment do not require the demonstration of a hardship like a variance.
[53] These are basic standards for discussion purposes. The list of allowable adjustments may be updated when the standards in Article 5: Development Standards are drafted.

**(2) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Section 2.4.3, Application Submission.

**(3) Staff Review and Action**

The Administrator shall review the application and make a decision in accordance with Section 2.4.5, Staff Review and Action, based on the decision standards applicable for the application type as set forth in subsection (C) below.

**(4) Post-Decision Actions and Limitations**

Post-decision actions and limitations shall be in accordance with Section 2.4.10, Post-Decision Actions and Limitations. In addition, unless it expires, an Administrative Adjustment shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

**(C) Decision-Making Standards for Administrative Adjustment**

The Administrator shall approve an application for an administrative adjustment on finding the administrative adjustment satisfies all of the following:

**(1)** Complies with the requirements of Table 2-2: Allowable Administrative Adjustment;

**(2)** Is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;

**(3)** Either:

**(a)** Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;

**(b)** Supports an objective or goal from the purpose and intent statements of the zone district where it is located; or

**(c)** Is proposed to save healthy existing trees;

**(4)** Will not pose a danger to the public health or safety;

**(5)** Includes measures to mitigate any adverse impacts, to the maximum extent practicable; and

**(6)** Is not part of a series of multiple, incremental administrative adjustments on the same site that result in a modification in development standards by more than the maximum allowed.

## 2.5.12. Variance[54]

**(A) Applicability**

**(1)** This section establishes a procedure for a variance to the numerical dimensional standards that apply to a zone district in Article 3: Zone Districts, the numerical development standards in Article 5: Development Standards, or the location of a parking lot in accordance with Sec. 5.2.4(G)(2), Location.

**(2)** Except as set forth in subsection (3) below, the Variance procedure authorizes variance from the terms of this Ordinance where such variance would not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

**(3)** A Variance may not be used to:

**(a)** Authorize a use in a zone district that is prohibited in accordance with Article 4: Use Regulations; or

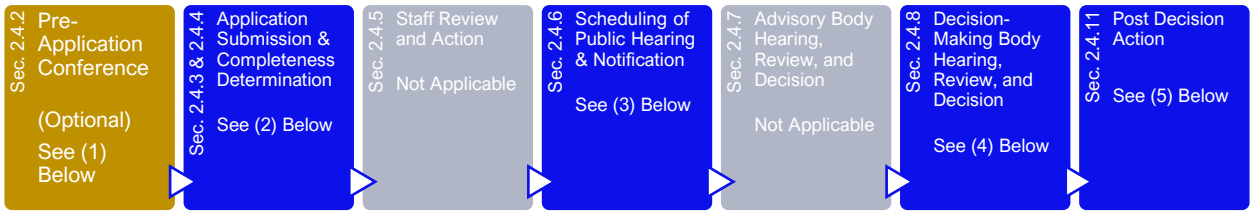
**(b)** Vary the standards of the Flood Damage Prevention Ordinance, Sec. 5-601 *et. seq.* of the City Code. The procedure for a variance from the provisions of the Flood Damage Prevention Ordinance is established in Section 5-671, *et. seq*, of the City Code.

[54] This subsection establishes the procedure for a variance. The procedure includes review by the Administrator and a decision by the Board of Adjustment following a public hearing.

### (B) Procedure for Variance

An application for a variance shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-13: Summary of Variance Procedure, identifies the standard procedures that apply to variances and those that do not apply.

**Figure 2-13: Summary of Variance Procedure**




#### (1) Pre-Application Conference

A pre-application conference is optional at the discretion of the applicant, in accordance with Section 2.4.2, Pre-Application Conference. It is recommended that a pre-application conference be used to identify alternatives to address an applicant's concerns without requiring a variance.

#### (2) Application Submission and Completeness Determination

Applications shall be submitted in accordance with Section 2.4.3, Application Submission. Upon a determination of completeness, the Administrator shall transmit the application and all documents and written materials relating to the variance to the Board of Adjustment.

#### (3) Scheduling of Public Hearing and Notification

A public hearing shall be scheduled and notification of the hearing provided in accordance with Section 2.4.6, Scheduling of Public Hearing and Notification.

#### (4) Decision-Making Body Hearing, Review, and Decision

The Board of Adjustment shall conduct a public hearing on the application and make a decision on the application in accordance with Section 2.4.8, Decision-Making Body Hearing, Review And Decision, Review, and Decision, and subsection (C) below. The Board of Adjustment's decision shall be one of the following:

**(a)** Approve the variance as proposed;

**(b)** Approve the variance subject to conditions of approval or;

**(c)** Deny the variance.

#### (5) Post-Decision Actions

Post-decision actions and limitations shall be in accordance with Section 2.4.10, Post-Decision Actions and Limitations. In addition, unless it expires, a variance, including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

### (C) Decision-Making Standards for Variance[55]

**(1)** The Board of Adjustment shall grant a variance only on finding the applicant demonstrates all of the following:

[55] This new section provides more detailed description of what constitutes a hardship and when a variance should be granted.

**(a)** There are extraordinary and exceptional conditions pertaining to the particular piece of property;

**(b)** Those conditions are peculiar to the property and do not generally apply to other property in the vicinity;

**(c)** Those conditions are not the result of the landowner's or applicant's own actions;

**(d)** Because of those conditions, the application of the standards in this Ordinance to the particular piece of property would result in unnecessary hardship to the applicant; and

**(e)** The Variance is the minimum necessary to alleviate that hardship and is consistent with the public interest and with the spirit, purpose, and intent of this Ordinance, such that public safety is secured, and substantial justice is achieved.

**(2)** The following factors do not constitute sufficient grounds for approval of a variance:

**(a)** A request for a particular use that is expressly, or by inference, prohibited in the zone district;

**(b)** Hardships resulting from factors other than application of the standards of this Ordinance;

**(c)** The fact that land or a structure may be utilized more profitably or be more marketable with a Variance;

**(d)** The citing of other nonconforming or conforming uses of land or structures in the same or other zone districts; or

**(e)** Financial hardship.

**(3)** The Board of Adjustment shall not approve a variance application if the approval would have the effect of:

**(a)** Allowing the establishment of a use not otherwise permitted in a zoning district;

**(b)** Expanding the physical extent of a nonconforming use of land; or

**(c)** Changing the zone district boundaries shown on the Official Zoning Map.

## 2.5.13. Appeal[56]

### (A) Applicability

**(1)** Except as provided in subsection (2) below, any person aggrieved by a final decision of the Administrator on a development application or in the enforcement of this Ordinance, may appeal the decision to the Board of Adjustment in accordance with the procedures and standards in this section.

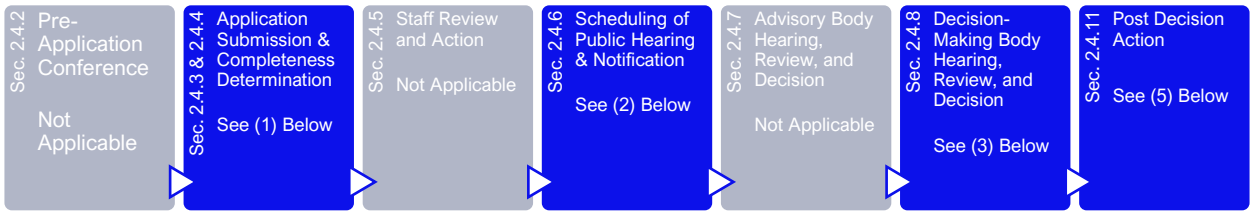
**(2)** An appeal of a decision by the Floodplain Administrator (Sec. 5-636 of the City Code) relating to the Floodplain Administrator's administration of the City's Flood Damage Prevention Ordinance. Sec. 5-601 *et seq.* of the City Code, shall be appealed in accordance with the procedures established in Sec. 5-671, *et. seq*, of the City Code.

### (B) Procedure for Appeal

An application for an appeal shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-14: Summary of Appeal Procedure, identifies the standard procedures that apply to appeal applications and those that do not apply.

[56] This subsection establishes the procedure for an appeal of an administrative decision to the Board of Adjustment.

**Figure 2-14: Summary of Appeal Procedure**




**(1) Application Submission and Completeness Determination**

A Notice of Appeal shall be submitted in accordance with Section 2.4.3, Application Submission, as modified by subsections (a) through (c) below. For purposes of this section, the Notice of Appeal shall be considered the application.

**(a)** The appellant shall file a Notice of Appeal stating the grounds for the appeal with the Administrator or the Planning Commission.

**(b)** Submission of a complete appeal application stays all proceedings in furtherance of the action appealed from, unless the person or body who made the decision that is being appealed certifies to the Board of Adjustment that, by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property. Where such a certification has been provided, proceedings shall not be stayed except by order of a court of competent jurisdiction on due cause shown, and following notice to the person or body providing the certification.

**(c)** The Administrator shall make a determination as to whether the application is complete in accordance with Section 2.4.4, Determination of Completeness. If the Administrator determines that the application is complete, the Administrator shall transmit all documents and other written materials relating to the appealed decision to the Board of Adjustment. These materials, plus the comprehensive plan, other applicable City adopted plans, and this Ordinance, shall constitute the record on the appeal.

**(2) Scheduling of Public Hearing and Notification**

The public hearing shall be scheduled and notification of the hearing provided in accordance with Section 2.4.6, Scheduling of Public Hearing and Notification.

**(3) Decision-Making Body Hearing, Review, and Decision**[57]

**(a)** The Board of Adjustment shall conduct a public hearing on the appeal and make a decision based on the record on the appeal in accordance with Section 2.4.8, Decision-Making Body Hearing, Review And Decision, and the standards of this Ordinance. The Board of Adjustment's decision shall be one of the following:

**1.** Affirm the decision being appealed, in whole or in part;

**2.** Modify the decision being appealed or;

**3.** Reverse the decision being appealed, in whole or in part.

**(b)** In making its decision, the Board of Adjustment shall have all the powers of the official who made the decision and may make such order, requirement, decision, or determination as ought to be made.

[57] Other communities in Alabama set an absolute minimum for the number of members of the Board of Adjustment who must concur with overturning an administrative decision, such as a 2/3 majority. We have retained the practice in the current Zoning Ordinance of a bare majority.

**(4) Appeal**

Appeal of the Board of Adjustment's decision shall be to the circuit court in accordance with state law.

**(5) Post-Decision Actions and Limitations**

Not applicable.

**(C) Decision-Making Standards for Appeal**

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

## 2.5.14. Interpretation[58]

**(A) Applicability**

The section establishes a procedure for the Administrator to make formal written interpretations of all provisions of this Ordinance. In making interpretations, the Administrator may seek guidance from the City Attorney, and assistance from other City staff, as appropriate. The Administrator is responsible for providing interpretations of the following:

**(1)** The text of the Ordinance;

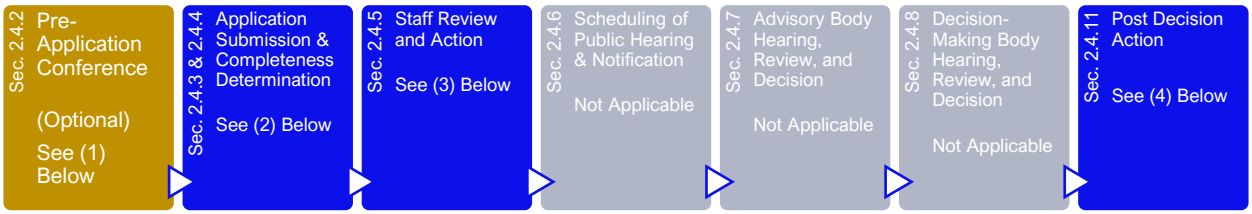
**(2)** Zone district boundaries; and

**(3)** Whether an unlisted use falls within a use category and use type allowed in a zone district;

**(B) Procedure for Interpretation**

An application for an Interpretation of this Ordinance shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-15: Summary of Interpretation Procedure, identifies the standard procedures that apply to interpretation applications and those that do not apply.

**Figure 2-15: Summary of Interpretation Procedure**




**(1) Pre-Application Conference**

A pre-application conference is optional at the discretion of the applicant, in accordance with Section 2.4.2, Pre-Application Conference.

**(2) Application Submission and Completeness Determination**

An Interpretation request shall be submitted in accordance with Section 2.4.3, Application Submission. For purposes of this section, the request for an interpretation shall be considered the application.

[58] This subsection establishes formal procedures for interpretation and recording interpretation for future use.

**(3) Staff Review and Action**

The Administrator shall review the application and make an interpretation, which shall constitute the decision on the application, in accordance with Section 2.4.5, Staff Review and Action, based on the decision standards set forth in subsection (C) below. Prior to rendering an interpretation, the Administrator shall consult with the City Attorney and other affected City officials as appropriate.

**(4) Post-Decision Actions and Limitations**

**(a)** The provisions of Section 2.4.10, Post-Decision Actions and Limitations, are not applicable.

**(b)** A written interpretation shall be binding on subsequent decisions by the Administrator or other officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the interpretation is modified in accordance with this section, or the relevant text of this Ordinance or zoning district boundary is modified.

**(c)** The Administrator shall maintain in the Land Use Division office a record of formal written interpretations rendered in accordance with this section, which shall be available to the public, upon reasonable request during normal business hours.

**(C) Decision-Making Standards for Interpretation:**

**(1) Text Provisions[59]**

Interpretation of a text provision in this Ordinance and its application shall be based on Section 8.1, Rules of Construction and Interpretation; Section 1.5, Relationship with Other Laws, Covenants, or Decrees; and considerations including, but not limited to, the following:

**(a)** The plain meaning of the provision's wording, considering any terms specifically defined in Section 8.3, Definitions, and the common and accepted usage of terms; and

**(b)** The purpose of the provision, as indicated by:

**1.** Any purpose statement in the section(s) where the text is located;

**2.** The provision's context and consistency with surrounding and related provisions;

**3.** Any legislative history related to the provision's adoption;

**4.** The general purposes served by this Ordinance, as set forth in Section 1.3, General Purpose and Intent; and

**5.** The Comprehensive Plan.

**(2) Uses[60]**

Interpretation of whether an unspecified use is similar to a use identified in the use tables in this article, or is prohibited in a zone district, shall be in accordance with the standards in Section 4.5, Interpretation of Unlisted Uses.

**(3) Zone District Boundaries[61]**

Interpretation of zone district boundaries on the Official Zoning Map shall be in accordance with the standards in Section 1.6.3, Interpretation of Zoning Map Boundaries.

[59] This new section reflects sources used in interpretation already ongoing.
[60] This new section directs the user to discussion of unlisted uses in the Use Article.
[61] This carries forward Article I, Section 4 of the current Zoning Ordinance.

# Article 3: Zone Districts

**Commentary on Draft:**

**Article 3: Zone Districts,** establishes and contains the dimensional and other basic regulations for the base, qualified, planned development, special, and overlay zone districts in the City.

**Section 3.1, General Provisions,** establishes the different types of zone districts, requires that all development comply with district standards, and establishes general standards that apply to all districts.

**Section 3.2, Agricultural Districts,** establishes two districts that are intended for primarily agricultural uses and activities.

**Section 3.3, Residential Districts,** establishes eight districts that are intended for primarily residential development.

**Section 3.4, Institutional Districts,** establishes four districts that are intended for institutional uses such as parks, hospitals, colleges and universities, and military installations.

**Section 3.5, Business Districts,** establishes nine districts that are intended for a variety of commercial, business, and office development.

**Section 3.6, Industrial Districts,** establishes two districts that are intended for a variety of light and heavy industrial development.

**Section 3.7, Qualified Districts,** establishes the rules governing qualified districts, which are base zone districts modified by the City Council to include changes in development standards or permitted uses.

**Section 3.8, SmartCode Districts,** establishes the applicability of zone districts in the SmartCode.

**Section 3.9, Planned Development Districts,** establishes standards for the new Planned Development and Planned Development-Traditional Neighborhood Development districts.

**Section 3.10, Overlay Districts,** establishes standards for the airport hazard overlay district.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

## Section 3.1 General Provisions[62]

### 3.1.1. Compliance with Zone District Standards

Land in the City's corporate limits and land in the City's planning jurisdiction shall not be developed except in accordance with the regulations of this article, all other regulations of this Ordinance, the Subdivision Regulations, and the City's Code of Ordinances.

### 3.1.2. Establishment of Zone Districts

This Ordinance establishes the zone districts identified in Table 3-1: Zone Districts Established. The boundaries of each zone district are identified on the Official Zoning Map (see Section 1.6, Official Zoning Map).

[62] This section provides general regulations that apply to all zone districts.

**Table 3-1: Zone Districts Established**

| District | | Section |
|---|---|---|
| **Agricultural Districts** | | **Section 3.2** |
| AGR | Agriculture | 3.2.2 |
| AGR-RES | Agriculture Residential | 3.2.3 |
| **Residential Districts** | | **Section 3.3** |
| RSF-20 | Residential Single Family-20 | 3.3.2 |
| RSF-12 | Residential Single Family-12 | 3.3.3 |
| RSF-8.4 | Residential Single Family-8.4 | 3.3.4 |
| RSF-7.2 | Residential Single Family-7.2 | 3.3.5 |
| RSF-6 | Residential Single-Family-6 | 3.3.6 |
| RME-8.4 | Residential Mixed-8.4 | 3.3.6 |
| RMF-7.2 | Residential Multi-Family-7.2 | 3.3.8 |
| RMH-S | Residential Mobile Home Subdivision | 3.3.9 |
| RMH-P | Residential Mobile Home Park | 3.3.10 |
| **Institutional Districts** | | **Section 3.4** |
| INST-PK-O | Institutional Park and Open Space | 3.4.2 |
| INST-G | Institutional General | 3.4.3 |
| INST-U | Institutional University | 3.4.4 |
| INST-M | Institutional Military | 3.4.5 |
| **Business Districts** | | **Section 3.5** |
| CN | Commercial Neighborhood | 3.5.2 |
| CC | Commercial Community | 3.5.3 |
| CG | Commercial General | 3.5.4 |
| CR | Commercial Regional | 3.5.5 |
| CCOR | Commercial Corridor | 3.5.6 |
| CH | Commercial Highway | 3.5.7 |
| OC | Office Complex | 3.5.8 |
| OP | Office Park | 3.5.9 |
| **Industrial Districts** | | **Section 3.6** |
| IL | Industry Light | 3.6.2 |
| IG | Industry General | 3.6.3 |
| **Qualified Districts** | | **Section 3.7** |
| **SmartCode Districts** | | **Section 3.8** |
| **Planned Development Districts** | | **Section 3.9** |
| PD | Planned Development | 3.9.4 |
| PD-TND | Planned Development Traditional Neighborhood Development | 3.9.5 |
| **Overlay District** | | **Section 3.10** |
| AH-O | Airport Hazard Overlay | 3.10.2 |

# Section 3.2 Agricultural Districts

## 3.2.1. General Purpose of Agricultural Districts

The purpose and intent of the agricultural zone districts is to:

**(A)** Support and provide lands for agricultural, forestry, agritourism, agricultural support, and related uses important to the City's economy;

**(B)** Preserve areas of rural character from incompatible development;

**(C)** Protect lands that are well suited for agricultural uses due to high-quality soils and other characteristics; and

**(D)** Limit the intensity of development in areas that lack the road, water, and sewer infrastructure to support more intense development.

## 3.2.2. AGR: Agriculture[63]

### (A) Purpose and Intent

The purpose of the AGR: Agriculture district is to provide lands that accommodate agricultural operations while limiting incompatible uses. The district allows agricultural uses and large-lot single-family dwellings by right, and other uses that require large tracts of land permitted as special exceptions. It is intended to implement the Rural Edge/Conservation land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

All development in the AGR district shall comply with the standards in Table 3-2: AGR District Intensity and Dimensional Standards.

**Table 3-2: AGR District Intensity and Dimensional Standards**

| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | Lot area, min (acres) | 5 [1] | | **Setbacks, min (ft)** | |
| A | Lot width, min (ft) | 200 [2] | C | Front | 50 |
| B | Height, max (ft \| stories) | 35 \| 2 | | Rear | n/a |
| | Building area, max | 20% | D | Side | 25 |
| | | | | Side Street | 50 |

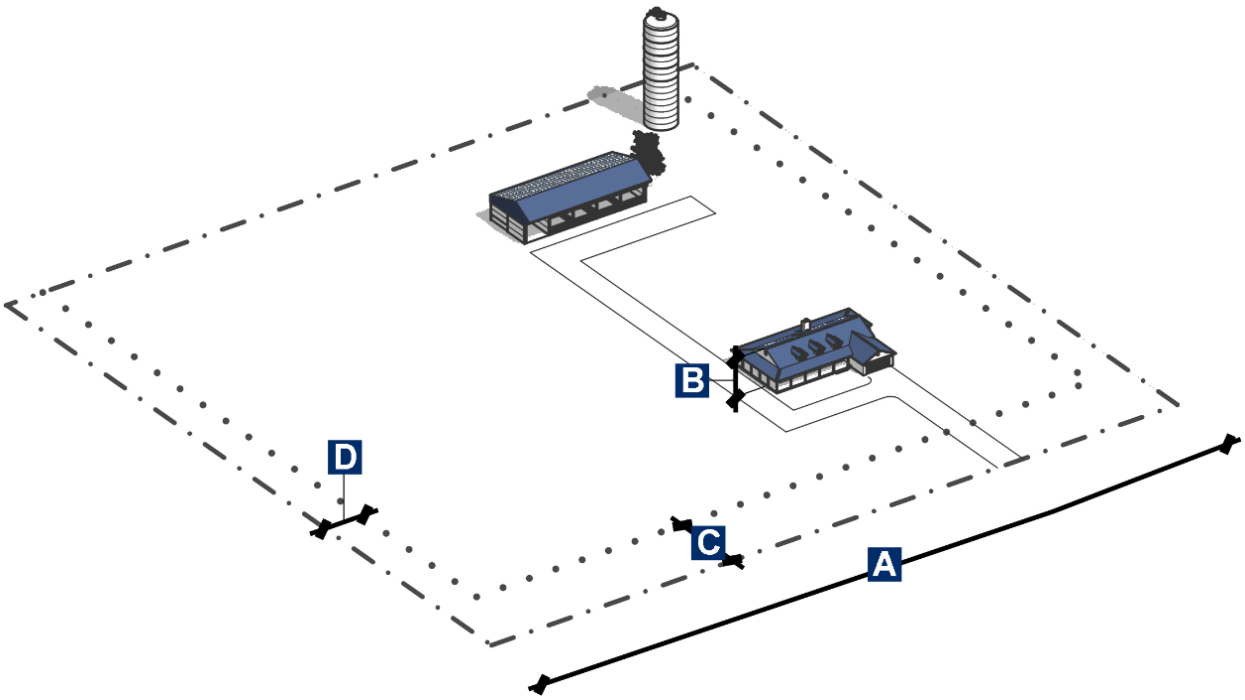
*min = minimum max = maximum ft = feet*

**NOTES:**

[1] Minimum lot area for a lot with a mobile home dwelling is 10,000 square feet.

[2] Minimum lot width for a lot with a mobile home dwelling is 100 feet.

[63] This carries forward and renames the AGR-2: General Agriculture district in the current Zoning Ordinance.




## (D) Development Standards

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

**Table 3-3: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## 3.2.3. AGR-RES: Agriculture Residential[64]

### (A) Purpose and Intent

The purpose of the AGR-RES: Agriculture Residential district is to provide lands that accommodate agricultural operations, low-density residential uses, and other large-lot uses that have limited impacts on agricultural uses and activities. The district permits, by right, general agricultural uses including roadside agricultural sales, single-family dwellings, and a limited number of other uses that require large tracts of land. It is intended to implement the Rural Edge/Conservation and Residential, Low Density land uses type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

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

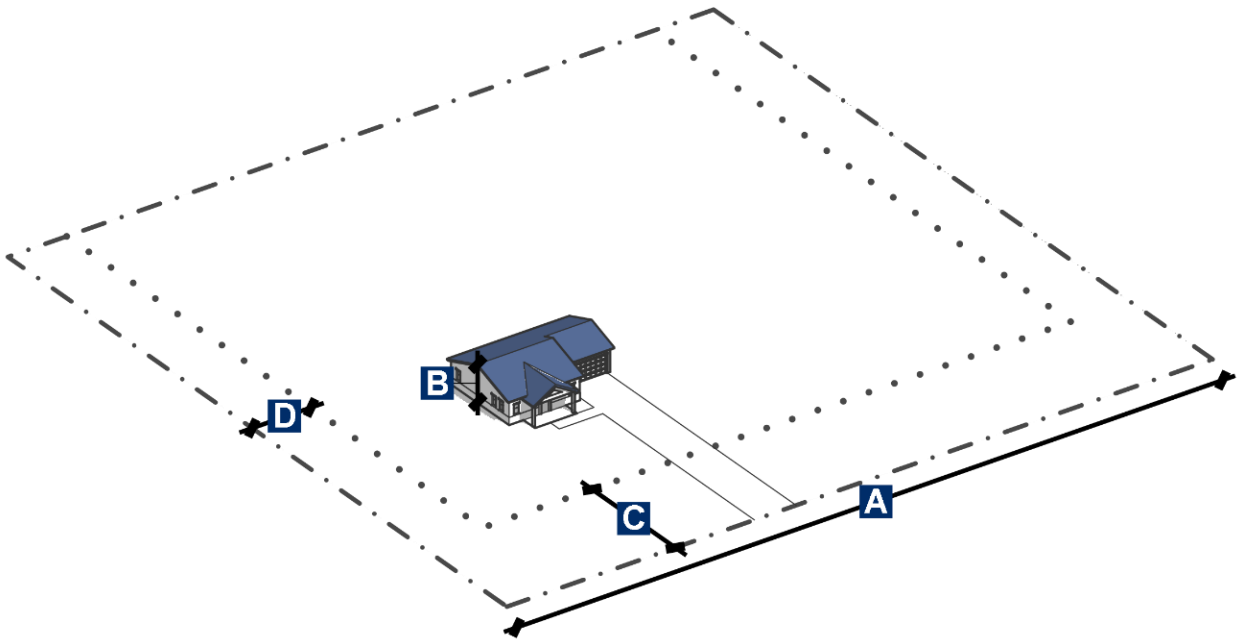
**Table 3-4: AGR-RES District Intensity and Dimensional Standards[65]**

| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | Lot area, min (acres) | 1 ½ [1] | | **Setbacks, min (ft)** | |
| A | Lot width, min (ft) | 150 [2] | C | Front | 50 |
| B | Height, max (ft \| stories) | 35 \| 2 | | Rear | n/a |
| | Building area, max | 20% | D | Side | 25 |
| | | | | Side Street | 50 |

*min = minimum  max = maximum  ft = feet*

**NOTES:**
[1] Minimum lot area for a lot with a mobile home dwelling is 10,000 square feet.
[2] Minimum lot width for a lot with a mobile home dwelling is 100 feet.

[64] This carries forward and renames the AGR-1: Residential Agriculture district in the current Zoning Ordinance. In addition, it is intended for land previously assigned to the flood hazard district, which has not been carried forward; the standards in the AGR-1 district are applied to land in the flood hazard district currently.
[65] This carries forward the dimensional standards in the current Zoning Ordinance that apply to the AGR-1 district.




## (D) Development Standards

Development in the AGR-RES district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-5: Cross-References to Other Standards.

**Table 3-5: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

# Section 3.3 Residential Districts

## 3.3.1. General Purpose of Residential Districts[66]

The purpose and intent of the residential zone districts is to:

**(A)** Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the Comprehensive Plan, small area plans, and all other relevant plans adopted by the City;

**(B)** Provide for a range of housing options that vary in density and development form, including accessory structures, in appropriate locations;

**(C)** Encourage residential and other types of development on vacant land in existing residential neighborhoods that is consistent with the character of existing residential development;

**(D)** Support limited nonresidential services that are compatible with residential development;

**(E)** Provide for safe and efficient pedestrian, bicycle, and vehicular access and circulation patterns that promote multiple forms of mobility within and between residential neighborhoods and to nearby services;

**(F)** Protect existing natural features, encourage sustainable development practices, and minimize the impact that residential development may have on the natural environment;

**(G)** Minimize negative impacts that nonresidential development may have on residential uses;

**(H)** Protect the character of existing residential neighborhoods from incompatible forms of development; and

**(I)** Preserve the unique character and historic resources in appropriate parts of the community.

[66] This general purpose statement is new.

## 3.3.2. RSF-20: Residential Single Family-20[67]

### (A) Purpose and Intent

The purpose of the RSF-20: Residential Single Family-20 district is to provide lands that primarily accommodate single-family detached dwellings at moderate densities. The district also accommodates community recreation centers, minor utilities, schools, places of worship and public assembly, and similar uses. It is intended to implement the Residential, Low Density land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

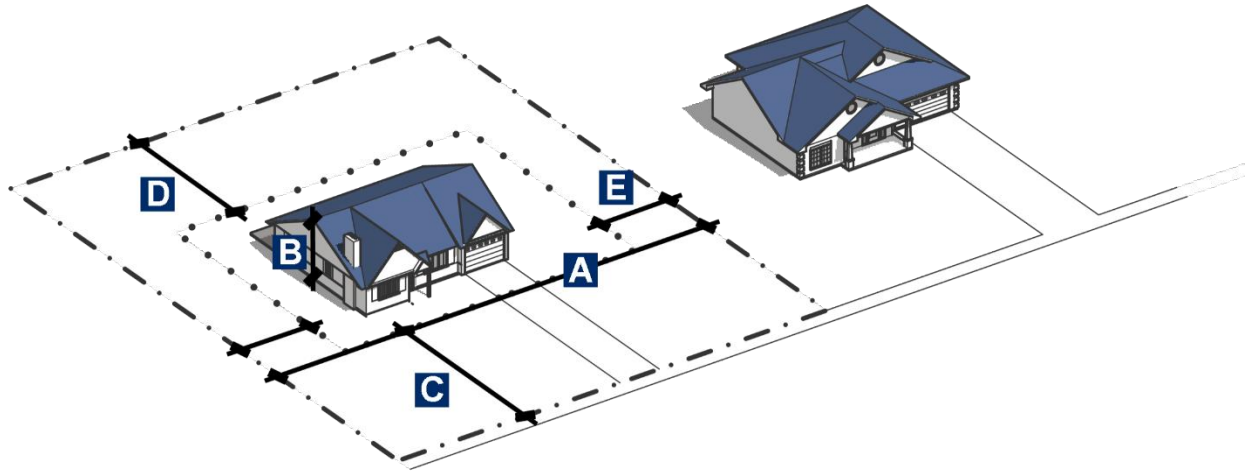
Development in the RSF-20 district shall comply with the standards in Table 3-6: RSF-20 District Intensity and Dimensional Standards.

**Table 3-6: RSF-20 District Intensity and Dimensional Standards[68]**

| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | Lot area, min (sf) | 20,000 | | **Setbacks, min (ft)** | |
| A | Lot width, min (ft) | 125 | C | Front | 50 |
| B | Height, max (ft \| stories) | 35 \| 2 | D | Rear | 40 |
| | Building area, max | 20% | E | Side | 20 |
| | | | | Side Street | 50 |

*min = minimum max = maximum ft = feet sf = square feet*

[67] This carries forward and renames the R-125 district. A new naming scheme is used for all the residential districts. The "R" identifies the district as a residential district; "SF" indicates that the predominant residential uses in the district are single-family detached dwellings; and the "20" states that the minimum area for a lot in the district that contains a single-family detached dwelling is 20,000 square feet.
[68] This carries forward the dimensional standards that apply to the R-125 district.




## (D) Development Standards

Development in the RSF-20 district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-7: Cross-References to Other Standards.

**Table 3-7: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## 3.3.3. RSF-12: Residential Single Family-12[69]

### (A) Purpose and Intent

The purpose of the RSF-12: Residential Single Family-12 district is to provide lands that primarily accommodate single-family detached dwellings at moderate densities. The district also accommodates community recreation centers, minor utilities, schools, places of worship and public assembly, and similar uses. It is intended to implement the Residential, Low Density land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

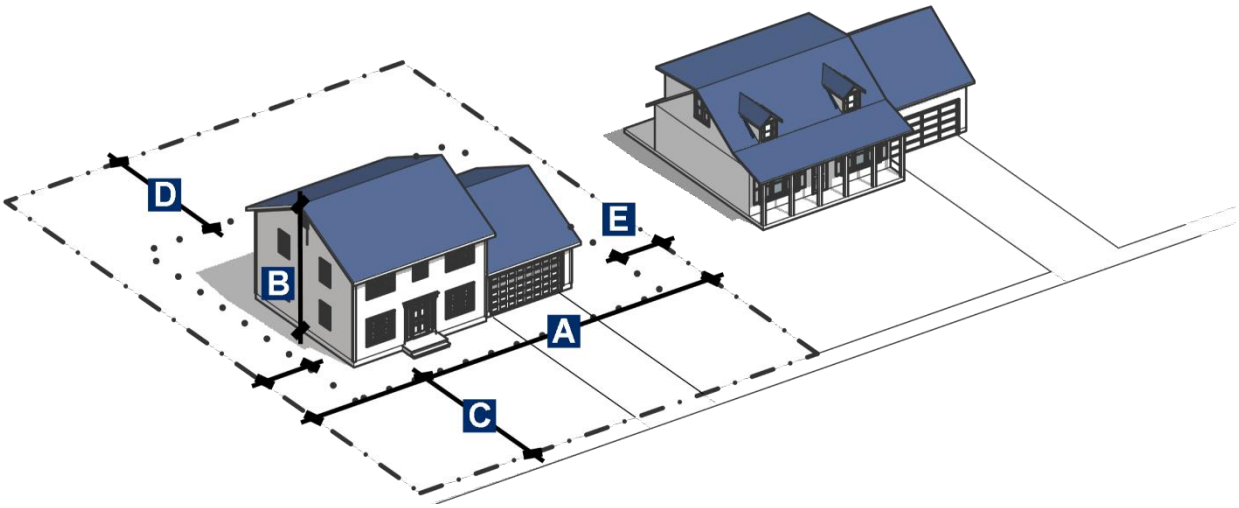
Development in the RSF-12 district shall comply with the standards in Table 3-8: RSF-12 District Intensity and Dimensional Standards.

**Table 3-8: RSF-12 District Intensity and Dimensional Standards[70]**

| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | Lot area, min (sf) | 12,000[71] | | **Setbacks, min (ft)** | |
| A | Lot width, min (ft) | 85[72] | C | Front | 35 |
| B | Height, max (ft \| stories) | 35 \| 2 | D | Rear | 30 |
| | Building area, max | 25% | E | Side | 10[73] |
| | | | | Side Street | 30[74] |

*min = minimum max = maximum ft = feet sf = square feet*

[69] This consolidates the R-100: Residential Very Low Density and R-85: Residential Very Low Density districts in the current Zoning Ordinance. The dimensional standards in the two consolidated districts are similar; to make sure the consolidation avoids creating nonconformities, the R-85 dimensional standards are carried forward, since they are less restrictive standards.
[70] This carries forward the dimensional standards that apply to the R-85 district in the current Zoning Ordinance. Places where the dimensional standards in the R-100 district differ from those carried forward from the R-85 district are identified in footnotes below.
[71] In the R-100 district, minimum lot area is 14,000 square feet.
[72] In the R-100 district, minimum lot width is 100 feet.
[73] In the R-100 district, minimum side setback is 12 feet.
[74] In the R-100 district, minimum street side setback is 35 feet.




## (D) Development Standards

Development in the RSF-12 district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-9: Cross-References to Other Standards.

**Table 3-9: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## 3.3.4. RSF-8.4: Residential Single Family-8.4[75]

### (A) Purpose and Intent

The purpose of the RSF-8.4: Residential Single Family-8.4 district is to provide lands that accommodate primarily single-family detached dwellings at high densities, as well as compatible types of residential development of similar scales such as cottage homes and patio-garden homes. The district also accommodates community recreation centers, minor utilities, schools, places of worship and public assembly, and similar uses. It is intended to implement the Residential, Low Density land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

Development in the RSF-8.4 district shall comply with the standards in Table 3-10: RSF-8.4 District Intensity and Dimensional Standards.

**Table 3-10: RSF-8.4 District Intensity and Dimensional Standards[76]**

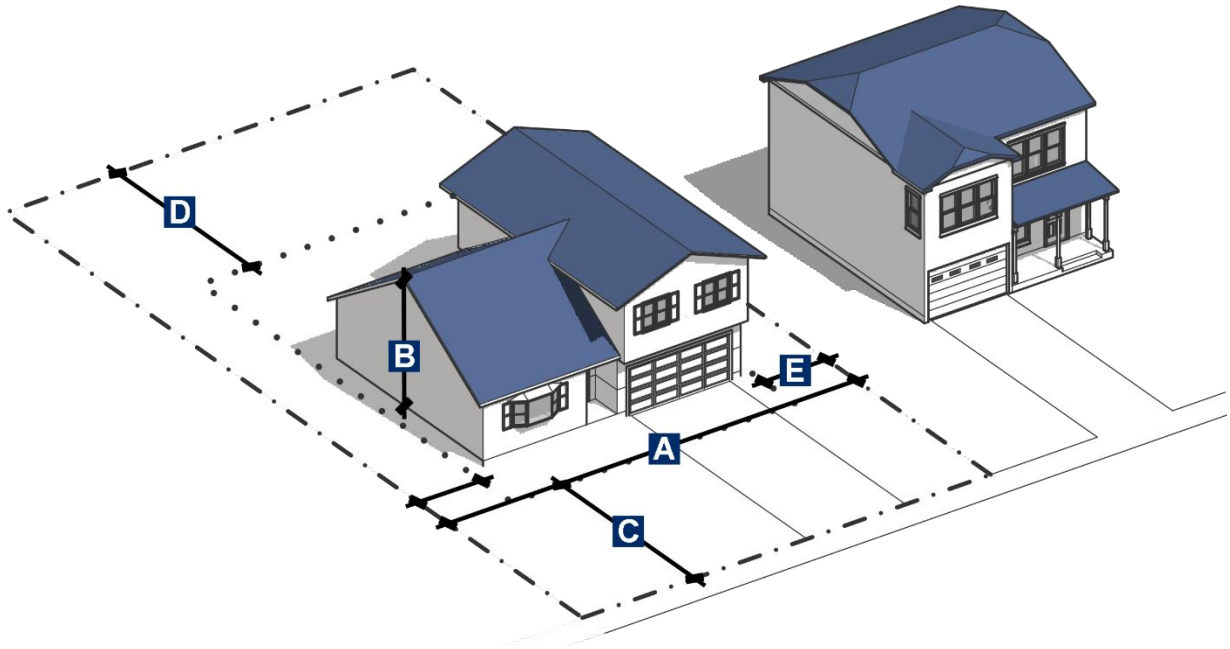
| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | Lot area, min (sf) | 8,400[77] [1] | | **Setbacks, min (ft)** | |
| A | Lot width, min (ft) | 65[78] [1] | C | Front | 30 |
| B | Height, max (ft \| stories) | 35 \| 2 | D | Rear | 30 |
| | Building area, max | 40% | E | Side | 10 |
| | | | | Side Street | 30 |

*min = minimum max = maximum ft = feet sf = square feet*

**NOTES:**

[1] Lot area and lot width requirements apply to single-family detached dwellings. Minimum lot area and lot width requirements for cottage homes and patio-garden homes are included in the use-specific standards for those uses in Section 4.2.3, Standards Specific to Principal Uses.

[75] The RSF-8.4 district consolidates the R-75-s and R-65-s single-family districts. The dimensional standards in the districts are similar; to make sure the consolidation avoids creating nonconformities, the R-65-s dimensional standards are carried forward, since they are less restrictive standards.
[76] As noted in the prior footnote, this carries forward the dimensional standards that apply to the R-65-s district in the current Zoning Ordinance. Places where the dimensional standards in the R-75-s district differ from those carried forward from the R-65-s district are identified in footnotes below.
[77] In the R-75-s district, minimum lot area is 10,000 square feet.
[78] In the R-75-s district, minimum lot width is 75 feet.




## (D) Development Standards

Development in the RSF-8.4 district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-11: Cross-References to Other Standards.

**Table 3-11: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## 3.3.5. RSF-7.2: Residential Single Family-7.2[79]

### (A) Purpose and Intent

The purpose of the RSF-7.2: Residential Single Family-7.2 district is to provide lands that accommodate primarily single-family detached dwellings on small lots, as well as other types of residential development that have a compatible scale such as patio-garden homes, cottage homes, single-family attached homes (townhouses), and two-family homes (duplexes). The district also accommodates community recreation centers, government facilities, minor utilities, schools, places of worship and public assembly, and similar uses. It is intended to implement the Residential, Medium Density and Traditional Neighborhood land use types on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

Development in the RSF-7.2 district shall comply with the standards in Table 3-12: RSF-7.2 District Intensity and Dimensional Standards.

**Table 3-12: RSF-7.2 District Intensity and Dimensional Standards**

| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | **Lot area, min (sf)** | | | **Setbacks, min (ft)** | |
| | Single-family detached, and nonresidential uses | 7,200 [1] | C | Front | 20 |
| | Single-family attached dwelling (townhouse) | 2,500 | D | Rear | 20 |
| | Two-family dwelling (duplex) | 7,200 | E | Side | 9 \| 5 [2] |
| A | **Lot width, min (ft)** | | | Side Street | 9 |
| | All uses except townhouses | 60 [1] | F | End of Row of Townhouses | 15 |
| | Townhouses | 20 | | Building area, max | 50% [3] |
| B | Height, max (ft) | 35[80] | | | |

*min = minimum  max = maximum  ft = feet  sf = square feet*

**NOTES:**

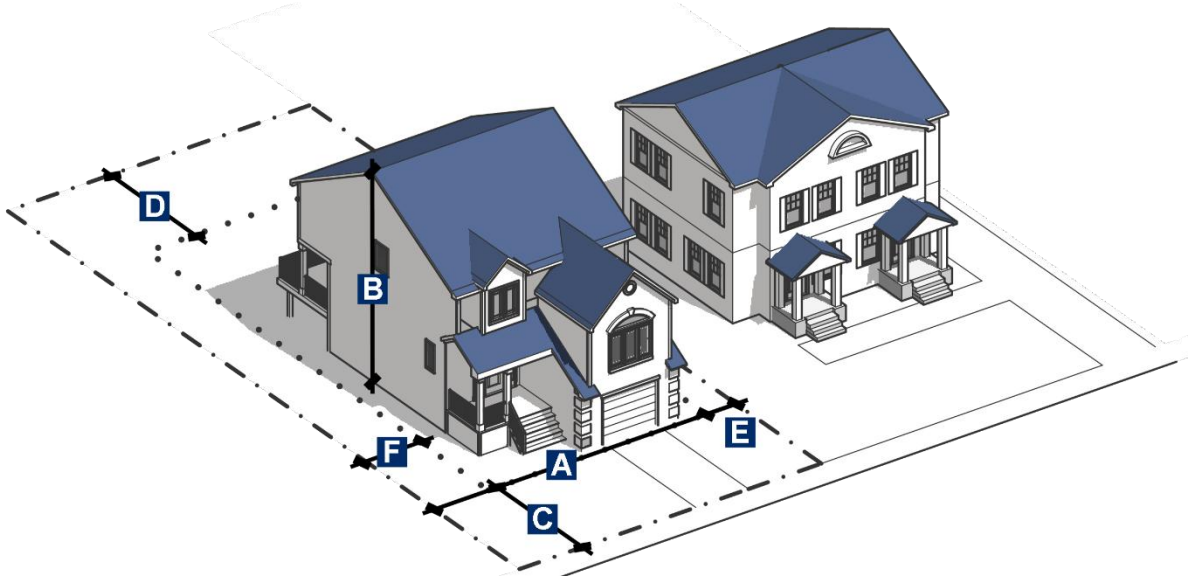
[1] Minimum lot area and lot width requirements for the cottage home and patio-garden home uses are included in the use-specific standards for those uses in Section 4.2.3, Standards Specific to Principal Uses.

[2] For most uses, the minimum side setback is nine feet along one side setback and five feet along the other side setback, provided there is at least 14 feet between principal structures on adjoining sites. There is no minimum side setback for single-family attached dwellings (townhouses).

[3] Does not apply to single-family attached dwellings (townhouses).

[79] This consolidates the R-60-s and R-60-d. The dimensional standards in the districts are identica. IAs discussed in the Code Assessment, additional housing options are allowed in the RSF-7.2 district, including cottage homes, patio-garden homes, single-family attached dwellings (townhouses), and two-family dwellings (duplexes). In a previous draft, the R-50 district was consolidated with R-60-s and R-60d into the RSF-7.2 district; based on community feedback, R-50 is now carried forward as RSF-6, and R-60-s and R-60-d are renamed RSF-7.2 to reflect the 7,200 square foot minimum lot size.

[80] In the current Zoning Ordinance, the maximum height in all the districts is 35 feet or 2 stories. To allow townhouses to reach three stories in height, the standard has been changed to 35 feet.




## (D) Development Standards

Development in the RSF-7.2 district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-13: Cross-References to Other Standards.

**Table 3-13: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## 3.3.6. RSF-6: Residential Single Family-6[81]

### (A) Purpose and Intent

The purpose of the RSF-6: Residential Single Family-6 district is to provide lands that accommodate primarily single-family detached dwellings on small lots, as well as other types of residential development that have a compatible scale such as patio-garden homes, cottage homes, single-family attached homes (townhouses), and two-family homes (duplexes). The district also accommodates community recreation centers, government facilities, minor utilities, schools, places of worship and public assembly, and similar uses. It is intended to implement the Residential, Medium Density and Traditional Neighborhood land use types on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

Development in the RSF-6 district shall comply with the standards in Table 3-14: RSF-6 District Intensity and Dimensional Standards.

**Table 3-14: RSF-6 District Intensity and Dimensional Standards**

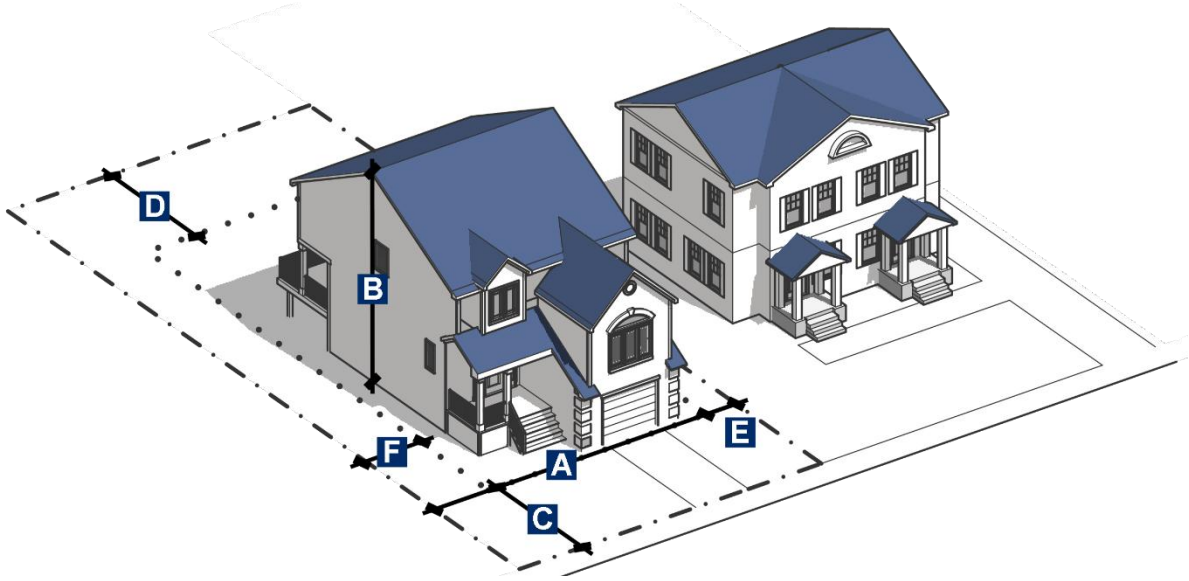
| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | **Lot area, min (sf)** | | | **Setbacks, min (ft)** | |
| | All uses | 7,200 | C | Front | 20 |
| A | Lot width, min (ft) | 50 | D | Rear | 20 |
| B | Height, max | 35 ft \| 2 stories | E | Side | 9 \| 5 [1] |
| | | | F | Side Street | 9 |
| | | | | Building area, max | 50% |

*min = minimum max = maximum ft = feet sf = square feet*

**NOTES:**

]1] The minimum side setback is nine feet along one side setback and five feet along the other side setback, provided there is at least 14 feet between principal structures on adjoining sites.

[81] This carries forward the R-50 district, which has been retained as a separate district following staff feedback. consolidates the R-60-s, R-60-d, and R-50 districts. The same set of residential uses are permitted.




## (D) Development Standards

Development in the RSF-6 district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-15: Cross-References to Other Standards.

**Table 3-15: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## 3.3.7. RME-8.4: Residential Mixed-8.4[82]

### (A) Purpose and Intent

The purpose of the RME-8.4: Residential Mixed-8.4 district is to provide lands that accommodate a wide range of residential housing types at moderate densities in a variety of forms, with up to four units in a single building (a fourplex) on one lot by right, and larger multifamily development as a special exception. Small-format commercial development and civic or institutional uses that are compatible with the residential development allowed in this district are also appropriate. The district is intended to implement the Residential, Medium Density and Traditional Neighborhood land use types on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

Development in the RME-8.4 district shall comply with the standards in Table 3-16: RME-8.4 District Intensity and Dimensional Standards.

**Table 3-16: RME-8.4 District Intensity and Dimensional Standards[83]**

| Standard | Value | | Standard | Value |
|---|---|---|---|---|
| **Lot area, min (sf)[84]** | | | **Setbacks, min (ft)** | |
| Residential uses except townhouses | 6,400 + 2,000/du [1] [2] | C | Front | 30 |
| Single-family attached dwelling (townhouse) | 2,000/du | D | Rear | 30 |
| Nonresidential uses[85] | 8,000 | E | Side | 10 [4] |
| A **Lot width, min (ft)** | | | Side Street | 30 |
| All uses except townhouses | 65[86] [2] | | End of Row of Townhouses | 15 |
| Townhouses | 20 | | Building area, max | 40% [4] |

[82] This consolidates the R-75-d, R-75-m, R-65-d, and R-65-m districts. The dimensional standards in the districts are similar; to make sure the consolidation avoids creating nonconformities, the standards in R-65-d and R-65-m are generally carried forward.
[83] As noted in the previous footnote, this carries forward the dimensional standards that apply to the R-65-d and R-65-m district in the current Zoning Ordinance, except as otherwise noted. Places where the dimensional standards in the R-75-d or R-75-m districts differ from those caried forward from the R-65-d and R-65-m districts are identified in footnotes below.
[84] In the R-75-d and R-75-m districts, minimum lot area is 10,000 square feet for a building with a single dwelling unit (a single-family detached dwelling), with 2,500 square feet in lot area required for each additional dwelling unit in the building. In the R-65-d- and R-65-m districts, the minimum lot size for a building with a single dwelling unit is 8,400 square feet, with 2,000 square feet in additional lot area for each additional dwelling unit in the building. The standards are unchanged but presented differently–the base minimum lot size is 6,400 square feet, with 2,000 square feet in minimum lot area for each dwelling unit. Therefore, a single-family dwelling has a minimum lot size of 8,400 square feet, a duplex has a minimum lot size of 10,400 square feet, a triplex has a minimum lot size of 12,400 square feet, and so forth.
[85] In the RME-8.4 district, nonresidential uses are new (no nonresidential uses are permitted in the R-65-d, R-75-m, R-65-d, and R-60-m districts), so this minimum lot area is a new standard.
[86] In the R-75-d and R-75-m districts, minimum lot width is 75 feet.

| Table 3-16: RME-8.4 District Intensity and Dimensional Standards[83] | | | |
|---|---|---|---|
| **B** Height, max (ft) | [3][87] | | |

*min = minimum max = maximum ft = feet sf = square feet*

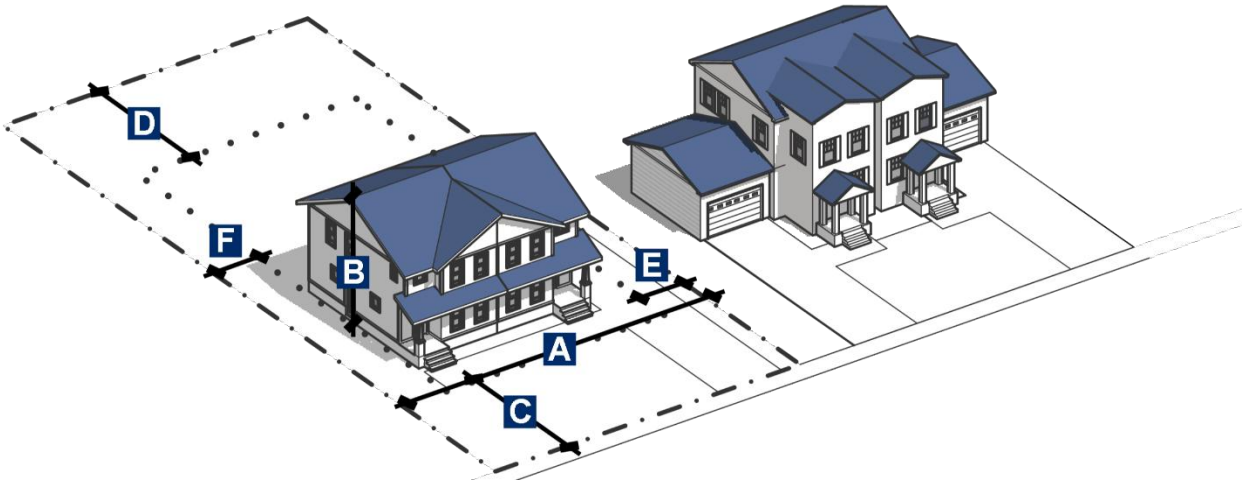
**NOTES:**

[1] For example, a building with one residential dwelling (a single-family detached use) has a minimum lot area requirement of 8,400 square feet. A duplex has a minimum lot area requirement of 10,400 square feet.

[2] Minimum lot area and lot width requirements for the cottage home and patio-garden home uses are included in the use-specific standards for those uses in Section 4.2.3, Standards Specific to Principal Uses.

[3] Maximum height for nonresidential uses and residential uses with up to four units on a lot is 35 ft or two stories. Maximum height for multifamily uses is 45 ft or three stories.

[4] Does not apply to single-family attached dwellings (townhouses).




## (D) Development Standards

Development in the RME-8.4 district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-17: Cross-References to Other Standards.

**Table 3-17: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

[87] Maximum height in the R-75-d, R-75-m, R-65-d, and R-60-m districts is 35 feet or two stories. This draft proposes increasing the maximum height by an additional story for multifamily uses to provide greater flexibility for small-scale residential development.

## 3.3.8. RMF-7.2: Residential Multi-Family[88]

### (A) Purpose and Intent

The purpose of the RMF-7.2: Residential Multi-Family district is to provide lands that support a full range of housing options, from single-family homes up through multifamily development. It is intended to implement the Residential, Medium Density land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

Development in the RMF-7.2 district shall comply with the standards in Table 3-18: RMF-7.2 District Intensity and Dimensional Standards.

**Table 3-18: RMF-7.2 District Intensity and Dimensional Standards[89]**

| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | Lot area, min (sf) | 7,200 sf [1] | | **Setbacks, min (ft)** | |
| A | Lot width, min (ft) | 60 [2] | C | Front | 20 |
| B | Height, max (ft \| stories) | 45 \| 3[90] | D | Rear | 20 |
| | Building area, max | 60% | E | Side | 10 \| 9 [2] |
| | | | | Side Street | 20 |
| | | | | End of Row of Townhouses | 15 |

*min = minimum max = maximum ft = feet sf = square feet*

**NOTES:**

[1] The minimum lot area for a single-family attached dwelling (townhouse) on its own lot is 2,000 sf. The minimum lot area for a patio-garden home is included in the use-specific standard for that use at Section 4.2.3(C)(4), Dwelling, Patio-Garden Home.

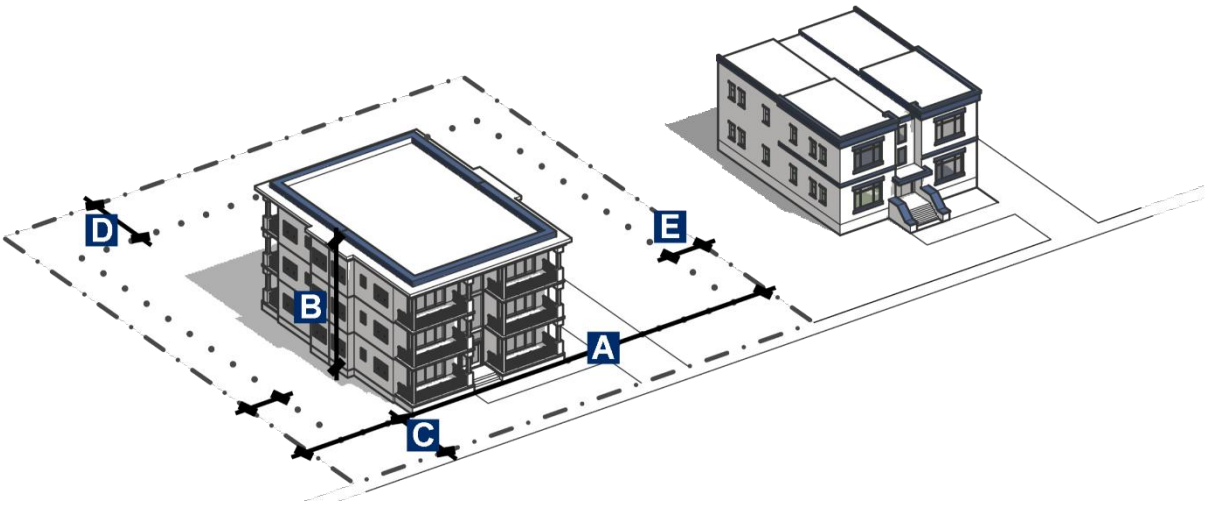
[2] The minimum lot width for a single-family attached dwelling (townhouse) on its own lot is 20 feet. The minimum lot width for a patio-garden home is included in the use-specific standard for that use at Section 4.2.3(C)(4), Dwelling, Patio-Garden Home.

[2] The minimum side setback is 10 feet along one side setback and 5 feet along the other side setback, provided there is at least 15 feet between principal structures on adjoining sites. There is no minimum side setback for single-family attached dwellings (townhouses).

[88] This consolidates the R-60-m and R-60-a districts. The dimensional standards in both districts are identical.

[89] The RMF-7.2 district carries forward the dimensional standards that apply to the R-60-m and R-60-a districts in the current Zoning Ordinance.

[90] The maximum height in the RMF-7.2 district is increased from 35 ft or 2 stories in the R-60-m and R-60-a districts in the current Zoning Ordinance to 45 feet or 3 stories. This is done to broaden the types of available residential development in this highest intensity residential district.




## (D) Development Standards

Development in the RMF-7.2 district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-19: Cross-References to Other Standards.

**Table 3-19: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## 3.3.9. RMH-S: Residential Mobile Home Subdivision[91]

### (A) Purpose and Intent

The purpose of the RMH-S: Residential Mobile Home Subdivision district is to provide lands that accommodate mobile (manufactured) homes within a planned mobile home development in which the mobile homes are placed on individually owned lots. Along with mobile homes, uses that support the mobile home subdivision such as a management office, laundry facilities, and recreational facilities are also permitted.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

Development in the RMH-S district shall comply with the standards in Table 3-20: RMH-S District Intensity and Dimensional Standards.

**Table 3-20: RMH-S District Intensity and Dimensional Standards[92]**

| Standard | Value | Standard | Value |
|---|---|---|---|
| **Lot size, min (sf)** | | **Setbacks, min (ft)** | |
| Mobile home | 6,000 | Front | 20 |
| All other uses | 5,000 | Rear | 15 |
| Lot width, min (ft) | n/a | Side | 10 |
| Height, max (ft \| stories) | 35 \| 2 | Side Street | n/a |
| Building area, max | 50%[93] | | |

*min = minimum max = maximum ft = feet sf = square feet*

### (D) Development Standards

Development in the RMH-S district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-21: Cross-References to Other Standards.

**Table 3-21: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

[91] This carries forward the R-99-s district in the current Zoning Ordinance. The name of the district has been changed from RMH-6: Residential Mobile Home-6, which was proposed in the Code Assessment.
[92] This carries forward the dimensional standards that apply to the R-99-s district in the current Zoning Ordinance.
[93] This is a new standard, added for consistency with other development regulations in the City.

## (E) Additional Standards

### (1) Separation Requirements[94]

**(a)** Except as provided in subsection (b) below, land shall not be rezoned to the RMH-S district, and no mobile home subdivision shall be permitted to operate within the RMH-S district, unless at the time of the rezoning to the RMH-S district all of the land within the district is at least 100 feet from property that:

1. Has a residential use (except for property in the RMH-S or RMH-P districts);
2. Is within a residential district other than the RMH-S or RMH-P districts; or
3. Is within the IL or IG districts.

**(b)** The Administrator may permit a reduction in the 100-foot separation requirement if the land proposed to be zoned to the RMH-S district is separated from property listed in subsection (a) above by a natural or artificial feature that blocks direct access between the sites, such as a creek, river, or arterial road.

### (2) Use Limitations[95]

All nonresidential uses in the RMH-S district shall primarily serve residents of the mobile homes within the district.

### (3) Access

Each lot within the RMH-S district, including mobile home lots, shall have direct access to a street within the RMH-S subdivision. No lot shall have direct access to any street outside the RMH-S district. Access to the land in the RMH-S subdivision shall largely be by collector or arterial roads, not by minor residential streets.

### (4) Perimeter Buffer[96]

A perimeter buffer at least 25 feet in width shall be provided along the boundary of the district. The buffer shall be landscaped as a Type B buffer and maintained in accordance with the standards in Section 5.3, Landscaping Standards.

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[94] This provision incorporates the distance restriction in Section 10.3, Development standards, subsection (a)(1) of the current Zoning Ordinance. The exemption from the distance requirement if properties are separated “by a natural or artificial barrier” has been clarified.

[95] This is a new standard to limit the development of general civic/institutional or commercial uses on land zoned RMH-S.

[96] Carries forward the requirements for a landscaped strip of land in Section 10.3, Development standards, subsection (a)(2) of the current Zoning Ordinance.

## 3.3.10. RMH-P: Residential Mobile Home Park[97]

### (A) Purpose and Intent

The purpose of the RMH-P: Residential Mobile Home Park district is to provide lands that accommodate mobile (manufactured) homes within a planned mobile home development on land under unified control. Along with mobile homes, accessory uses that support the mobile home development such as a management office, laundry facilities, and recreational facilities are also allowed.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

Development in the RMH-P district shall comply with the standards in Table 3-22: RMH-P District Intensity and Dimensional Standards.

**Table 3-22: RMH-P District Intensity and Dimensional Standards[98]**

| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | Minimum district size (acres) | 10 | | **Setbacks, min (ft)** | |
| A | Lot width, min (ft) | n/a | C | Front | n/a [1] |
| B | Height, max (ft \| stories) | 35 \| 2 | D | Rear | n/a [1] |
| | Building area, max | n/a | E | Side | n/a [1] |
| | Density, max (du/acre) | 8 | | Side Street | n/a [1] |

*min = minimum max = maximum ft = feet*

**NOTES:**

[1] Additional standards that apply to a mobile home dwelling, including separation requirements and setbacks, are included as a use-specific standard in Section 4.2.3(C)(2), Dwelling, Mobile Home.

### (D) Development Standards

Development in the RMH-P district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-23: Cross-References to Other Standards.

**Table 3-23: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |

[97] This carries forward the R-99-p district in the current Zoning Ordinance. The name of the district has been changed from RMH-4, Residential Mobile Home-4, which was proposed in the Code Assessment. The only use permitted in the R-99-p district is a "mobile home park" use which integrates the elements of the mobile dwelling park use in the current Zoning Ordinance, as well as the regulations that apply to mobile dwellings in Section 10.3. Therefore, most of the regulations which govern the design of the mobile home park, including the standards for mobile home lots, are included within the use-specific standards at Section 4.2.3(C)(3), Dwelling, Mobile Home Park.

[98] The RMH-P district carries forward the dimensional standards that apply to the R-99-p district in the current Zoning Ordinance.

| Table 3-23: Cross-References to Other Standards | | | |
|---|---|---|---|
| **Sec.** | **Standards** | **Sec.** | **Standards** |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## (E) Additional Standards

### (1) Separation Requirements[99]

**(a)** Except as provided in subsection (b) below, land shall not be rezoned to the RMH-P district, and no mobile home park shall be permitted to operate within the RMH-P district, unless at the time of the rezoning all of the land within the district is at least 100 feet from property that:

1. Has a residential use (except for property in the RMH-S or RMH-P districts);
2. Is within a residential district other than the RMH-S or RMH-P districts; or
3. Is within the IL or IG districts.

**(b)** The Administrator may permit a reduction in the 100-foot separation requirement if the land proposed to be rezoned to the RMH-P district is separated from property listed in subsection (a) above by a natural or artificial feature that blocks access between the sites, such as a creek, river, or arterial road.

### (2) Use Limitations[100]

All nonresidential uses in the RMH-P district shall be intended to primarily serve residents of the mobile homes within the district.

[99] This incorporates the distance restriction in Section 10.3, Development standards, subsection (a)(1) of the current Zoning Ordinance. The exemption from the distance requirement if properties are separated "by a natural or artificial barrier" has been clarified.
[100] This is a new standard to limit the development of general civic/institutional or commercial uses within a mobile home park.

# Section 3.4 Institutional Districts

## 3.4.1. General Purpose of Institutional Districts

The purpose and intent of the institutional zone districts is to:

**(A)** Accommodate institutional, campus, and civic uses;

**(B)** Where appropriate, support integrated, multi-building campus development that includes internal street networks, green spaces, and other amenities typically associated with high-intensity development on larger tracts of land;

**(C)** Support secondary uses within institutional and campus development such as retail, personal services establishments, and indoor and outdoor recreation facilities;

**(D)** Provide and preserve lands for military installations; and

**(E)** Ensure development in the City is in accordance with the Comprehensive Plan.

## 3.4.2. INST-PK-O: Institutional Park and Open Space[101]

### (A) Purpose and Intent

The purpose of the INST-PK-O: Institutional Park and Open Space district is to provide lands that accommodate public parks and open space, which may include active recreational uses such as basketball courts, baseball fields, and gymnasiums, and passive open space. It is intended to implement the Open Space/Recreation land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

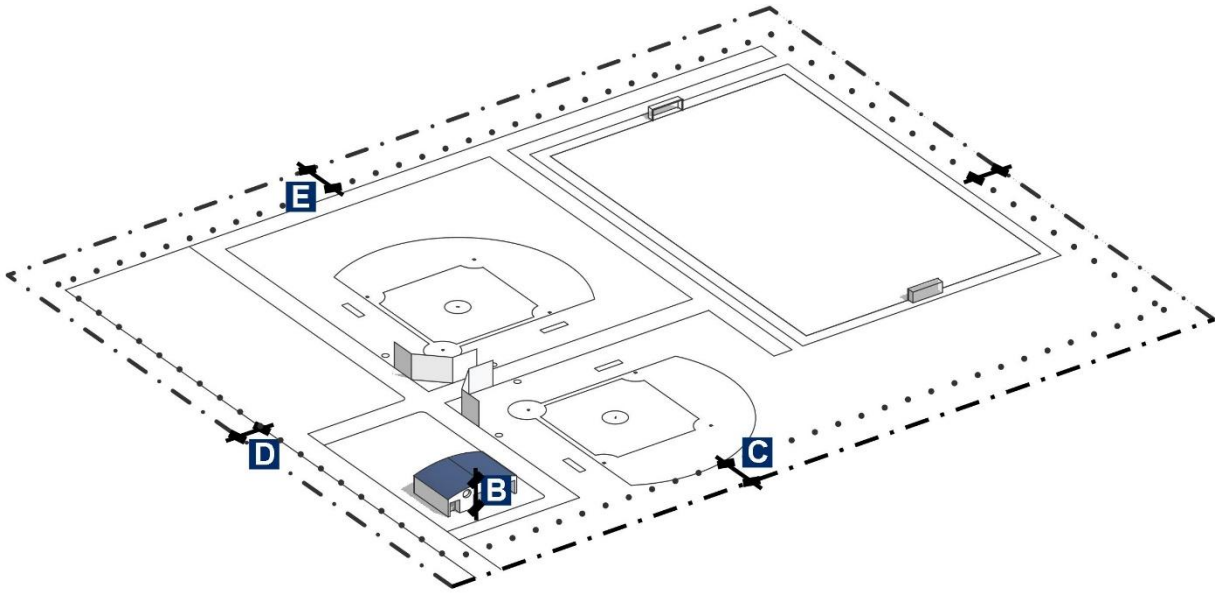
Development in the INST-PK-O district shall comply with the standards in Table 3-24: INST-PK-O District Intensity and Dimensional Standards.

**Table 3-24: INST-PK-O District Intensity and Dimensional Standards[102]**

| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | Lot area, min (sf) | N/A | | **Setbacks, min (ft)** | |
| | Lot width, min (ft) | N/A | C | Front | 30 |
| B | Height, max (ft) | 35 | D | Rear | 30 |
| | Building area, max | N/A | E | Side | 20 |
| | | | | Side Street | 20 |

*min = minimum max = maximum ft = feet sf = square feet*

[101] The INST-PK-O district is a new district that is intended to accommodate public parks and open space. Limited development standards are included to provide for flexibility for the design of these spaces. A limited set of uses are allowed.
[102] These are new standards. As this district is intended for public parks and open space, the development standards are basic and flexible.




## (D) Development Standards

Development in the INST-PK-O district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-25: Cross-References to Other Standards.

**Table 3-25: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## 3.4.3. INST-G: Institutional General[103]

### (A) Purpose and Intent

The purpose of the INST-G: Institutional General district is to provide lands that allow larger-scale institutional uses that are not accommodated in the other Institutional districts, such as elementary, middle, and high schools, hospitals, and nursing homes. The district also accommodates support uses such as offices, eating establishments, and limited retail and service establishments that primarily serve the principal institutional uses. Development may include the grouping of multiple institutional buildings and inter-related public, private, and nonprofit development. The district is intended to implement the Institutional/Civic land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

Development in the INST-G district shall comply with the standards in Table 3-26: INST-G District Intensity and Dimensional Standards.

**Table 3-26: INST-G District Intensity and Dimensional Standards[104]**

| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | Site area, min (acres) | 5 | | **Setbacks, min (ft)** | |
| | Lot area, min (sf) | 40,000 | C | Front | 10 \| 50 [1][105] |
| A | Lot width, min (ft) | 200 | D | Rear | 10 [2] |
| B | Height, max (ft) | 75 | E | Side | 10 \| 50 [1] |
| | Building area, max | 50% | | Side Street | 10 \| 50 [1] |

*min = minimum  max = maximum  ft = feet  sf = square feet*

**NOTES:**

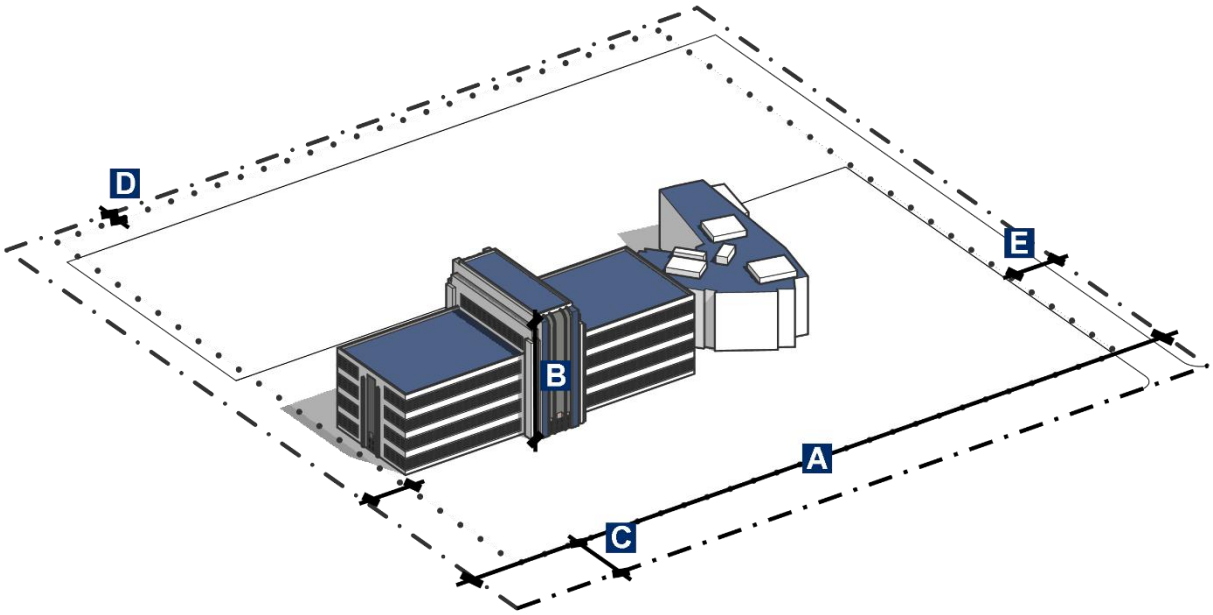
[1] Required setback is 50 feet from a street or lot outside the district, 10 feet from a street or lot within the district.

[2] For lots adjacent to a residential use or a Residential zone district, the required setback is 100 feet.

[103] The INST-G district carries forward and renames the INST district in the current Zoning Ordinance.

[104] This carries forward the dimensional standards that apply to the INST district in the current Zoning Ordinance, except as otherwise noted.

[105] To provide flexibility for development of multi-building developments within the INST district, the setbacks have been changed to require a 50-foot setback at the edges of the district, adjacent to property outside the district (100-foot setback adjacent to a residential use or a Residential zone district), but only a 10-foot setback adjacent to property or rights-of-way on the interior of the district. This provides increased development flexibility and additional opportunities for creative designs.




## (D) Development Standards

Development in the INST-G district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-27: Cross-References to Other Standards.

**Table 3-27: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## 3.4.4. INST-U: Institutional University[106]

### (A) Purpose and Intent

The purpose of the INST-U: Institutional University district is to provide lands that accommodate the colleges and universities within the City. Along with core educational uses, this district accommodates supportive development typically found on college or university campuses such as recreational facilities, student services, eating facilities, and offices associated with the educational institution and in support of its operations. The district is intended to implement the Campus land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

Development in the INST-U district shall comply with the standards in Table 3-28: INST-U District Intensity and Dimensional Standards.

**Table 3-28: INST-U District Intensity and Dimensional Standards[107]**

| Standard | Value | Standard | Value |
|---|---|---|---|
| Site area, min (acres) | n/a | **Setbacks, min (ft)** | |
| Lot area, min (sf) | n/a | Front | n/a |
| Lot width, min (ft) | n/a | Rear | n/a |
| Height, max (ft) | 50 | Side | n/a |
| Building area, max | 60% [1] | Side Street | n/a |

*min = minimum max = maximum ft = feet sf = square feet*

**NOTES:**
[1] Applies to the entire district.[108]

### (D) Development Standards

Development in the INST-U district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-29: Cross-References to Other Standards.

**Table 3-29: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

[106] The INST-U district is a new district intended for the City's colleges and universities.
[107] For this new district, no standards are included except for a height limit and a maximum building area.
[108] This is a new standard.

### (E) Additional Standards

There shall be a 15-foot setback along the boundary of land in the INST-U district that is adjacent to land in any other zoning district.

## 3.4.5. INST-M: Institutional Military[109]

### (A) Purpose and Intent

The purpose of the INST-M: Institutional Military district is to recognize and support Maxwell Air Force Base and Gunter Annex. These facilities are owned and operated by the United States military and therefore are not subject to this Ordinance. They are classified in this district to differentiate them from lands that are subject to the Zoning Ordinance.

### (B) Applicable Standards

No standards apply to development in the district, provided that if lands within the INST-M district are converted to private ownership, all uses are prohibited until the land has been classified into a different zone district in accordance with Section 2.5.2, Official Zoning Map Amendment; Section 2.5.3, Qualified Zone District Classification; or Section 2.5.4 ,Planned Development.

[109] The INST-M district is a new district intended to be applied to U.S. military facilities within the City. No standards are applied. The district includes a provision that if land in the INST-M is sold to a non-government entity, it cannot be developed unless and until it is rezoned to a different district in the Zoning Ordinance.

# Section 3.5 Business Districts

## 3.5.1. General Purpose of Business Districts[110]

The purpose and intent of the business zone districts is to:

**(A)** Provide appropriately located lands for commerce and employment serving the City's residents, businesses, and workers, consistent with the goals and policies of the Comprehensive Plan and other City plans and policies to support quality economic development;

**(B)** Strengthen the City's economic base and provide economic opportunities for residents;

**(C)** Support commercial development that is scaled to neighborhood, community, and regional needs;

**(D)** Facilitate the redevelopment and revitalization of underused and vacant sites;

**(E)** Accommodate infill development;

**(F)** Create suitable environments for various types of businesses and ensure their compatibility with surrounding development; and

**(G)** Ensure business development is located and designed to protect or be compatible with residential areas.

[110] The purpose statement is new.

## 3.5.2. CN: Commercial Neighborhood[111]

### (A) Purpose and Intent

The purpose of the CN: Commercial Neighborhood district is to provide lands that accommodate a limited range of small-scale neighborhood-serving commercial uses within or at the edge of the City's residential neighborhoods that support walkability. The district may apply to portions of a block, consisting of a few storefronts with limited on-site parking that are intended for neighborhood-serving uses with limited on-site parking. District regulations establish development intensities and development forms that are consistent with this neighborhood scale and support walkability. Allowable uses include limited retail sales and services, personal services, and eating and drinking establishments. Small-scale mixed-use development (residential over ground floor) is allowed at a scale and form that is consistent with district character. It is intended to implement the Traditional Neighborhood land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

Development in the CN district shall comply with the standards in Table 3-30: CN District Intensity and Dimensional Standards.

**Table 3-30: CN District Intensity and Dimensional Standards**

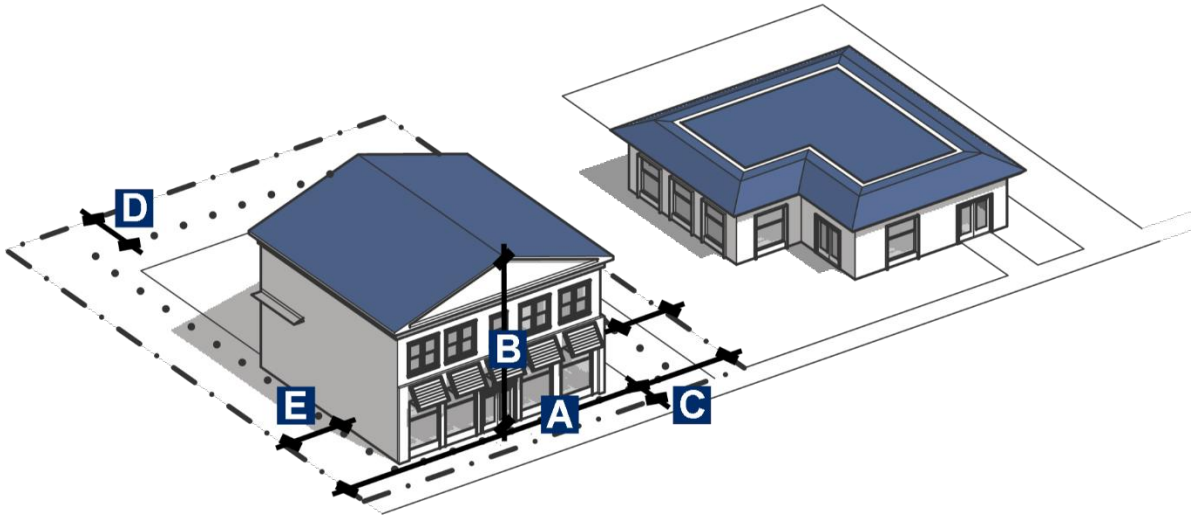
| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | Lot area, min (sf) | 7,500 | | **Setbacks, min (ft)** | |
| A | Lot width, min (ft) | 75 | C | Front | 5 |
| B | Height, max (ft \| stories) | 35 \| 2 | D | Rear | 10 \| 30 [1] |
| | Building area, max | 60% | E | Side | 10 \| 30 [1] |
| | Building floorplate, max (sf) | 5,000 | | Side Street | 10 |

*min = minimum max = maximum ft = feet sf = square feet*

**NOTES:**

[1] Required side and rear setback is 30 feet when adjacent to a residential use or a Residential zone district, and 10 feet otherwise.

[111] New district that allows neighborhood-serving commercial uses, as well as residential uses above the ground floor of a building.




## (D) Additional Standards

**(1)** For one-story buildings, all parking shall be located to the side or rear of the building. For two-story buildings, a single row of parking and accompanying drive aisle may be placed in front of the building.

**(2)** Residential development is permitted only above the ground floor.

## (E) Development Standards

Development in the CN district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-31: Cross-References to Other Standards.

**Table 3-31: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## 3.5.3. CC: Commercial Community[112]

### (A) Purpose and Intent

The purpose of the CC: Commercial Community district is to provide lands that accommodate a broad range of commercial, office, and recreation uses, as well as mixed-use and certain types of residential development at moderate densities. While these uses may be primarily accessed by automobile, the uses shall be designed to be safely accessible to nearby uses and neighborhoods via walking and bicycling as well. The district is intended to implement the Community Commercial land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

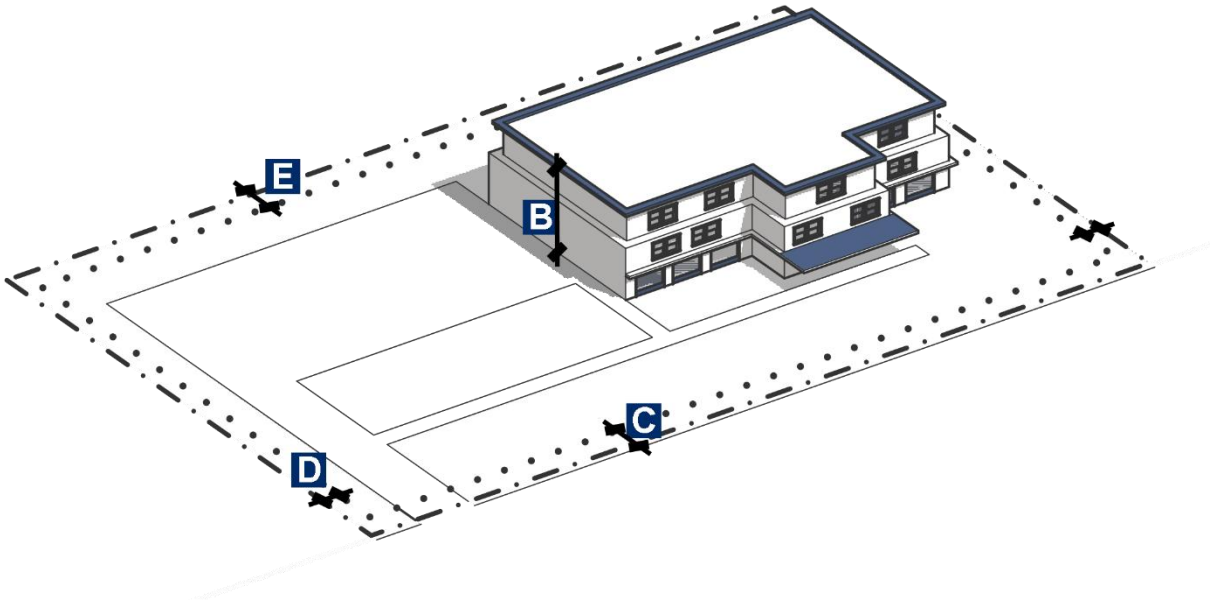
Development in the CC district shall comply with the standards in Table 3-32: CC District Intensity and Dimensional Standards.

**Table 3-32: CC District Intensity and Dimensional Standards**

| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | Lot area, min (sf) | n/a | | **Setbacks, min (ft)** | |
| | Lot width, min (ft) | n/a | C | Front | 15 |
| B | Height, max (ft \| stories) | 45 \| 3 | D | Rear | 15 |
| | Building area, max | n/a | E | Side | 10 |
| | Density, max (du/acre) | 16 | | Side Street | 15 |

*min = minimum max = maximum ft = feet sf = square feet du = dwelling units*

[112] This is a new district that is intended to accommodate a range of moderate-scale commercial uses that serve multiple neighborhoods and provide access by car, bicycle, and foot.




## (D) Additional Standards

**(1)** Development shall be designed to allow safe pedestrian access between the primary entrances to each building on the site and sidewalks and other pedestrian paths adjacent to the site.

**(2)** Development shall provide cross-access, using sidewalks or other pedestrian paths, from the development site to adjacent development sites that are within the CC district or another nonresidential district, to the maximum extent practicable. The Administrator may waive or modify this requirement on determining that such connections are impractical due to site constraints.

## (E) Development Standards

Development in the CC district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-33: Cross-References to Other Standards.

**Table 3-33: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## 3.5.4. CG: Commercial General[113]

### (A) Purpose and Intent

The purpose of the CG: Commercial General district is to provide lands that accommodate a wide range of nonresidential uses, primarily retail, office, and service establishments, at moderate intensities, along with multifamily residential uses. The district is intended to implement the Flex Commercial land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

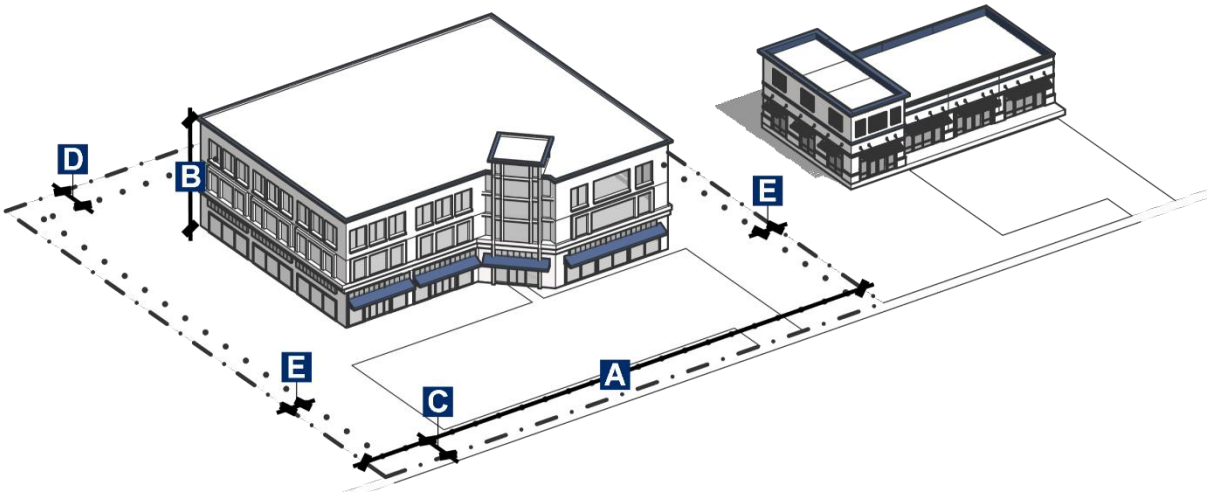
Development in the CG district shall comply with the standards in Table 3-34: CG District Intensity and Dimensional Standards.

**Table 3-34: CG District Intensity and Dimensional Standards[114]**

| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | Lot area, min (sf) | n/a | | **Setbacks, min (ft)** | |
| A | Lot width, min (ft) | 125 | C | Front | 15 |
| B | Height, max (ft \| stories) | 55 \| 4 | D | Rear | 15 |
| | Building area, max | 50% | E | Side | 10 |
| | | | | Side Street | 15 |

*min = minimum max = maximum ft = feet sf = square feet*

[113] This carries forward and renames the B-2: Individual Stores district in the current Zoning Ordinance.
[114] The dimensional standards that apply to the B-2 district in the current Zoning Ordinance are carried forward, except as otherwise noted in the footnote below.




## (D) Development Standards

Development in the CG district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-35: Cross-References to Other Standards.

**Table 3-35: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## 3.5.5. CR: Commercial Regional[115]

### (A) Purpose and Intent

The purpose of the CR: Commercial Regional district is to provide lands that accommodate moderate to high density commercial, office, and mixed-use development that attracts employees, shoppers, and visitors from around the region. While the primary intention is that this district be used for commercial and office uses, high-intensity residential uses are permitted when integrated into a mixed-use development. It is intended to implement the Flex Commercial and Flex Employment land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

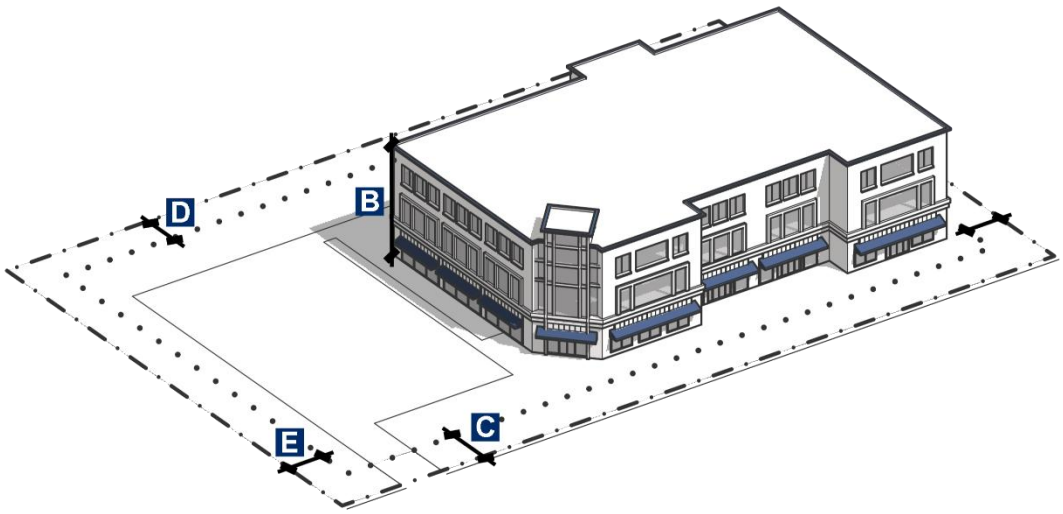
Development in the CR district shall comply with the standards in Table 3-36: CR District Intensity and Dimensional Standards.

**Table 3-36: CR District Intensity and Dimensional Standards**

| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | Lot area, min (sf) | n/a | | **Setbacks, min (ft)** | |
| | Lot width, min (ft) | n/a | C | Front | 30 |
| B | Height, max (ft \| stories) | 65 \| 5 | D | Rear | 25 |
| | Building area, max | 50% | E | Side | 25 |
| | Density, max (du/acre) | 24 | | Side Street | 30 |

*min = minimum max = maximum ft = feet sf = square feet du = dwelling units*

[115] This is a new district intended to accommodate more intense regional commercial and office development, as well as residential development that is part of a mixed-use development.




## (D) Additional Standards

**(1)** Pedestrian access shall be provided between the different uses on a site using sidewalks or other pedestrianways that are configured to minimize the crossings of drives, entrances to parking lots, and other potential conflict points between automobiles and pedestrians.

**(2)** Development shall provide cross-access, using sidewalks or other pedestrian paths, from the development site to adjacent development sites that are within the CC district or another nonresidential district, to the maximum extent practicable. The Administrator may waive or modify this requirement on determining that such connections are impractical due to site constraints.

## (E) Development Standards

Development in the CR district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-37: Cross-References to Other Standards.

**Table 3-37: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## 3.5.6. CCOR: Commercial Corridor[116]

### (A) Purpose and Intent

The purpose of the CCOR: Commercial Corridor district is to provide lands that accommodate a broad range of uses along the City's commercial corridors. Residential and nonresidential uses are permitted, including commercial, office, and service uses. An intent of the district is to encourage the redevelopment and revitalization of vacant lands and buildings along some of the City's commercial corridors. The district is intended to implement the Regional Mixed Use land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

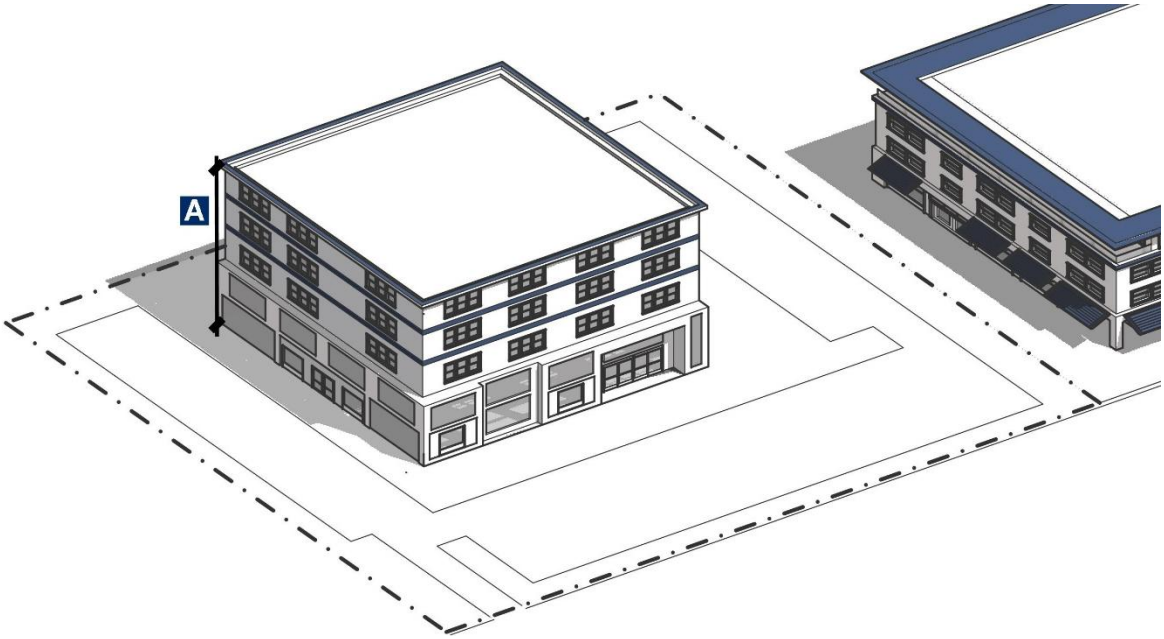
Development in the CCOR district shall comply with the standards in Table 3-38: CCOR District Intensity and Dimensional Standards.

**Table 3-38: CCOR District Intensity and Dimensional Standards**

| Standard | Value | Standard | Value |
|---|---|---|---|
| Lot area, min (sf) | n/a | **Setbacks, min (ft)** | |
| Lot width, min (ft) | n/a | Front | n/a |
| A Height, max (ft \| stories) | 65 \| 5 | Rear | n/a |
| Building area, max | n/a | Side | n/a |
| Density, max (du/acre) | 40 | Side Street | n/a |

*min = minimum max = maximum ft = feet sf = square feet du = dwelling units*

[116] This is a new district primarily intended to encourage redevelopment of the vacant parcels that account for many of the 3,900 parcels along major corridors and downtown, such as the Montgomery Mall. Minimal design standards are provided to provide maximum flexibility for developers seeking to redevelop these sites.




## (D) Additional Standards

The following standards apply in the CCOR district. Where these provisions conflict with other provisions in this Ordinance, these provisions control.[117]

### (1) Building Design

#### (a) Building Placement and Orientation

Building orientation refers to the location of the primary and secondary façades and entrances to a building.

1. To the maximum extent practicable, a building shall orient toward the street it faces, or if an interior street or block system is established for multi-building development, a building may be oriented to an interior street. The rear of a building shall not face the street.
2. Buildings shall have clearly defined, operable, and highly visible customer entrance.
3. Building entrances shall be differentiated from the rest of the façade by a change in material, architectural features, setbacks, or level.
4. If multiple tenants are located in an open retail center, each individual establishment shall have at least one exterior customer entrance which complies with the standards of this subsection (a).
5. Where a parking lot is located at the rear of the building, a secondary entrance may be provided in the back of the business. A rear entrance may provide direct service and customer access to the business from the parking lot.

#### (b) Building Mass

To the maximum extent practicable, building façades that face the main street or an internal street and that are greater than 120 feet in width shall be articulated with wall offsets (e.g., projections or recesses in the façade plane with a minimum depth of two

[117] These are basic form and design standards for development in the CCOR district. They are intended to operate in conjunction with the flexible dimensional standards in the CCOR district to encourage higher quality development and redevelopment.

feet), changes in façade color or material, or similar features that visually interrupt the wall plane horizontally such that the width of uninterrupted façade does not exceed 60 feet. Where appropriate, roof assemblies shall be used to reduce building mass.

**(c) Fenestration/Transparency**

To the maximum extent practicable, the following façade fenestration/transparency standards apply:

1. For nonresidential buildings, at least 25 percent of the street-facing façade area of the ground-level floor shall be occupied by windows or doorways.
2. For multifamily, townhouse, or two- or three-family dwellings, at least 15 percent of the street-facing façade area of the ground-level floor shall be occupied by windows or doorways.
3. For purposes of this subsection (c), the street-facing façade area of the ground-level floor shall be measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor.

**(d) Change of Façade Materials**

For all buildings, primary façade materials shall not change at outside corners, but shall extend along any side façade that is visible from a street. The extension shall be a minimum of 20 feet.

**(e) Roofs**

Roof features shall be in scale with the building mass, consistent with the form of the structure, and comply with the following standards:

1. Sloped roofs on buildings more than 120 feet in length shall include two or more different sloping roof planes, each with a minimum pitch between 3:12 and 12:12.
2. Flat roofs shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane.
3. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.
4. All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured and screened (if necessary) to have a minimal visual impact as seen from a street.

**(2) Site Access and Circulation**

**(a)** Where appropriate, joint access driveways between sites to reduce the number of access points and driveway area are encouraged.

**(b)** Access driveways shall include a minimum of two lanes with a width that does not exceed 26 feet for two-way driveways, unless a wider width is needed for safe ingress and egress.

**(c)** To the maximum extent practicable, the internal circulation system shall be designed to allow vehicular cross-access between the internal system and adjacent property, in accordance with the following:

1. The cross-access shall be constructed to the edge of the property as part of site development. Each cross access connection shall be designed in a way that is integrated into the internal circulation system of the parking lot or street and provides a reasonable connection.
2. When a proposed development is adjacent to a vacant parcel, the cross access shall be accomplished by providing a connection to the property line shared with the vacant property. The cross access connection shall provide a feasible connection when the adjacent parcel is developed.

**3.** An easement for ingress and egress to adjacent lots through the connection(s) shall be recorded with the Montgomery County Probate Judge.

**(d)** Where appropriate, sidewalks shall be provided on both sides of every internal street on the site.

**(3) Parking Lots**

**(a)** The placement of a parking lot should avoid conflicts between vehicular and pedestrian activities.

**(b)** Parking lots are encouraged to be located at the side or rear of the building.

**(c)** Parking lots with more than 120 spaces shall be visually and functionally segmented into smaller pods with landscaped islands and strips.

**(4) Utility and Service Areas**

The following standards apply to all utility and service areas:

**(a)** Areas for outdoor storage, trash collection, and loading areas shall be incorporated into the primary building design. Construction for these areas shall be of materials of comparable quality and appearance to that of the primary building.

**(b)** Loading areas or docks, outdoor storage, waste disposal, mechanical equipment, satellite dishes, truck parking, and other service support equipment shall be located behind the building so they cannot be seen from the primary street. They shall be screened from view from the primary street, and adjacent properties. The screening for loading areas, docks, outdoor storage, waste disposal, truck parking and related other service areas shall consist of:

**1.** A wall that is at least one foot higher than the largest object being screened, but no more than eight feet in height, on all sides where access is not needed. Where access is needed, an opaque gate of the same height as the wall shall be provided; and

**2.** If appropriate, the wall shall be obscured by landscaping. Sufficient planting materials shall be used such that no more than two-thirds of the surface area of the screening wall is visible from the street within three years of the wall's erection.

## (E) Development Standards

Development in the CCOR district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-39: Cross-References to Other Standards.

**Table 3-39: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## 3.5.7. CH: Commercial Highway[118]

### (A) Purpose and Intent

The purpose of the CH: Commercial Highway district is to provide lands that accommodate commercial uses serving the needs of people traveling on major roadways, and that accommodate other auto-oriented, community- or region-serving commercial development located along major roadway corridors. Multifamily residential uses also are permitted. The district is intended to implement the Flex Commercial land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

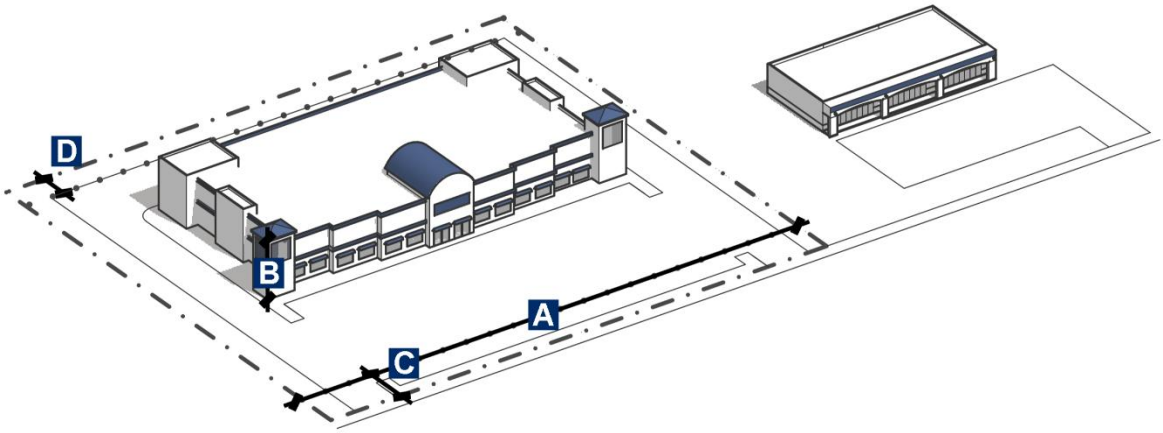
Development in the CH district shall comply with the standards in Table 3-40: CH District Intensity and Dimensional Standards.

**Table 3-40: CH District Intensity and Dimensional Standards[119]**

| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | Lot area, min (sf) | n/a | | **Setbacks, min (ft)** | |
| A | Lot width, min (ft) | 150 | C | Front | 30 |
| B | Height, max (ft \| stories) | 45 \| 3 | D | Rear | 20 |
| | Building area, max | n/a | | Side | n/a[120] |
| | Density, max (du/acre) | 40 | | Side Street | n/a |

*min = minimum max = maximum ft = feet sf = square feet du = dwelling units*

[118] This district carries forward and renames the B-3: Highway Commercial district.
[119] The CH district carries forward the dimensional standards that apply to the B-3 district in the current Zoning Ordinance, except as otherwise noted in the footnote below.
[120] Special setback requirements apply to gas stations in the B-3 district; those have been incorporated into the use-specific standard for gas station uses in Section 4.2.3, Standards Specific to Principal Uses.




## (D) Development Standards

Development in the CH district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-41: Cross-References to Other Standards.

**Table 3-41: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## 3.5.8. OC: Office Complex[121]

### (A) Purpose and Intent

The purpose of the OC: Office Complex district is to provide lands that accommodate a variety of office uses, as well as small-scale commercial uses that are designed to support the users of the office space such as cafeterias, barber shops, and convenience stores. The district is intended to implement the Career Center land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

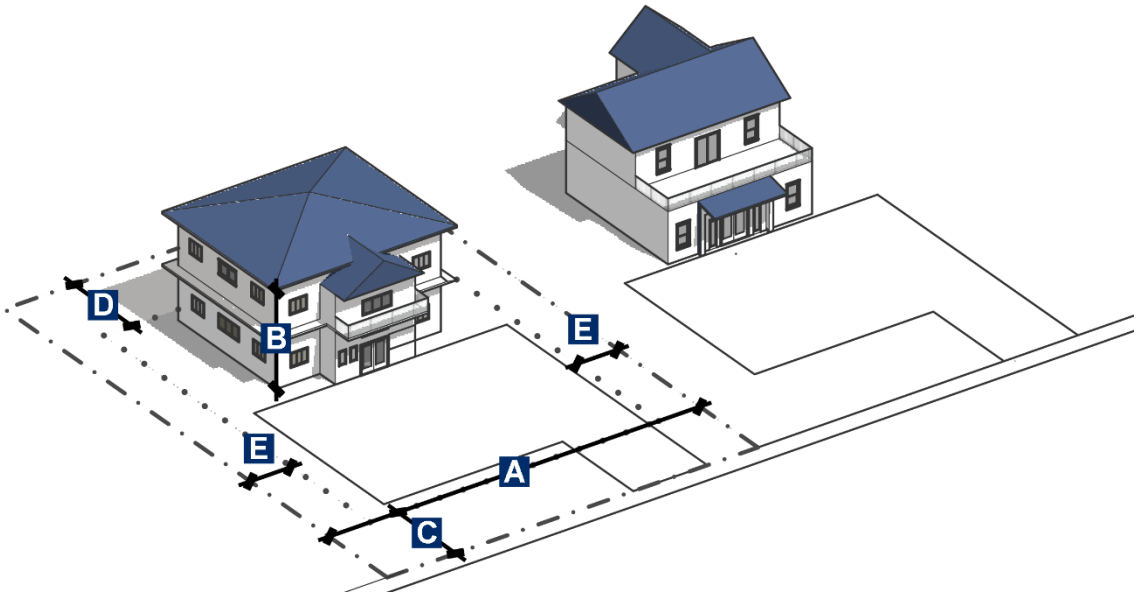
Development in the OC district shall comply with the standards in Table 3-42: OC District Intensity and Dimensional Standards.

**Table 3-42: OC District Intensity and Dimensional Standards[122]**

| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | Lot area, min (sf) | 7,200 | | **Setbacks, min (ft)** | |
| A | Lot width, min (ft) | 60 | C | Front | 20 |
| B | Height, max (ft \| stories) | 45 \| 3 | D | Rear | 20 |
| | Building area, max | 50% | E | Side | 10 |
| | | | | Side Street | 20 |

*min = minimum max = maximum ft = feet sf = square feet*

[121] This carries forward and renames the O-1: Office Complex district in the current Zoning Ordinance.
[122] The dimensional standards that apply to the O-1 district in the current Zoning Ordinance are carried forward.




## (D) Additional Standards

Uses other than office uses shall be included in the same building or buildings that contain office uses. The primary entrance of each non-office use shall be to the interior of the building. A use may have a single exterior entrance if there is no signage or other visual indication detectable from off-site of the non-office use.[123]

## (E) Development Standards

Development in the OC district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-43: Cross-References to Other Standards.

**Table 3-43: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

[123] This provision carries forward the limitation in the O-1 district on small-scale commercial uses in the current Zoning Ordinance.

## 3.5.9. OP: Office Park[124]

### (A) Purpose and Intent

The purpose of the OP: Office Park district is to provide lands that accommodate a variety of office uses in a park-like setting. Supportive commercial uses, as well as non-profit lodges, rooming houses, and hotels are permitted as special exception uses. The district is intended to implement the Career Center land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

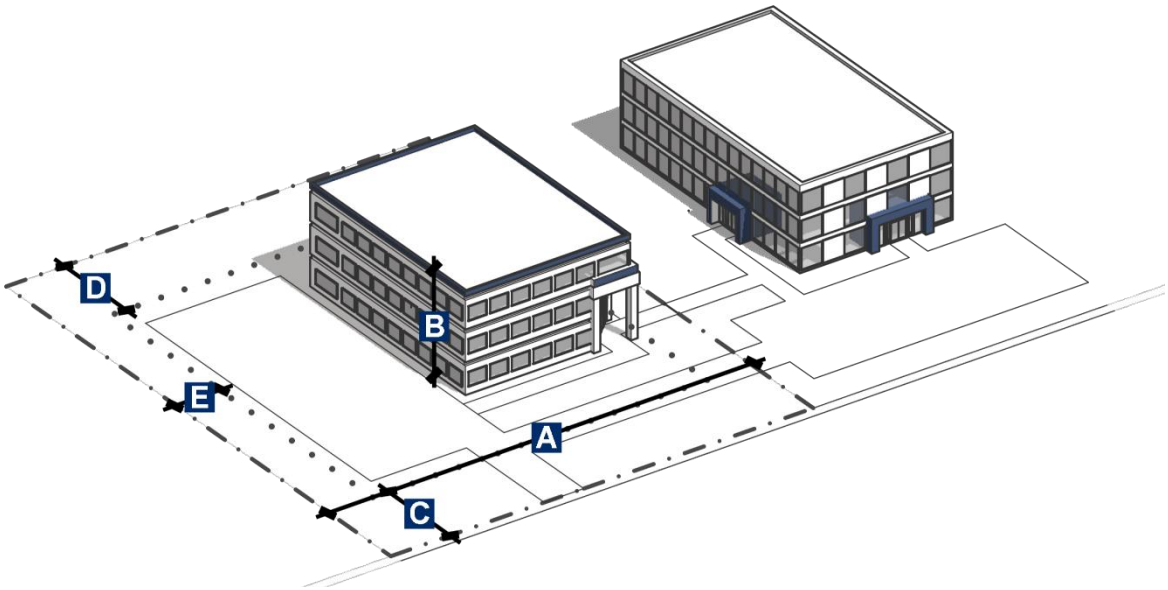
Development in the OP district shall comply with the standards in Table 3-44: OP District Intensity and Dimensional Standards.

**Table 3-44: OP District Intensity and Dimensional Standards[125]**

| | Standard | Value | | Standard | Value |
|---|---|---|---|---|---|
| | Lot area, min (sf) | 25,000 | | **Setbacks, min (ft)** | |
| A | Lot width, min (ft) | 100 | C | Front | 40 |
| B | Height, max (ft \| stories) | 45 \| 3 | D | Rear | 40 |
| | Building area, max | 25% | E | Side | 20 |
| | | | | Side Street | n/a |

*min = minimum max = maximum ft = feet sf = square feet*

[124] This carries forward and renames the O-2: Office Complex district.
[125] The OP district carries forward the dimensional standards that apply to the O-2 district in the current Zoning Ordinance.




## (D) Development Standards

Development in the OP district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-45: Cross-References to Other Standards.

**Table 3-45: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

# Section 3.6 Industrial Districts

## 3.6.1. General Purpose of Industrial Districts[126]

The purpose and intent of the industrial zone districts is to:

**(A)** Provide appropriately located lands for the full range of industrial uses required by the City's residents, businesses, and workers, including industrial uses that support existing major manufacturers in the region, in accordance with the Comprehensive Plan.

**(B)** Preserve lands for industrial uses and prevent the use of those lands for incompatible residential, institutional, or commercial uses.

**(C)** Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities;

**(D)** Support a range of building types and uses dedicated to processing, manufacturing, assembly, warehousing, outdoor storage, and distribution of goods;

**(E)** Create suitable environments for uses that have heavy freight traffic and which may generate noise, odors, or other impacts;

**(F)** Ensure industrial development is located and designed to protect and preserve the character of existing residential districts and neighborhoods;

**(G)** Provide a place to locate uses that are generally incompatible with other uses in other zoning districts.

[126] This is a new purpose statement.

## 3.6.2. IL: Industry Light[127]

### (A) Purpose and Intent

The purpose of the IL: Industry Light district is to provide lands provide lands that accommodate light industrial uses such as storage, wholesaling, and light manufacturing. Limited commercial and office uses that primarily serve the principal light industrial uses also are allowed. The district is intended to implement the Flex Employment land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

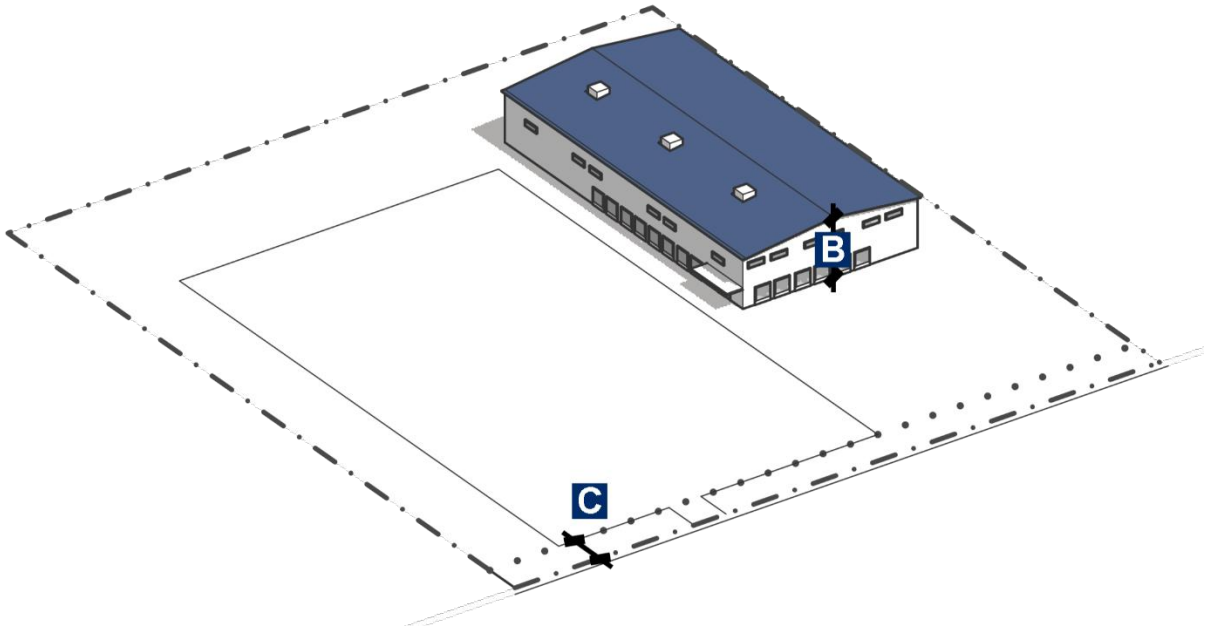
Development in the IL district shall comply with the standards in Table 3-46: IL District Intensity and Dimensional Standards.

**Table 3-46: IL District Intensity and Dimensional Standards[128]**

| Standard | Value | Standard | Value |
|---|---|---|---|
| Lot area, min (sf) | n/a | **Setbacks, min (ft)** | |
| Lot width, min (ft) | n/a | C Front | 20 |
| B Height, max (ft) | 50 | Rear | 20 |
| Building area, max | 50% | Side | 20 |
| | | Side Street | 20 |

*min = minimum max = maximum ft = feet sf = square feet*

[127] This carries forward and renames the M-1: Light Industry district in the current Zoning Ordinance.
[128] The dimensional standards that apply to the M-1 district in the current Zoning Ordinance are carried forward.




## (D) Development Standards

Development in the IL district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-47: Cross-References to Other Standards.

**Table 3-47: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

## 3.6.3. IG: Industry General[129]

### (A) Purpose and Intent

The purpose of the IG: Industry General district is to provide lands that accommodate intense industrial development that generally requires large sites, as well as industrial uses that are important to the City's economic growth but may impact adjacent lands. The uses generally involve greater potential for adverse off-site impacts on the environment and surrounding development through the creation of dust, fumes, smoke, odor, noise, or vibration, or the extensive movement of vehicles, materials, and goods. The district is intended to implement the General Industrial land use type on the Future Land Use and Character Map.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### (C) Intensity and Dimensional Standards

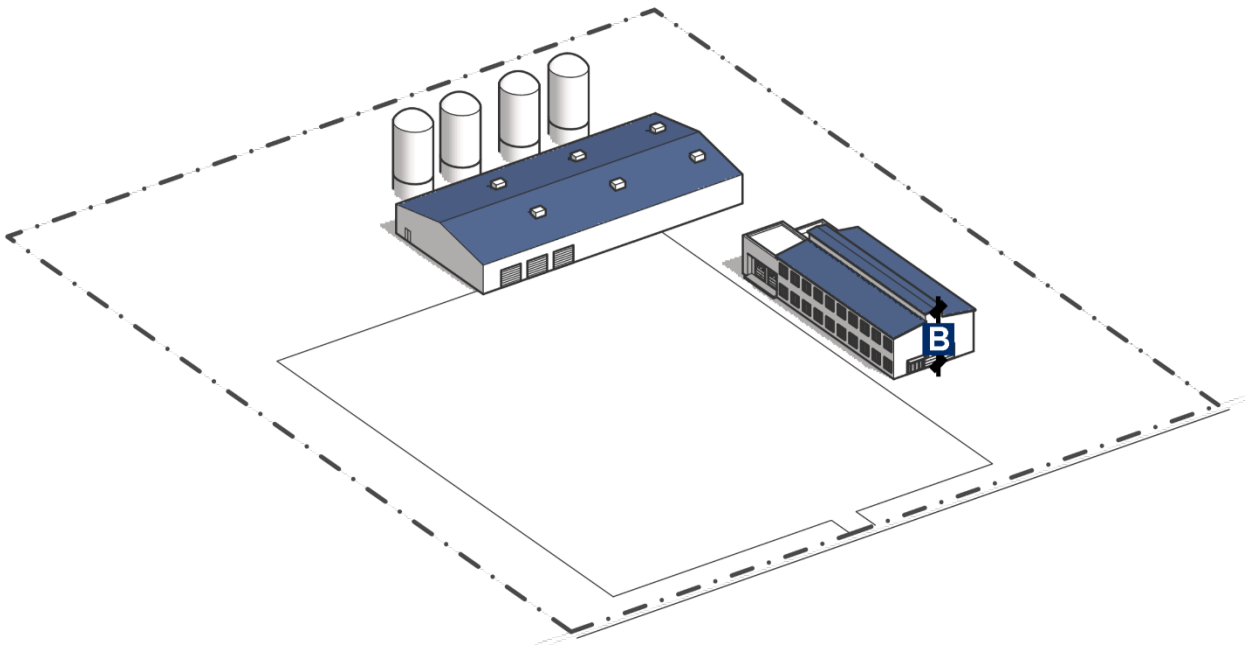
Development in the IG district shall comply with the standards in Table 3-48: IG District Intensity and Dimensional Standards.

**Table 3-48: IG District Intensity and Dimensional Standards[130]**

| Standard | Value | Standard | Value |
|---|---|---|---|
| Lot area, min (sf) | n/a | **Setbacks, min (ft)** | |
| Lot width, min (ft) | n/a | Front | 30 |
| B Height, max (ft) | 150 | Rear | 30 |
| Building area, max | 50% | Side | 30 |
| | | Side Street | 20 |

*min = minimum max = maximum ft = feet sf = square feet*

[129] This carries forward and renames the M-3: General Industry district in the current Zoning Ordinance.
[130] The dimensional standards that apply to the M-3 district in the current Zoning Ordinance are carried forward.




## (D) Development Standards

Development in the IG district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-49: Cross-References to Other Standards.

**Table 3-49: Cross-References to Other Standards**

| Sec. | Standards | Sec. | Standards |
|---|---|---|---|
| 5.1 | Access and Connectivity Standards | 5.6 | Riparian Buffer Standards |
| 5.2 | Off-Street Parking and Loading Standards | 5.7 | Exterior Lighting Standards |
| 5.3 | Landscaping Standards | 5.8 | Form and Design Standards |
| 5.4 | Fence and Wall Standards | 5.9 | Sign Regulations |
| 5.5 | Open Space | 5.10 | Flood Damage Prevention |

# Section 3.7 Qualified Districts[131]

## 3.7.1. General Purpose of Qualified Districts[132]

The purpose of the qualified zone districts is to allow the City Council to refine the standards of a base zone district to accommodate proposed uses and structures in a manner that addresses anticipated impacts of development on surrounding lands. The intention of a qualified zone district is to minimize any detrimental impacts on surrounding development, protect property values, and secure enhancements that would be beneficial to the community, to better meet the intended outcomes of and policies in the Comprehensive Plan.

## 3.7.2. Qualified Districts[133]

**(A)** A qualified district may be established for each Agricultural, Residential, Business, and Industrial district except for the RSF-20, RSF-12, RSF-8.4, RSF-7.2, and RSF-6 districts. A qualified district may not be established for an Institutional district or a Planned Development district.

**(B)** Qualified districts shall be indicated on the Official Zone District Map by a "Q" initial following the associated base zone district abbreviation; for example, CG-Q shall represent the Commercial General-Qualified district.[134]

## 3.7.3. Establishment of Qualified Districts[135]

Qualified districts shall be established only in accordance with the procedures and requirements set forth in Section 2.5.3, Qualified Zone District Classification.

## 3.7.4. Applicable Standards and Conditions[136]

**(A) Zone District Standards**

The ordinance establishing the qualified district may modify the dimensional standards and other district standards that apply to development in the underlying base district, including the applicable standards in Article 3: Zone Districts. Any applicable standards in Article 3 that are not modified shall apply to development in the qualified district.

**(B) Development Standards**

The ordinance establishing the qualified district may modify the development standards in this Zoning Ordinance that apply to development in the qualified district, including the standards in Article 5: Development Standards. Any applicable standards in this Zoning Ordinance that are not modified shall apply to development in the qualified district.

**(C) Permitted Uses**

The permitted uses in a qualified district shall be limited to those allowed in the corresponding base district as a permitted use in accordance with Table 4-1: Principal Use Table. A permitted use may be restricted through conditions included in the ordinance.

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[131] Section 3.7, Qualified Districts, carries forward the qualified zone district procedure in Article VII, Section 11, of the current Zoning Ordinance. The provisions regarding expiration at Article VII, Section 5, will be carried forward in the administrative procedure section.
[132] This updates the purpose statement at Article VII, Section 11(1), of the current Zoning Ordinance, and revises reference to the City's Master Plan to the Comprehensive Plan.
[133] This carries forward the exceptions in the current Ordinance and updates them to reflect the new zone district lineup.
[134] This is a new provision that memorializes the current practice for designating qualified districts.
[135] This is a new provision that references the new procedure for adoption of a qualified district.
[136] This section has been renamed from "Applicable Conditions" in the Assessment.

**(D) Modification of Standards and Conditions[137]**

All agreed-upon standards and conditions in a qualified district are required and may not be amended except as follows:

**(1)** Additions to the list of permitted uses established in accordance with subsection (C) above shall only be permitted by an amendment to the qualified district in accordance with Section 3.7.3 above.

**(2)** Modifications to the development standards by City staff shall only be permitted in accordance with Section 2.5.11, Administrative Adjustment, unless the ordinance specifically restricts modification of the applicable standard.

**(3)** Modifications to other development standards may be approved by the Planning Commission in accordance with Section 3.7.3 above.

[137] This carries forward the amendment provisions in Article VII, Section 11(6) of the current Zoning Ordinance and adds a reference to the administrative adjustment procedure; administrative adjustments authorized by staff are permitted unless the ordinance adopting the qualified district specifically restricts staff modification of a particular standard.

# Section 3.8 SmartCode Districts

## 3.8.1. General Purpose

The SmartCode is distinct of land development regulations that applies to land that is assigned to one of the zone districts established in the SmartCode. The purposes of the SmartCode are set forth in Section 1.2 of the SmartCode, which is included as Appendix A to this Ordinance.

## 3.8.2. Rezoning to a SmartCode District

Land may be rezoned to a SmartCode zone district in accordance with Section 2.5.2, Official Zoning Map Amendment. Following rezoning to a SmartCode district, land is subject to the SmartCode and the regulations of this Ordinance apply only to the extent provided in the SmartCode.

# Section 3.9 Planned Development Districts[138]

## 3.9.1. General Purpose of Planned Development Districts

The purpose and intent of the Planned Development districts is to encourage land uses and designs that are innovative and integrate multiple uses in a way that makes efficient use of land and allows for creative site planning.

## 3.9.2. Establishment of Planned Development Districts[139]

Planned development districts shall be established only in accordance with the procedures and requirements set forth in Section 2.5.4, Planned Development.

## 3.9.3. Standards that Apply to All Planned Development Districts[140]

The standards in this section apply to all planned development districts. Additional standards that apply to the PD district are established in Section 3.9.4, PD: Planned Development, and additional standards that apply to the PD-TND district are established in Section 3.9.5, PD-TND: Planned Development-Traditional Neighborhood Development. In accordance with Section 2.5.4, Planned Development, a Planned Development (PD) Plan and a Planned Development (PD) Agreement are required components in the establishment of a planned development district:

**(A) Planned Development (PD) Plan[141]**

The PD Plan shall identify the following, in accordance with the purposes and requirements of the specific type of planned development district:

**(1)** The planning and development goals for the district;

**(2)** The specific principal, accessory, and temporary use types permitted in the district and any standards that apply to specific uses in the district. Only those uses listed in the use tables in Article 4: Use Regulations as allowed in the applicable planned development district may be identified as principal, accessory, or temporary uses allowed in the district;

**(3)** The general location of each development area in the district, its acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;

**(4)** The dimensional standards that apply in the district;

**(5)** Where relevant, the standards and requirements that ensure development on the perimeter of the district is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, hours of operation, exterior lighting, and siting of service areas;

**(6)** The general location, amount, and type (whether designated for active or passive recreation) of open space;

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[138] Establishes new Planned Development (PD) districts that replace the Planned Unit Development (PUD) districts in the current Zoning Ordinance, as discussed in the Assessment (pp. II-38 to 39). A general purpose is included in this section and more specific purposes are identified in the sections for the two types of PD districts (replacing the PUD terminology) in the new Zoning Ordinance: the Planned Development (PD) district and the Planned Development Traditional Neighborhood Design (PD-TND) district. This section establishes requirements for each Planned Development (PD) Plan and Planned Development (PD) Agreement that must be approved when land is classified to either of the PD districts.

[139] New provision that references the new procedure for adoption of a planned development district.

[140] Establishes standards that apply to development both in a PD district and a PD-TND district, with references to the additional standards that apply for each type of PD district.

[141] The PD Plan sets forth the standards that will apply to the planned development district, including permitted uses, project density and intensity, dimensional and development standards, and any phasing plans, if applicable.

**(7)** The location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and measures to ensure protection of these lands consistent with the requirements of this section and this Ordinance;

**(8)** The on-site pedestrian circulation system and how it will connect to off-site pedestrian systems, consistent with the requirements of this Ordinance;

**(9)** The general design and layout of the on-site transportation circulation system, including the general location of all public streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system (pedestrian and bicycle pathways and trails), and connect to existing and planned City and regional systems, consistent with the requirements of this Ordinance;

**(10)** The general location of on-site potable water and wastewater facilities, as applicable, and how they will connect to existing and planned City and regional systems, consistent with the requirements of this Ordinance;

**(11)** The general location of on-site storm drainage facilities, and how they will connect to existing and planned City systems, consistent with the requirements of this Ordinance;

**(12)** The general location and layout of all other on-site and off-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, emergency management, stormwater management, and solid waste management;

**(13)** The ways in which transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;

**(14)** If development in a planned development district is proposed to be phased, a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided and timed, how development will be coordinated with the City's capital improvements program, and how environmentally sensitive lands will be protected and monitored; and

**(15)** Any modifications to the development standards in Article 5: Development Standards, that will be applied to planned development, in accordance with Table 3-50: Development Standards That May Be Modified. Any modifications to development standards shall be documented in the PD Plan and the PD Agreement, with a clear basis for why the change is needed, how it supports the purpose of the planned development district, and how it supports high-quality development.

**Table 3-50: Development Standards That May Be Modified**

| Standard | | Modification |
|---|---|---|
| **Development Standards** | | |
| Section 5.1 | Access and Connectivity Standards | Allowed |
| Section 5.2 | Off-Street Parking and Loading Standards | Allowed |
| Section 5.3 | Landscaping Standards | Allowed |
| Section 5.4 | Fence and Wall Standards | Allowed |
| Section 5.5 | Open Space | Allowed |
| Section 5.6 | Riparian Buffer Standards | Modifications prohibited |
| Section 5.7 | Exterior Lighting Standards | Allowed |
| Section 5.8 | Form and Design Standards | Allowed |
| Section 5.9 | Sign Regulations | Allowed |
| Section 5.10 | Flood Damage Prevention | Modifications prohibited |

| Table 3-50: Development Standards That May Be Modified | |
|---|---|
| **Subdivision Regulations** | Allowed |

**(B) Planned Development (PD) Agreement**[142]

The PD Agreement shall include at least the following:

**(1)** Conditions related to approval of the application for the individual planned development district classification;

**(2)** Conditions related to the approval of the PD Plan, including any conditions related to the form and design of development shown in the PD Plan;

**(3)** Provisions addressing how public facilities (transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development. This shall include but not be limited to:

**(a)** Recognition that the applicant/landowner will be responsible for design and construction or installation of required and proposed on-site public facilities in compliance with applicable City, state, and federal regulations;

**(b)** The responsibility of the applicant/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable City, state, and federal regulations;

**(c)** Provisions related to enhanced environmental protection or restoration beyond the minimum standards of this Ordinance;

**(d)** Identification of enhanced community benefits and amenities that will be provided to compensate for the added development flexibility; and

**(e)** Any other provisions the City Council determines are relevant and necessary to the planned development.

## 3.9.4. PD: Planned Development[143]

**(A) Purpose**[144]

The purpose of the PD: Planned Development district is to accommodate innovative and efficient land planning on large tracts of land that results in development of higher quality than is available through standard district regulations. In particular, the Planned Development district is intended to:

**(1)** Encourage design and development that includes a high level of quality, environmental sensitivity, energy efficiency, and adequate provision of public services;

**(2)** Reduce the inflexibility that may result from strict application of the base district regulations and development standards included in this Ordinance;

**(3)** Provide greater freedom and flexibility that allows for innovative site design in:

**(a)** The overall form of development;

**(b)** The design of pedestrian, bicycle, and vehicular circulation and parking systems;

**(c)** The design of site landscaping, lighting, and signage;

**(d)** The location and integration of open space and civic space; and

**(e)** Other site amenities;

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[142] The PD Agreement sets forth the terms and conditions that apply to a planned development, including the developer's responsibility to construct public infrastructure and commitments to provide community benefits in return for the development flexibility authorized by the PD district.

[143] This replaces the PUD Planned Unit Development district regulations in Article VII, Section 2, of the current Zoning Ordinance.

[144] This is a new purpose statement.

**(4)** Encourage development that includes a well-integrated mix of residential and nonresidential development, including a diversity of intensities, densities, and residential lot sizes within the same development;

**(5)** Encourage the inclusion of affordable housing in well-designed, mixed-use developments;

**(6)** Encourage the provision of centrally located open space amenities within the development;

**(7)** Encourage more efficient use of land, using appropriately sized and well-connected networks of streets and utilities to lower development and housing costs;

**(8)** Promote development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses; and

**(9)** Promote development form that respects and takes advantage of a site's natural and culturally significant features, such as rivers, lakes, wetlands, floodplains, trees, and culturally significant human-made and historic resources.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations. However, only those uses identified as permitted in the PD plan are permitted in a particular PD district.

**(C) Intensity and Dimensional Standards**

Development in a PD district shall comply with the standards in Table 3-51: PD District Intensity and Dimensional Standards.

**Table 3-51: PD District Intensity and Dimensional Standards**

| Standard | Value | Standard | Value |
|---|---|---|---|
| District area, min (acres) | 15 | **Setbacks, min (ft)** | |
| Lot area, min | [1] | Front | [1] |
| Lot width, min | [1] | Rear | [1] |
| Height, max | [1] | Side | [1] |
| Building area, max | [1] | Side Street | [1] |
| Residential density, max | [1] | | |

*min = minimum* *max = maximum*

**NOTES:**

[1] To be established in the PD Plan and PD Agreement

**(D) Development Standards**

Development in a PD district shall comply with the applicable standards in this Ordinance and the Subdivision Regulations as modified by the PD Plan or PD Agreement in accordance with Section 3.9.3, Standards that Apply to All Planned Development Districts.

## 3.9.5. PD-TND: Planned Development-Traditional Neighborhood Development[145]

**(A) Purpose**

The purpose of the PD-TND: Planned Development-Traditional Neighborhood Development district is to encourage innovative and high-quality development that incorporates traditional neighborhood development practices such as compact form with a neighborhood center, a mix of uses, a strong public realm that is human-scale and pedestrian-oriented, integrated open

[145] As discussed on page II-38 of the Assessment, this new district allows for neo-traditional neighborhood developments in greenfield or urban areas. The PD-TND district provides a planned development alternative for development that uses traditional neighborhood design elements, such as civic buildings, a town center, mixed uses, integrated open space, and a variety of housing types, in order to support meaningful public spaces and more walkable communities.

space and recreational opportunities, and a range of housing choices. Substantial flexibility is provided, with the expectation that development quality will surpass what is otherwise achievable through the base zone districts. District standards support the City's existing traditional neighborhoods, encourage walkable urbanism, and provide a range of nonresidential uses that serve residents and the surrounding neighborhood.

### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations. However, only those uses identified as permitted in the PD plan are permitted in a particular PD-TND district.

### (C) Intensity and Dimensional Standards

Development in a PD-TND district shall comply with the standards in Table 3-52: PD-TND District Intensity and Dimensional Standards.

**Table 3-52: PD-TND District Intensity and Dimensional Standards**

| Standard | Value | Standard | Value |
|---|---|---|---|
| District area, min (acres) | 15 | **Setbacks, min (ft)** | |
| Lot area, min | [1] | Front | [1] |
| Lot width, min | [1] | Rear | [1] |
| Height, max | [1] | Side | [1] |
| Building area, max | [1] | Side Street | [1] |
| Residential density, max | [1] | | |

*min = minimum* *max = maximum*

**NOTES:**
[1] To be established in the PD Plan and PD Agreement

### (D) Development Standards

Development in a PD-TND district shall comply with the applicable standards in this Ordinance and the Subdivision Regulations as modified by the PD Plan or PD Agreement in accordance with Section 3.9.3, Standards that Apply to All Planned Development Districts, as well as the following:

#### (1) Overall Design

A PD-TND district shall be designed with a neighborhood center and may also be served by one or more sub-centers. A neighborhood center or sub-center shall consist of formal open space (such as a square, commons, green, or active recreation area) that is adjacent to nonresidential or civic uses (such as a school, religious institution, or other government building), and served by one or more prominent street intersections. If included, the civic use shall be located in a prominent location. Areas adjacent to neighborhood centers shall permit commercial uses.

#### (2) Residential Walking Distance

At least 80 percent of all residential dwelling units in a PD-TND should be within 2,000 feet of the neighborhood center or a sub-center. The distance shall be measured by walking distance using sidewalks and other pedestrianways within the development.

#### (3) Use Mixing

**(a)** A PD-TND district shall be designed to provide a mix of residential and nonresidential uses, with a diversity of housing types (including single-family detached up through multi-family dwellings), retail sales and service uses, office uses, and civic and recreational uses.

**(b)** Within a PD-TND district, no more than 70 percent of the developed land area, excluding open space, may consist of single-family detached residential uses, and no more than 80 percent of the developed land area may consist of residential uses.

**(4) Circulation System.**

**(a)** To the maximum extent practicable, a PD-TND district shall include a connected street system designed in a grid pattern. To the extent practical, the maximum length of a single block shall be 800 feet.

**(b)** Each street shall include curb and gutter, and each side shall include the following:

**1.** Adjacent to the curb, a planting strip at least three feet in width with street trees planted in accordance with the standards in Sec. 5.3.7, Street Trees.

**2.** Adjacent to the planting strip, a sidewalk at least five feet in width.

**(c)** Alleys are recommended for access to residential developments. Where alleys are provided, access to parking to a residential use other than a multifamily development shall be via the alley, and no access to a garage shall be provided from a street. All alleys shall be owned and maintained by a homeowners' or property owners' association or similar entity established for the development.

# Section 3.10 Overlay Districts[146]

## 3.10.1. Purpose and General Standards

### (A) Purpose of Overlay Districts

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

### (B) General Standards

The provisions of an overlay zone district shall prevail over a provision in a base zone district, unless stated to the contrary. When there is a conflict between provisions of two or more applicable overlay zone districts, unless otherwise stated in this Ordinance, the more restrictive provision controls

## 3.10.2. AH-O: Airport Hazard Overlay[147]

### (A) Purpose[148]

The purpose of the AH-O: Airport Hazard Overlay district is to establish standards of safety for lands in the immediate vicinity of Dannelly Field and Maxwell Air Force Base. District standards protect people and property by limiting physical obstructions which can interfere with aircraft maneuverability and normal operations at the airports and by encouraging compatible land uses.

### (B) Applicability and Incorporation by Reference[149]

**(1)** The regulations of this section apply to the area located within two miles of Dannelly Field as indicated on the map entitled "Airport Zoning Map of the Dannelly Field Area of Montgomery" (hereafter, Dannelly Field Map) on file in the <> Office. The map and all accompanying explanatory matter are hereby incorporated into this Ordinance by reference.

**(2)** The regulations of this section apply to the area located within two miles of Maxwell Air Force Base as indicated on the map entitled "Standards for Determining Obstructions to Air Navigation, Maxwell A. F. B., Montgomery, Alabama" (hereafter, Maxwell A.F.B. Map) on file in the <> Office.[150] The map and all accompanying explanatory matter are hereby incorporated into this Ordinance by reference.

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[146] This is a new section for overlay districts. The current draft includes only one overlay district, the Airport Hazard Overlay District, but the structure allows for the easy addition of new overlay districts should the City Council choose to do so in the future.

[147] This incorporates the Airport Hazard Areas regulations in Article VIII of the current Zoning Ordinance. The provisions of Section 5 have not been carried forward, except that the Board of Adjustment is identified as the "administrative agency" in the regulations establishing the Board of Adjustment in Section 2.3.3, Board of Adjustment. Section 3 states that the district regulations apply "except only those regulations concerning uses and height are mandatory in any area outside the customary police jurisdiction of the city." That has not been carried forward as land that is outside the City's corporate limits and outside the police jurisdiction is not subject to the City's zoning ordinance.

[148] The purpose statement is new.

[149] This carries forward Article VIII, Section 1 of the current Zoning Ordinance. The last sentence of Section 1b, about areas excluded from the AH-O district, has not been carried forward as the applicability to certain areas is indicated on the map.

[150] Future drafts will more clearly identify where a copy of these maps may be found.

## (C) Development Standards[151]

The standards that apply to development in the underlying base zone district apply to development in the AH-O district, except as noted below:

**(1)** Any regulations included in the explanatory matter on the Dannelly Field Map or the Maxwell A.F.B. Map apply to land within the applicable map boundaries.

**(2)** In the AH-O district, the exceptions to the maximum height standards set forth in Section 8.2.4(A), Exceptions to Maximum Building Height, do not apply, and all parts of buildings and structures are subject to the height limitations set forth in the zone district.

**(3)** In the AH-O district, all height limitations that apply to buildings in the underlying base zone district also apply to trees where a failure to do so would allow an obstruction to air navigation to occur or exist.

**(4)** In the AH-O district, no structure or tree in the IG district shall exceed three stories or 45 feet in height.

## (D) Variances[152]

Requests for a variance to the height standards for buildings or structures within the AH-O district are subject to the to the standards that apply to the granting of a variance in Section 2.5.12, Variance, as well as the following:

**(1)** The requested variance will not create a hazard to air navigation; and.

**(2)** The requested variance is consistent with the standards and explanatory matter included in the map entitled "Standards for Determining Obstructions to Air Navigations, Dannelly Field Area of Montgomery, Alabama and Maxwell Air Force Base," on file in the <> Office. The map and all accompanying explanatory matter are hereby incorporated into this Ordinance by reference.

[151] Carries forward Article VII, Section 3 and 4 of the current Zoning Ordinance. The special height restrictions that apply to development in AGR-1 and AGR-2 (AGR and AGR-RES in this updated Ordinance) have not been carried forward because they are identical to the height restrictions that apply in AGR-1 and AGR-2.

[152] This incorporates the guidance for the Board of Adjustment included in Article VII, Sections 4(e) and (f) of the current Zoning Ordinance. The reference to "reasonable conditions" has been removed as the board will be provided the authority to impose reasonable conditions on all variance requests.

# Article 4: Use Regulations

**Commentary on Draft:**

**Article 4: Use Regulations,** consolidates regulations governing the various uses of land in the City, including principal uses, accessory uses and structures, and temporary uses and structures. It is organized into four sections.

**Section 4.1, Organization of Article,** describes the organization of the article.

**Section 4.2, Principal Uses,** establishes regulations that apply to principal uses of land. It includes a table of uses that identifies the principal uses that are allowed in each zone district, descriptions of the categories and classifications used to organize the principal uses, and standards that apply to specific principal uses.

**Section 4.3, Accessory Uses and Structures,** establishes regulations that apply to accessory uses and structures. It includes a table of uses that identifies the accessory uses and structures that are allowed in each zone district. It also includes general standards that apply to all accessory uses and structures, and standards that apply to specific accessory uses and structures.

**Section 4.4, Temporary Uses and Structures,** establishes regulations that apply to temporary uses and structures. It follows the same basic organization as Section 4.3, including a table of uses, general standards, and standards for specific temporary uses and structures.

**Section 4.5, Interpretation of Unlisted Uses,** provides criteria for determining whether an unlisted use should be permitted due to its similarity to a permitted use.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

## Section 4.1 Organization of Article

**(A)** Section 4.2, Principal Uses, identifies the principal uses of land that are allowed in the various zone districts and the type of permit or review, if any, required to establish them. It also establishes special standards applicable to particular principal uses.

**(B)** Section 4.3, Accessory Uses and Structures, identifies land uses and structures commonly allowed as accessory to principal uses in the various zone districts and the type of permit or review, if any, required to establish them. It also establishes general standards applicable to all accessory uses and structures, and special standards applicable to particular accessory uses and structures.

**(C)** Section 4.4, Temporary Uses and Structures, identifies land uses and structures allowed on a temporary basis, establishes general standards applicable to all temporary uses and structures, and establishes special standards that apply to particular temporary uses and structures.

**(D)** Section 4.5, Interpretation of Unlisted Uses, establishes criteria for determining whether an unlisted principal, temporary, or accessory use (or structure) should be permitted because it has similar impacts as a permitted use.

# Section 4.2 Principal Uses

## 4.2.1. General

Table 4.2.2, Principal Use Table, identifies principal uses of land and specifies whether they are allowed by right, allowed subject to approval of a special exception, or prohibited within each zone district. It also references use-specific standards in Section 4.2.4, Standards Specific to Principal Uses, that are applicable to specific uses.

**(A) Principal Use Table**

**(B) Organization and Applicability**

Table 4-1: Principal Use Table, organizes allowable uses by use classifications, use categories, and use types as described in Section 4.2.2, Classification of Principal Uses. The use table provides a systematic basis for identifying and consolidating uses. Definitions of the principal use classifications and use categories also are included in Section 4.2.2. Definitions of use types are included in Section 8.3, Definitions.

**(C) Explanation for Table and Abbreviations**

For each listed use type in Table 4-1: Principal Use Table, the first column of each row identifies the name of the use type. The entries in the cells formed by the intersection of a zone district column labeled across the top and a use type row indicate whether a use is permitted in a particular zone district, as follows:

**(1) Principal Uses Permitted By-Right**

**(a)** "P" in a cell other than in the PD or PD-TND district columns indicates that the use is allowed by right in the zone district, subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.

**(b)** "A" in a cell in the PD or PD-TND district column means that the use is allowed in the type of planned development district only if it is specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance, unless expressly modified in the PD Plan or PD Agreement for the district. See Section 3.9.3(A), Planned Development (PD) Plan, and Section 3.9.3(B), Planned Development (PD) Agreement

**(2) Principal Uses Permitted as a Special Exception**

"S" in a cell indicates that the use is allowed in the zone district upon approval of a special exception in accordance with Section 2.5.5, Special Exception. Uses requiring a special exception are subject to all other applicable requirements of this Ordinance

**(3) Prohibited Uses**

A blank cell indicates that the use is prohibited in the zone district.

**(4) Use-Specific Standards**

A particular use may be subject to additional standards that are specific to the particular use. The right-most column in a row includes references to the standards in Section 4.2.4, Standards Specific to Principal Uses, that apply to the use listed in the left-most column.

**(D) Unlisted Uses**

The Administrator shall determine whether or not any use not explicitly listed in Table 4-1: Principal Use Table, is part of an existing use category or use type in accordance with Section 4.5, Interpretation of Unlisted Uses.

### (E) Principal Use Table

The principal use table is established in Table 4-1: Principal Use Table.[153]

**Table 4-1: Principal Use Table**

**P = Permitted  A = Allowed In PD  S = Special Exception  Blank = Not Permitted**

| | Zone Districts | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Ag. | | Residential | | | | | | | | | Inst. | | | Commercial | | | | | | | | Ind. | | PD | | |
| **Use Category/Type** | AGR | AGR-RES | RSF-20 | RSF-12 | RSF-8.4 | RSF-7.2 | RSF-6 | RME-8.4 | RM-7.2 | RFMH-s | RMH-p | INST-PK-O | INST-G | INST-U | CN | CC | CG | CCOR | CR | CH | OC | OP | IL | IG | PD | PD-TND | Use-Specific Standards |
| **Agricultural Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Agriculture and Forestry Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Agriculture[154] | P | P | | | | | | | | | | | | | | | | | | | | | | | A | A | 4.2.3(B)(1) |
| Agriculture, urban[155] | | | S | S | S | S | S | S | S | S | S | | | | S | S | S | | | | | | | | A | A | |
| Roadside agriculture stand[156] | P | P | | | | | | | | | | | | | | | | | | | | | | | A | A | |
| **Residential Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Household Living Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dwelling, cottage home development[157] | | | | | P | P | | P | P | | | | | | | | | | | | | | | | A | A | 4.2.3(C)(1) |
| Dwelling, four-family[158] (fourplex) | | | | | | | | P | P | | | | | | | | | | | | | | | | A | A | |
| Dwelling, mobile home[159] | S | S | | | | | | | | P | P | | | | | | | | | | | | | | A | A | 4.2.3(C)(2) |
| Dwelling, mobile home park[160] | | | | | | | | | | | P | | | | | | | | | | | | | | A | A | 4.2.3(C)(3) |

[153] This is a new principal use table that replaces the separate lists and classes of uses with groups of uses in the current Zoning Ordinance  As discussed in the Code Assessment (pages II-40 through II-43), the principal use types lists all allowed uses in a series of rows, and within each column, which represents a district, identifies whether the use is permitted by right, permitted as a special exception approved by the Board of Adjustment, allowed in a planned development district, or prohibited in that district. The rightmost column identifies applicable use-specific standards that apply. Uses are organized using the three-tiered classification system discussed in the Code Assessment, with individual use types organized into use categories with other use types that share common characteristics. The use categories are organized into broad general classifications, such as Residential and Commercial. The use table eliminates any duplication of uses and is more robust as it eliminates the chance, as in the current Zoning Ordinance, of similar but different uses listed in different zone districts. In addition, the set of permitted uses has been modernized, with uses in the current Zoning Ordinance consolidated where appropriate, new uses added, and all uses given clear and precise definitions. The footnotes here for each use provide information about each use, including whether it is new, carried forward, consolidated, or otherwise modified, and identifies the districts in which they were permitted. No uses are listed as authorized by variance, as staff reports the use variance procedure in the current Zoning Ordinance is no longer used.

[154] This is a new general agriculture use that replaces "Agriculture and poultry and livestock raising, but not including the operation of chicken brooder houses, and provided no structure, pen or corral housing animals is located closer than 200 feet to any property line," permitted as a special exception in the R-100, R-85, R-75-s, R-75-d, R-75-m, R-65-s, R-65-d, R-65-m, R-60-s, R-60-d, R-60-n, and R-60-a districts.

[155] This is a new use.

[156] This is a new use.

[157] This is a new use.

[158] This is a new use based on the use "Residential structures containing two, three, or four family units," permitted in the R-75-m, R-65-m, R-60-m, and R-60-a districts, and permitted as a special exception in the R-60-d district.

[159] This carries forward and consolidates the uses "Individual mobile dwellings, permitted as a special exception in the AGR-1 and AGR-2 districts, and the "Mobile dwellings" use permitted in the R-99-p and R-99-s districts.

[160] This is a new use.

**Table 4-1: Principal Use Table**

**P = Permitted  A = Allowed In PD  S = Special Exception  Blank = Not Permitted**

| | Zone Districts | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Ag. | | Residential | | | | | | | | | Inst. | | | Commercial | | | | | | | Ind. | | PD | | |
| **Use Category/Type** | AGR | AGR-RES | RSF-20 | RSF-12 | RSF-8.4 | RSF-7.2 | RSF-6 | RME-8.4 | RM-7.2 | RFMH-s | RMH-p | INST-PK-O | INST-G | INST-U | CN | CC | CG | CCOR | CR | CH | OC | OP | IL | IG | PD | PD-TND | Use-Specific Standards |
| Dwelling, multifamily[161] | | | | | | | | P | P | | | | | | | | P | P | P | S | | | | | A | A | |
| Dwelling, patio-garden home[162] | | | | | P | P | | P | P | | | | | | | | | | | | | | | | A | A | 4.2.3(C)(4) |
| Dwelling, single-family detached[163] | P | P | P | P | P | P | P | P | P | | | | | | | | | | | | | | | | A | A | 4.2.3(C)(5) |
| Dwelling, three-family (triplex)[164] | | | | | | | | P | P | | | | | | | | | | | | | | | | A | A | |
| Dwelling, townhouse[165] | | | | | | P | | P | P | | | | | | | | | | | | | | | | A | A | 4.2.3(C)(6) |
| Dwelling, two-family (duplex)[166] | | | | | | P | P | P | P | | | | | | | | | | | | | | | | A | A | |
| Tiny house community[167] | | P | | | | | | S | S | | | | | | | | | | | | | | | | A | A | |
| **Group Living Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Assisted living facility[168] | | | | | | | | S | S | | | | P | | P | P | S | P | P | | | | | | A | A | |
| Continuing care retirement facility[169] | | | | | | | | S | P | | | | | | | | | S | S | | | | | | A | A | |
| Dormitory[170] | | | | | | | | S | S | | | | S | P | | | | | | | | | | | A | A | |
| Fraternity or sorority house[171] | | | | | | | | S | S | | | | | P | | | | | | | | | | | A | A | |
| Group home[172] | | | P | P | P | P | P | P | P | | | | | | P | P | | S | S | | | | | | A | A | |
| Rooming or boarding house[173] | | | S | S | S | P | P | P | P | | | | S | | P | P | | S | S | | | | | | A | A | |
| Supportive housing[174] | | S | | | S | S | S | S | S | | | | S | | | | | | | | | | | | A | A | |
| **Public, Civic, and Institutional Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Community and Cultural Facilities Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |

[161] This consolidates and updates the use "Apartments for any number of families," permitted in the R-75-m, R-65-m, R-60-m, and R-60-a districts, and permitted as a special exception in the R-24-t, R-20-t, PGH-35, and PGH-40 districts, and the use "Dwellings for any number of households," permitted in the B-1-a and B-1-b districts.
[162] This carries forward the use "Patio garden homes" permitted in the R-24, R-24-t, PGH-35, and PGH-40 districts.
[163] This carries forward and renames the use "Single family dwellings," permitted in all residential and agricultural districts except for R-99-p and R-99s, where it is prohibited.
[164] This is a new use based on the use "Residential structures containing two, three, or four family units," permitted in the R-75-m, R-65-m, R-60-m, and R-60-a districts, and permitted as a special exception in the R-60-d district.
[165] This carries forward the existing use, permitted in the R-75-m, R-65-m, R-60-m, R-60-a, R-24-t, and R-20-t districts.
[166] This consolidates the uses "Residential structures containing two, three, or four family units," permitted in the R-75-m, R-65-m, R-60-m, and R-60-a districts, and permitted as a special exception in the R-60-d district, and "Residential structures containing two family units," permitted in the R-75-d, R-75-m, R-65-d, R-65-m, R-60-d, R-60-m, and R-60a districts, and as a special exception in the R-50 district.
[167] This is a new use.
[168] This is a new use.
[169] This is a new use.
[170] This is a new use.
[171] This is a new use.
[172] This is a new use.
[173] This carries forward and consolidates the "Rooming and boarding houses" and "Lodging and boarding houses" uses permitted as a special exception in the O-0, O-1, and O-2 districts.
[174] This is a new use which was included in a class of uses entitled "Corrections related housing and facilities including prisons, jails, halfway houses, or group housing for any corrections related purpose including community-based corrections or treatment for inmates, parolees, convicts, or end of sentence convicts," permitted as a special exception in the I district.

**Table 4-1: Principal Use Table**

**P = Permitted  A = Allowed In PD  S = Special Exception  Blank = Not Permitted**

| Use Category/Type | Zone Districts: Ag. | | Residential | | | | | | | | | Inst. | | | Commercial | | | | | | | | Ind. | | PD | | Use-Specific Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | AGR | AGR-RES | RSF-20 | RSF-12 | RSF-8.4 | RSF-7.2 | RSF-6 | RME-8.4 | RM-7.2 | RFMH-s | RMH-p | INST-PK-O | INST-G | INST-U | CN | CC | CG | CCOR | CR | CH | OC | OP | IL | IG | PD | PD-TND | |
| Cemetery[175] | P | P | S | S | | | | | | | | P | | | | | | | | | | | | | A | A | 4.2.3(D)(1) |
| Club, lodge, or community-oriented association[176] | S | S | S | S | S | S | S | S | P | | | | P | | P | P | | P | P | P | | | | | A | A | |
| Community facility[177] | | | | | | | | | | | | | P | P | S | P | P | P | P | P | | | | | A | A | |
| Community recreation center[178] | S | S | S | S | S | P | P | P | P | | | | | P | P | P | P | P | P | P | | | | | A | A | |
| Correctional institution[179] | | | | | | | | | | | | | S | | | | | | | | | | S | S | | | |
| Day care center[180] | | S | S | S | S | S | S | S | P | | | | | P | P | P | S | S | S | S | | | | | A | A | |
| Government facility[181] | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | | A | A | |
| Library[182] | | | S | S | S | P | | P | P | | | | P | P | P | P | P | P | P | P | | | | | A | A | |
| Place of worship[183] | S | S | S | S | S | S | S | S | S | | S | | P | P | S | S | S | S | S | S | S | S | | | A | A | |
| Post office[184] | | | | | | | | | | | | | P | P | P | P | P | P | P | P | P | P | | | A | A | |
| Public assembly, indoor[185] | S | S | S | S | S | S | S | P | P | | S | | P | P | P | P | P | P | P | P | S | S | | | A | A | |
| Zoo[186] | S | S | | | | | | | | | | S | S | | | | | | | | | | | | A | A | |
| **Educational Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| College or university[187] | | | | | | | | | | | | | P | P | | | S | S | S | S | P | P | P | S | A | A | |
| School, private, or parochial[188] | S | S | S | S | S | S | S | S | S | | | P | P | | S | S | S | S | S | S | S | | | | A | A | |
| School, public[189] | P | P | P | P | P | P | P | P | P | | | P | P | P | P | P | P | P | P | P | P | | S | | A | A | |

[175] This carries forward the existing use permitted by right in the AGR-2 district and as a special exception in the AGR-1 district.
[176] This carries forward and consolidates the uses "Lodges and clubs, not operated for a profit," permitted in the R-99-p and R-99-s districts, and permitted as a special exception in the R-60-m and R-60-a districts, and permitted as a special exception only to residents of the immediate area in the R-24-t and R-20-t districts, and the use "non-profit clubs" permitted by right in the AGR-2 district and as a special exception in the AGR-1 district.
[177] This is a new use.
[178] This is a new use.
[179] This is a new use which was included in a class of uses entitled "Corrections related housing and facilities including prisons, jails, halfway houses, or group housing for any corrections related purpose including community based corrections or treatment for inmates, parolees, convicts, or end of sentence convicts," permitted as a special exception in the I district.
[180] This is a new modern use that incorporates elements from several uses in the current Zoning Ordinance, including "Nurseries or kindergartens" and "summer camps."
[181] This is a new use that builds on several current sets of uses that permit public buildings, permitted in most districts by right in the current Zoning Ordinance.
[182] This is a new use based on the current use "Public buildings of a governmental nature, including public schools and libraries" permitted by right in all districts.
[183] This carries forward the use "churches" which is included in the definition of semipublic buildings, which is permitted in all districts as a special exception and by right in the I district.
[184] This is based on the existing "post office" use that is included in several classes of uses and is permitted in all Business districts and in the PUD district.
[185] This is a new use.
[186] This is a new use.
[187] This is based on the use "colleges" which is included in the definition of semipublic buildings, which is permitted in all districts as a special exception and by right in the I district.
[188] This carries forward the use "private school" which is included in the definition of semipublic buildings, which is permitted in all districts as a special exception and by right in the I district.
[189]This is a new use based on the current use "Public buildings of a governmental nature, including public schools and libraries" permitted by right in all districts.

**Table 4-1: Principal Use Table**

**P = Permitted  A = Allowed In PD  S = Special Exception  Blank = Not Permitted**

| Use Category/Type | Zone Districts: Ag. | | Residential | | | | | | | | | Inst. | | | Commercial | | | | | | | | Ind. | | PD | | Use-Specific Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | AGR | AGR-RES | RSF-20 | RSF-12 | RSF-8.4 | RSF-7.2 | RSF-6 | RME-8.4 | RM-7.2 | RFMH-s | RMH-p | INST-PK-O | INST-G | INST-U | CN | CC | CG | CCOR | CR | CH | OC | OP | IL | IG | PD | PD-TND | |
| **Funeral Services Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Crematory[190] | | | | | | | | | | | | | | | | | | | | | | | P | P | A | A | |
| Funeral home or mortuary[191] | | | | | | | | S | S | | | | | | | P | P | P | P | S | S | | P | | A | A | 4.2.3(D)(3) |
| **Health Care Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hospice[192] | | | | | | | | S | S | | | | P | | | P | P | P | P | P | P | P | | | A | A | |
| Hospital[193] | | | | | | | | | | | | | P | | | | | | S | S | S | S | | | A | A | |
| Medical or dental clinic[194] | | | | | | | | S | | | | | P | P | P | P | P | P | P | P | P | P | | | A | A | |
| Medical or dental laboratory[195] | | | | | | | | S | | | | | P | | | P | P | P | P | P | P | P | | | A | A | |
| Nursing home[196] | | | S | S | S | S | S | S | S | | | | P | | S | P | P | P | P | P | | | | | A | A | |
| **Parks and Open Space Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Community garden[197] | S | S | S | S | S | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | | A | A | |
| Public park, playground, or greenway[198] | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | A | |
| **Transportation and Utility Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Air transportation and support facility[199] | S | | | | | | | | | | | | | | | | | | | | | | | S | A | A | |
| Communications tower and equipment[200] | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | P | P | P | P | P | P | P | P | A | A | 4.2.3(D)(3) |
| Parking facility (as a principal use)[201] | | | | | | | | | | | | | P | P | | S | P | P | P | P | | | | | A | A | |
| Passenger terminal, surface transportation[202] | | | | | | | | | | | | | S | S | | S | P | P | P | P | P | P | P | P | A | A | |
| Solar energy collection facility, large scale[203] | S | S | | | | | | | | | | | | | | | | | | | | | S | S | A | A | 4.2.3(D)(5) |
| Utility, major[204] | | | | | | | | | | | | | | | | S | S | S | S | S | S | S | S | S | A | A | |

[190] This is a new use.
[191] This is a new use.
[192] This is a new use.
[193] This carries forward and consolidates the similar uses "General hospitals for humans," permitted in all districts as a special exception, the use "Hospitals for humans," permitted as a special exception in the PGH-35 and PGH-40 districts, and the use "Hospitals," permitted in the O-0, O-1, and O-2 districts.
[194] This is a new use.
[195] This is a new use.
[196] This carries forward, renames, and modernizes the use "Nursing homes," permitted in all districts as a special exception, and also permitted by right in the I, O-0, O-1, and O-2 districts.
[197] This is a new use.
[198] This carries forward and updates the use "Recreational facilities, including parks, playgrounds, stadiums, etc.," permitted in all districts.
[199] This is a new use based on the use "Aircraft landing fields, including hangars and equipment" permitted by right in the AGR-2 district and as a special exception in the AGR-1 district.
[200] This is a new use for wireless communications towers, primarily for cell phones.
[201] This carries forward and renames the use "Parking lots," permitted in the O-0, O-1, and O-2 districts.
[202] This is a new use.
[203] This is a new use.
[204] This is a new use that includes those utility uses with significant impacts, such as power plants or water treatment plants.

**Table 4-1: Principal Use Table**

**P = Permitted  A = Allowed In PD  S = Special Exception  Blank = Not Permitted**

| | Zone Districts | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Ag. | | Residential | | | | | | | | | Inst. | | | Commercial | | | | | | | | Ind. | | PD | | |
| **Use Category/Type** | AGR | AGR-RES | RSF-20 | RSF-12 | RSF-8.4 | RSF-7.2 | RSF-6 | RME-8.4 | RM-7.2 | RFMH-s | RMH-p | INST-PK-O | INST-G | INST-U | CN | CC | CG | CCOR | CR | CH | OC | OP | IL | IG | PD | PD-TND | Use-Specific Standards |
| Utility, minor[205] | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | A | |
| **Commercial Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Animal Care Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Animal kennel[206] | P | S | | | | | | | | | | | | | | S | P | P | P | P | | | P | | A | A | |
| Animal shelter[207] | | | | | | | | | | | | | | | | S | P | P | P | P | P | P | P | | A | A | |
| Pet care service[208] | | | | | | | | S | | | | | | | P | P | P | P | P | P | S | S | | | A | A | |
| Veterinary hospital or clinic[209] | | | | | | | | | | | | | | | | S | P | P | P | P | S | S | | | A | A | |
| **Food and Beverage Services Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bar or tavern[210] | | | | | | | | | | | | | | | S | S | P | P | P | P | | | | | A | A | 4.2.3(E)(1) |
| Commercial kitchen[211] | | | | | | | | | | | | | | | S | P | P | P | P | P | | | | | | | |
| Nightclub[212] | | | | | | | | | | | | | | | | | P | S | S | P | | | | | A | A | 4.2.3(E)(2) |
| Restaurant, drive-in[213] | | | | | | | | | | | | | | | | | P | P | P | P | | | S | | A | A | |
| Restaurant, sit-down[214] | | | | | | | | S | | | | | S | S | P | P | P | P | P | P | S | S | S | | A | A | |
| Medical Marijuana Uses | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Medical marijuana cultivator | P | P | | | | | | | | | | | | | | | | | | | | | P | P | A | A | |
| Medical marijuana dispensary | | | | | | | | | | | | | | | | P | P | | | | | | P | P | A | A | |
| Medical marijuana integrated | | | | | | | | | | | | | | | | | | | | | | | P | P | A | A | |
| Medical marijuana processor | | | | | | | | | | | | | | | | | | | | | | | P | P | A | A | |
| Medical marijuana transporter | | | | | | | | | | | | | | | | | | | | | | | P | P | A | A | |
| **Office Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Broadcasting studio[215] | | | | | | | | S | | | | | S | S | | P | P | P | P | P | P | P | | | A | A | |
| Call center[216] | | | | | | | | | | | | | | | | | P | P | P | P | P | P | S | | A | A | |
| Contractor's yard[217] | | | | | | | | | | | | | | | | | P | P | P | P | S | S | P | P | A | A | |
| Data center[218] | | | | | | | | | | | | | | | | | | | | | P | P | P | P | A | A | |

[205] This is a new use that includes utility uses with minimal impacts, such as utility lines and pump stations.
[206] This consolidates the uses "Animal clinic, hospital, or kennels," permitted in the M-3 district and as a special exception in the M-1 district and the B-1-b district.
[207] This is a new use.
[208] This is a new use.
[209] This consolidates the uses "Animal clinic, hospital, or kennels," permitted in the M-3 district and as a special exception in the M-1 district and the B-1-b district, and "Veterinary officers and/or hospitals," permitted as a special exception in the PGH-35 and PGH-40 districts.
[210] This is a new use.
[211] New definition.
[212] This is a new use.
[213] This carries forward and consolidates the uses "Drive-in restaurant" and "Drive-in eating places," permitted in the B-1b, B-2, B-3, B-4, and B-5 districts.
[214] This consolidates a number of uses including "coffee shops," permitted in the O-1 district and as a special exception in the O-0 district; "Restaurants and refreshment stands" permitted in the W-R district, and "Restaurants" permitted in PUD.
[215] This is a new use based on "Radio and television stations and towers," permitted in the U district only.
[216] This is a new use.
[217] This is a new use.
[218] This is a new use.

**Table 4-1: Principal Use Table**

**P = Permitted  A = Allowed In PD  S = Special Exception  Blank = Not Permitted**

| Use Category/Type | Zone Districts: Ag. | | Residential | | | | | | | | | Inst. | | | Commercial | | | | | | | | Ind. | | PD | | Use-Specific Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | AGR | AGR-RES | RSF-20 | RSF-12 | RSF-8.4 | RSF-7.2 | RSF-6 | RME-8.4 | RM-7.2 | RFMH-s | RMH-p | INST-PK-O | INST-G | INST-U | CN | CC | CG | CCOR | CR | CH | OC | OP | IL | IG | PD | PD-TND | |
| Office, general[219] | | | | | | | | S | | | | | P | P | S | P | P | P | P | P | P | P | S | | A | A | |
| Recording studio[220] | | | | | | | | | | | | | | | S | P | P | P | P | P | P | P | S | | A | A | |
| **Personal Services Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dry cleaning and laundry pick-up services[221] | | | | | | | | S | | | | | | | P | P | P | P | P | P | S | S | | | A | A | |
| Dry cleaning, laundry, and garment services[222] | | | | | | | | S | | | | | | | S | P | P | P | P | P | | | | | A | A | |
| Laundry, self-service[223] | | | | | | | | S | | | | | | | P | P | P | P | P | P | | | | | A | A | |
| Personal grooming or well-being service[224] | | | | | | | | S | | | | | | | P | P | P | P | P | P | S | S | | | A | A | |
| Personal or household goods repair[225] | | | | | | | | S | | | | | | | P | P | P | P | P | P | S | S | | | A | A | |
| **Recreation/Entertainment Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Conference center | | | | | | | | | | | | | | | | S | S | S | S | S | | | | | A | A | 4.2.3(E)(3) |
| Golf course, public or private[226] | P | P | P | P | P | P | | S | S | | | P | | | | | S | | | | | | | | A | A | |
| Performing arts center[227] | | | | | | | | S | | | | | P | P | | S | P | P | P | P | | | S | | A | A | |
| Recreation facility, indoor[228] | | | | | | | | S | | | | | P | P | S | P | P | P | P | P | | | S | | A | A | |
| Recreation facility, outdoor[229] | | | | | | | | | | | | P | P | P | | | P | P | | | | | | | A | A | |
| Rental hall | | | | | | | | | | | | | | | | S | S | S | S | S | | | | | A | A | 4.2.3(E)(4) |
| Shooting range, indoor[230] | S | S | | | | | | | | | | | | | | | P | P | | | | | S | | A | A | |
| Shooting range, outdoor | S | | | | | | | | | | | | | | | | | | | | | | | | A | A | |
| Stadium, arena, or amphitheater[231] | | | | | | | | | | | | | P | P | | | S | P | | | | | S | | A | A | |

[219] This consolidates the uses "Business or professional offices," permitted in the O-0, O-1, and O-2 districts and "Offices," permitted by right in the B-1-a, B-1-b, B-2, B-3, B-4, and B-5 districts, allowed in a PUD, and permitted with a special exception in the R-60-m and R-60-a districts.
[220] This is a new use.
[221] This carries forward and renames the use "Small dry cleaning and laundry pick-up stations," permitted by right in the B-1-a, B-1-b, B-2, B-3, B-4, and B-5 districts, and that is allowed in a PUD.
[222] This is a new use.
[223] This carries forward, renames, and revises the use "Self-service laundry," permitted by right in the B-4 and B-5 districts.
[224] This is a new use that integrates existing uses relating to personal grooming including "Barber [shops] and beauty shops," permitted in the B-1-a, B-1-b, B-2, B-3, B-4, and B-5 districts and allowed in a PUD; and "Barber shops" permitted by right in the O-1 district and as a special exception in the O-0 district.
[225] This is a new use that integrates the repair use "Shoe repair," permitted in the B-1-a, B-1-b, B-2, B-3, B-4, and B-5 districts and allowed in a PUD.
[226] This is a use that is permitted in the I district and integrates the "country club" use that is part of the definition of Semipublic building and is permitted as a special exception in all districts.
[227] This is a new use.
[228] This is a new use that includes the "YMCA and YWCO" use permitted in the I district.
[229] This is a new use type for private recreational facilities, based on the use "Recreational facilities, including parks, playgrounds, stadiums, etc." permitted in all districts.
[230] This is a new use.
[231] This is a new use based on the use "Recreational facilities, including parks, playgrounds, stadiums, etc." permitted in all districts.

**Table 4-1: Principal Use Table**

**P = Permitted  A = Allowed In PD  S = Special Exception  Blank = Not Permitted**

| | Zone Districts | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Ag. | | Residential | | | | | | | | | Inst. | | | Commercial | | | | | | | | Ind. | | PD | | |
| **Use Category/Type** | AGR | AGR-RES | RSF-20 | RSF-12 | RSF-8.4 | RSF-7.2 | RSF-6 | RME-8.4 | RM-7.2 | RFMH-s | RMH-p | INST-PK-O | INST-G | INST-U | CN | CC | CG | CCOR | CR | CH | OC | OP | IL | IG | PD | PD-TND | Use-Specific Standards |
| **Retail Sales and Services Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Alternative financial institution[232] | | | | | | | | | | | | | | | | P | P | P | P | P | | | S | S | A | A | 4.2.3(E)(5) |
| Bank or other financial institution[233] | | | | | | | | S | | | | | S | P | P | P | P | P | P | P | P | P | | | A | A | |
| Convenience store[234] | | | | | | | | S | | | | | S | S | P | P | P | P | P | P | | | | | A | A | |
| Farmers' market[235] | | | | | | | | S | | | | | P | P | S | P | P | P | P | P | | | P | | A | A | |
| Package store[236] | | | | | | | | | | | | | | | | | P | | | | | | | | A | A | |
| Retail sales and services, general[237] | | | | | | | | S | | | | | S | S | P | P | P | P | P | P | S | S | S | | A | A | |
| Tobacco and vape products store[238] | | | | | | | | S | | | | | | | | | P | S | S | S | | | | | A | A | |
| **Vehicle Sales and Services Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Car wash[239] | | | | | | | | | | | | | | | | S | P | S | S | P | | | P | | A | A | |
| Commercial vehicle repair and maintenance[240] | | | | | | | | | | | | | | | | | S | S | S | P | | | P | P | A | A | |
| Commercial vehicle sales and rentals[241] | | | | | | | | | | | | | | | | | S | S | S | P | | | P | P | A | A | 4.2.3(E)(6) |
| Gas station[242] | | | | | | | | | | | | | | | | S | P | P | P | P | | | P | P | A | A | 4.2.3(E)(7) |
| Light vehicle repair and maintenance[243] | | | | | | | | | | | | | | | | S | P | | S | P | | | P | P | A | A | |
| Light vehicle sales and rentals[244] | | | | | | | | | | | | | | | | | S | | S | P | | | P | | A | A | |
| Vehicle towing and wrecker service[245] | | | | | | | | | | | | | | | | | | | | P | | | P | P | A | A | |
| **Visitor Accommodations Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bed and breakfast[246] | S | S | | | S | S | | S | S | | | | | | S | | | | | | | | | | A | A | 4.2.3(E)(8) |
| Campground[247] | S | S | | | | | | | | | | | | | | | | | | | | | | | A | A | |

[232] This caries forward and renames the use "Financial Institution (Article X)," permitted in the B-2, B-3, B-4, B-5, O-1, O-2, M-1, M-3, and commercial PUD districts.
[233] This carries forward and renames the use "Banks" permitted in the B-1-a, B-1-b, B-2, B-3, B-4, and B-5 districts.
[234] This is a new use.
[235] This is a new use.
[236] This is a new use.
[237] This new general use consolidates multiple retail sales uses listed in different use classifications in the current Zoning Ordinance.
[238] This is a new use.
[239] This is a new use.
[240] This is a new use.
[241] This is a new use.
[242] This builds on the "Automobile filling station" use, permitted in the B-1-a, B-1-b, B-2, B-3, B-4, and B-5 districts.
[243] This builds on the "Automobile repair" use, permitted in the B-1-a, B-1-b, B-2, B-3, B-4, and B-5 districts.
[244] This is a new use.
[245] This is a new use.
[246] This is a new use.
[247] This is a new use.

**Table 4-1: Principal Use Table**

**P = Permitted  A = Allowed In PD  S = Special Exception  Blank = Not Permitted**

| Use Category/Type | Zone Districts: Ag. | | Residential | | | | | | | | | Inst. | | | Commercial | | | | | | | | Ind. | | PD | | Use-Specific Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | AGR | AGR-RES | RSF-20 | RSF-12 | RSF-8.4 | RSF-7.2 | RSF-6 | RME-8.4 | RM-7.2 | RFMH-s | RMH-p | INST-PK-O | INST-G | INST-U | CN | CC | CG | CCOR | CR | CH | OC | OP | IL | IG | PD | PD-TND | |
| Hotel or motel[248] | | | | | | | | S | S | | | | | | | S | P | P | P | P | | | | | A | A | |
| Recreational vehicle (RV) park[249] | | | | | | | | | | | | | | | | S | P | S | P | P | | | | | A | A | 4.2.3(E)(9) |
| **Water-Related Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Boat sales, rental, service, or repair[250] | | | | | | | | | | | | | | P | | | | | | | | | P | S | A | A | |
| Marina[251] | | | | | | | | | | | | S | | P | | | | | | | | | | | A | A | |
| Shoreline structure[252] | S | S | | | | | | | | | | S | | P | | | | | | | | | | | A | A | |
| **Industrial Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Manufacturing and Processing Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Aboveground bulk storage[253] | | | | | | | | | | | | | | | | | | | | | | | S | P | A | A | |
| Industrial launderer[254] | | | | | | | | | | | | | | | | | S | | | | | | P | P | A | A | |
| Manufacturing, assembly, or fabrication, artisanal[255] | | | | | | | | | | | | | | | | S | S | P | P | P | S | S | P | P | A | A | |
| Manufacturing, assembly, or fabrication, heavy[256] | | | | | | | | | | | | | | | | | | | | | | | | S | A | A | |
| Manufacturing, assembly, or fabrication, light[257] | | | | | | | | | | | | | | | | | | | | | | | P | P | A | A | |
| Manufacturing, assembly, or fabrication, medium[258] | | | | | | | | | | | | | | | | | | | | | | | | P | A | A | |
| **Warehousing, Freight Movement, and Wholesale Sales Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |

[248] This carries forward, renames, and revises the uses "Hotels," permitted in the B-1-a, B-1-b, B-2 and B-3 districts, permitted as a special exception in the R-60-m, R-60-a, and B-4 districts, "Hotels and motels," permitted as a special exception in the O-1 and O-2 districts, and "Motels," permitted in the B-1-b, B-2, B-3, B-4, and B-5 districts, and permitted as a special exception in the B-1-a district.
[249] This builds on the use "Travel trailer parks," permitted as a special exception in the B-2 and B-3 districts, and the use "Travel trailer parks, in areas designated for travel trailer parks," permitted by right in the R-99-p district.
[250] This builds on the uses "Boat rentals, boat livery and boats for hire," "Boat and marine motor sales and display," and "Retail sale of boating, fishing, diving and bathing supplies and equipment, permitted in the W-R district.
[251] This caries forward and renames the use "Boat docks, slips, piers, wharves, anchorage and moorages for yachts and pleasure boats," permitted in the W-R district.
[252] This builds on the use "Fishing pier," permitted in the W-R district if approved as a conditional use (though there is no conditional use permit procedure in the current Zoning Ordinance).
[253] This updates the use "Gasoline, oil gas, or alcohol storage above ground in excess of 500 gallons," permitted in the M-3 district and as a special exception in the M-1 district.
[254] This carries forward, renames, and revises the use "Large dry cleaners and laundries," permitted in the B-1-b, M-1, M-2, and M-3 districts, and permitted as a special exception in the B-1-a, B-2, B-3, B-4, and B-5 districts.
[255] This is a new use for small-scale artisanal manufacturing that integrates the use "Manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically prohibited herein," permitted in the B-1-b, M-1, M-2, and M-3 districts, and permitted as a special exception in the B-1-a, B-2, B-3, B-4, and B-5 districts.
[256] This is a new heavy industrial use that replaces the long list of individual industrial uses permitted as a special exception in the M-3 district.
[257] This is a new heavy industrial use that replaces the long list of individual industrial uses permitted in the M-1 district.
[258] This is a new use for heavier industrial uses that could be permitted by right in the IG district.

**Table 4-1: Principal Use Table**

**P = Permitted  A = Allowed In PD  S = Special Exception  Blank = Not Permitted**

| | Zone Districts | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Ag. | | Residential | | | | | | | | | Inst. | | | Commercial | | | | | | | Ind. | | PD | | |
| **Use Category/Type** | AGR | AGR-RES | RSF-20 | RSF-12 | RSF-8.4 | RSF-7.2 | RSF-6 | RME-8.4 | RM-7.2 | RFMH-s | RMH-p | INST-PK-O | INST-G | INST-U | CN | CC | CG | CCOR | CR | CH | OC | OP | IL | IG | PD | PD-TND | Use-Specific Standards |
| Auction yard[259] | | | | | | | | | | | | | | | | | | | | | | | P | P | A | A | |
| Cold storage plant[260] | | | | | | | | | | | | | | | | | | | | | | | P | P | A | A | |
| Self-storage[261] | | | | | | | | | | | | | | | | | P | P | P | P | | | P | P | A | A | |
| Truck or freight terminal[262] | | | | | | | | | | | | | | | | | | | | | | | P | P | A | A | |
| Wholesale, heavy or hazardous materials[263] | | | | | | | | | | | | | | | | | | | | | | | | P | A | A | |
| Wholesale sales[264] | | | | | | | | | | | | | | | | | | | | | | | P | P | A | A | |
| Wholesale, florist and nursery supply[265] | S | | | | | | | | | | | | | | | | | | | | | | P | P | A | A | |
| **Waste-Related Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hazardous waste collection and disposal[266] | | | | | | | | | | | | | | | | | | | | | | | | S | A | A | |
| Junk, salvage, scrap, or wrecking yard[267] | | | | | | | | | | | | | | | | | | | | | | | | S | A | A | |
| Landfill or dump[268] | | | | | | | | | | | | | | | | | | | | | | | S | P | A | A | |
| Recycling collection center[269] | | | | | | | | | | | | | | | | | | | | | | | P | P | A | A | |
| Recycling processing center[270] | | | | | | | | | | | | | | | | | | | | | | | S | P | A | A | |
| Waste composting facility[271] | | | | | | | | | | | | | | | | | | | | | | | S | P | A | A | |
| Waste transfer facility[272] | | | | | | | | | | | | | | | | | | | | | | | S | P | A | A | |

## 4.2.2. Classification of Principal Uses

### (A) Purpose

This section is intended to provide a framework for identifying, describing, categorizing, consolidating, and distinguishing land uses in a way that makes it easier to determine whether a particular use, activity, or combination of activities should be considered a use listed as an allowable principal use in the use table in Table 4-1: Principal Use Table, or is subject to other use-specific provisions in this Ordinance.

[259] This is a new use.
[260] This carries forward and renames the use "Cold storage plants," permitted in the M-1, M-2, and M-3 districts.
[261] This is a new use.
[262] This carries forward, renames, and revises the uses "Trucking terminals and similar types," permitted in the M-1, M-2, and M-3 districts.
[263] This is a new use.
[264] This carries forward and updates the use "Wholesale business," permitted by right in the B-1-b, B-2, and B-3 districts, and permitted as a special exception in the B-1-a and B-4 districts.
[265] This is a new use.
[266] This is a new use.
[267] This carries forward, renames, revises, and consolidates the uses "Auto wrecking," permitted in the M-3 district and as a special exception in the M-1 district; and "Auto salvage yard" and "Junk yards," permitted as a special exception in the M-3 district and "Auto salvage yard."
[268] This is a new use.
[269] This is a new use.
[270] This is a new use.
[271] This is a new use.
[272] This is a new use.

### (B) Structure of Principal Use Classification System

The following three-tiered hierarchy of use classifications, use categories, and use types is used to organize allowable uses in Table 4-1, and the use-specific standards in Sec. 4.2.3, Standards Specific to Principal Uses.

#### (1) Use Classifications

Use Classifications are very broad and general (e.g., Residential Uses, Public, Civic, and Institutional Uses, Commercial Uses, and Industrial Uses).

#### (2) Use Categories

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

#### (3) Use Types

Use Types identify specific principal land uses whose characteristics are considered to fall within the various use categories. For example, Recreation facility, indoor and Performing arts center are use types within the Recreation/Entertainment Uses category. Use types are defined in Section 8.3, Definitions.

### (C) Agricultural Uses Classification

#### (1) Agriculture and Forestry Uses

The Agriculture and Forestry Uses category includes use types related to the production of field crops, fruits, vegetables, ornamental and flowering plants, and the breeding, raising, or keeping of livestock, poultry, swine, bees, or other animals for food or other marketable products. This category also includes use types that provide support and services to agricultural uses or are otherwise closely related to agricultural production and/or rural character in their form and function, as well as urban agriculture uses. This use category does not include the processing of animal or plant products for wholesale or retail sale purposes off the site of where the agricultural product is grown or raised, which is generally considered an industrial use. Accessory uses may include offices, storage areas, barns, irrigation systems, and repair facilities related to the agricultural or forestry activities.

### (D) Residential Uses Classification

#### (1) Household Living Uses

The Household Living category includes use types providing for the residential occupancy of a dwelling unit by a family. Tenancy is generally arranged on a month-to-month or longer basis. Use types include single-family detached dwellings, townhouse dwellings, cottage home development dwellings, patio-garden home dwellings, two-family dwellings (duplexes), three-family dwellings (triplexes), four-family dwellings (fourplexes), mobile home dwellings, mobile home parks, multifamily dwellings, and tiny house communities. This use category does not include residential use types that generally involve some level of managed personal care for a larger number of residents (e.g., group home), which are categorized as the Group Living category. Accessory uses common to Household Living uses include recreational activities, raising of domestic pets, gardens, and parking of the occupants' vehicles. Some accessory uses (e.g., home occupations) are subject to additional regulations (see Sec. 4.3 Accessory Uses and Structures).

#### (2) Group Living Uses

The Group Living use category includes use types providing for the residential occupancy of a group of living units by persons who may or may not constitute a single family and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities (though some do have such facilities), but unlike a hotel or motel, are generally occupied on a monthly or longer basis. Use types include assisted living facility, continuing care retirement facility, dormitory, fraternity or sorority house, group home, rooming or boarding house, and supportive housing. This use category does not include use types where persons generally occupy living units for periods of less than 30 days (e.g., hotels or motels), which are categorized in the Visitor Accommodations uses category. It also does not include use types where residents or inpatients are routinely provided with more than modest health care services (e.g., nursing home), which are categorized in the Health Care Uses category. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

### (E) Public, Civic, and Institutional Uses

#### (1) Community and Cultural Facilities Uses

The Community and Cultural Facilities use category includes use types of a public, nonprofit, or charitable nature providing a local service directly to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. The uses may provide special counseling, education, or training of a public, nonprofit, or charitable nature. Use types include club, lodge, or community-oriented association; cemeteries; community facility; community recreation center; correctional institution; day care center; government facility; library; place of worship; post office; public assembly, indoor; zoo. This use category does not include uses with a residential component or counseling in an office setting (categorized in the Office Use category). Accessory uses may include offices, meeting areas, food preparation and dining areas, health and therapy areas, and recreation and athletic facilities.

#### (2) Educational Uses

The Educational Facilities use category includes use types such as public schools and private schools (including charter schools) at the elementary, middle, or high school level that provide State-mandated basic education or a comparable equivalent. This use category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. Accessory uses at all education uses may include offices, play areas, recreational and sport facilities, cafeterias, theaters, auditoriums, and before- or after-school day care. Accessory uses may additionally include food service, laboratories, health care facilities, meeting areas, athletic facilities and fields, maintenance facilities, bookstores, and other supporting uses typically associated with an educational institution. At colleges or universities they may also include dormitories and living facilities.

#### (3) Funeral Services Uses

The Funeral and Mortuary Services use category includes establishments that provide services related to the death of a human being or an animal. Uses include crematory and funeral home or mortuary.

#### (4) Health Care Uses

The Health Care Services use category includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, hospice, memory care facilities, preventative care, diagnostic and laboratory services, rehabilitation services, and physical therapy, as well as mental health treatment. Health care services may be provided on an inpatient or

outpatient basis, or routinely to residents of the facility. Use types include hospice, hospital, medical or dental clinic, medical or dental laboratory, and nursing home. This use category does not include group homes, which focus primarily on providing personal care rather than medical care to residents, or assisted living facilities. Accessory uses may include offices, food preparation and dining facilities, recreation areas, meeting rooms, teaching facilities, maintenance facilities, staff residences, and limited accommodations for members of patients' families.

**(5) Parks and Open Space Uses**

The Parks and Open Areas use category includes use types focusing on open space areas largely devoted to natural or curated landscaping and outdoor recreation and tending to have few or no structures. Use types include community gardens, and public parks, playgrounds, or greenways. This use category does not include golf driving ranges or other primarily outdoor recreation uses. Accessory uses may include caretaker's quarters, clubhouses, recreational structures, statuary, fountains, maintenance facilities, concessions, and parking.

**(6) Transportation and Utility Uses**

The Transportation and Utility Facilities use category includes use types providing for facilities to accommodate transportation needs and local infrastructure relating to electrical, cable TV, water, sewer, and gas service, and other basic service needs. Accessory uses may include freight handling areas, concessions, offices, maintenance, limited storage, and fueling facilities. Use types include air transportation and support facilities, communication towers and equipment, parking facilities (as a principal use), passenger terminal for surface transportation, large-scale solar energy collection systems, major utilities, and minor utilities.

**(F) Commercial Uses**

**(1) Animal Care Uses**

The Animal Care Uses use category is characterized by use types related to the provision of medical services, general care, and boarding services for household pets and domestic animals. Use types include animal kennel, animal shelter, pet care service, and veterinary hospital.

**(2) Food and Beverage Services Uses**

The Food and Beverage Services use category consists of establishments primarily engaged in the preparation and serving of food or beverages for on- or off-premises consumption. Use types include bars or taverns, commercial kitchens, nightclubs, drive-in restaurants, and sit-down restaurants. Accessory uses may include areas for outdoor seating, drive-through service facilities, facilities for live entertainment, and valet parking services.

**(3) Medical Marijuana Uses**

The Medical Marijuana use category consists of establishments relating to the cultivation, processing, and distribution of medical marijuana or cannabis products. All uses are required to comply with and are strictly related by state law, including but not limited Title 20, Ch. 2A of the Code of Alabama, 1975, the Darren Wesley "Ato" Hall Compassion Act. Use types include medical marijuana cultivator, medical marijuana dispensary, medical marijuana integrated, medical marijuana processor, and medical marijuana transporter.

**(4) Office Uses**

The Office use category includes office buildings that house activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on the provision of business services, professional services (e.g., accountants, attorneys, engineers, architects, planners), financial services (e.g., lenders, brokerage houses, tax

preparers), or small-scale video or audio production services that are entirely conducted indoors (e.g. video editing, podcast recording and production). Use types include broadcasting studio, call center, contractor's yard, data center, general office, and recording studio. This use category does not include offices that are a component of or accessory to a principal use in another use category, such as banks or other financial institutions (categorized in the Retail Sales and Services use category). Accessory uses may include cafeterias, lunch rooms, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the offices.

**(5) Personal Services Uses**

The Personal Services use category consists of establishments primarily engaged in providing frequent or recurrent needed services of a personal nature. Use types include dry cleaning and laundry pick-up services; dry cleaning, laundry, and garment services; self-service laundry; personal grooming or well-being services (e.g., nail and beauty salons, barber shops, and spas), and personal or household goods repair.

**(6) Recreation/Entertainment Uses**

The Recreation and Entertainment use category includes use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include conference centers, golf courses, performing arts centers, indoor recreation facilities, outdoor recreation facilities, rental halls, indoor and outdoor shooting ranges, and a stadium, arena, or amphitheater. This use category does not include recreational facilities that are accessory to parks (categorized in the Parks and Open Areas use category), that are reserved for use by a residential development's residents and guests (e.g., accessory community swimming pools and other recreation facilities), or that are primarily oriented around the water (e.g., marinas). Accessory uses may include offices, concessions, snack bars, and maintenance facilities.

**(7) Retail Sales and Services Uses**

The Retail Sales and Services use category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer, as well as financial services. Use types include alternative financial institutions, banks or other financial institutions, convenience stores, farmers' markets, package stores, general retail sales and services, and tobacco and vape products stores. This use category does not include sales or service establishments related to vehicles (categorized in the Vehicle-Related Uses use category), establishments primarily selling supplies to contractors or retailers (categorized in the Warehousing, Freight Movement, and Wholesale Sales use category), the provision of financial, professional, or business services in an office setting (categorized in the Office use category), or uses providing recreational or entertainment opportunities (categorized in the Recreation and Entertainment use category). Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, Automatic Teller Machines (ATM), and outdoor displays of merchandise.

**(8) Vehicle Sales and Services Uses**

The Vehicle Sales and Services Uses use category includes use types involving the direct sales and servicing of motor vehicles, including automobiles, trucks, motorcycles, and recreational vehicles, as well as trailers whether for personal transport, commerce, or recreation. Use types include car washes, commercial vehicle repair and maintenance, commercial vehicle sales and rentals, gas stations, light vehicle repair and maintenance, light vehicle sales and rentals, and vehicle towing and wrecker service. Accessory uses may include offices, sales of parts, maintenance facilities, and vehicle storage

**(9) Visitor Accommodations Uses**

The Visitor Accommodations category includes use types providing lodging units or rooms for short-term stays of typically less than 30 days for rent or lease. Use types include bed and breakfast establishments, campgrounds, hotels and motels, and recreational vehicle (RV) parks. This use category does not include boarding or rooming houses, which are generally occupied for tenancies of a month or longer and are categorized in the Group Living Uses category. Accessory uses may include pools and other recreational facilities, restaurants, bars, limited storage, laundry facilities, gift shops, supporting commercial activities, meeting facilities, and offices.

**(10) Water-Related Uses**

The Water-Related Uses category includes use types involving the direct sales and servicing of boats and other consumer watercraft, whether for recreation, commerce, or personal transport. This use category also includes use types related to the docking and storage of watercraft. Use types include boat sales, rental, service, or repair; marina, and shoreline structure. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and boat storage.

**(G) Industrial Uses**

**(1) Manufacturing and Processing Uses**

The Manufacturing and Production use category includes use types involved in the manufacturing, processing, production, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally sold on the wholesale market, transferred to other plants, or made to order for firms or consumers. This use category includes aboveground bulk storage; industrial launderer; artisanal manufacturing, assembly, or fabrication; heavy manufacturing, assembly, or fabrication; light manufacturing, assembly, or fabrication; and medium manufacturing, assembly, or fabrication. Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the site. Accessory uses may include wholesale sales, offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, and security and caretaker's quarters.

**(2) Warehousing, Freight Movement, and Wholesale Sales Uses**

The Warehousing, Freight Movement, and Wholesale Sales category includes uses involving the movement, storage, and distribution of goods. Goods are generally delivered to other firms or the final consumer. There is little on-site sales activity with the customer present, and any sales are typically made to other businesses, not individual consumers. Use types include auction yard; cold storage plant; self-storage; truck or freight terminal; wholesale of heavy or hazardous materials; wholesale sales; and wholesale of florist and nursery supply. Accessory uses may include offices, truck fleet parking, outdoor storage, maintenance areas, greenhouses (for plant nurseries), and repackaging of goods.

**(3) Waste-Related Uses**

The Waste-Related use category includes use types receiving solid or liquid wastes from others for on-site disposal, storage, processing, or transfer to another location for processing or disposal, or uses that manufacture or produce goods or energy from the composting of organic material or reuse, recycling, or processing of scrap or waste material. This use category also includes use types that receive hazardous wastes from others. Use types include hazardous waste collection and disposal; junk, salvage, scrap, or wrecking yard; landfill or dump; recycling collection center; recycling processing center; waste composting facility; and waste transfer facility. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.

## 4.2.3. Standards Specific to Principal Uses

### (A) General

This section sets forth the standards that apply to specific principal uses, which are identified in the right-most column of Table 4-1: Principal Use Table. Unless stated to the contrary, the standards set forth in this section shall apply to the individual principal use, regardless of the review procedure by which it is approved or the district in which it is located.

### (B) Agricultural Uses

#### (1) Agriculture

In the FH: Flood Hazard district, no structure used or intended for the use of housing animals shall be placed within 200 feet of a lot line adjacent to a property in a Residential district.[273]

### (C) Residential Uses[274]

#### (1) Dwelling, Cottage Home Development[275]

A cottage home development shall comply with the following standards.

##### (a) Development Plan Required

Approval of a development plan in accordance with Section 2.5.7, Development Plan, is required before any construction may begin on a cottage home development.

##### (b) Cottage Home Development Dimensional Standards

1. A cottage home development shall be between 15,000 and 35,000 square feet in size.
2. A cottage home development shall include at least four dwellings. The maximum density for a cottage home development is set forth in Table **4**-2: Cottage Home Development Maximum Density.

**Table 4-2: Cottage Home Development Maximum Density**

| Zone District | Maximum Density |
|---|---|
| RSF-8.4 | 8 du/acre |
| RSF-7.2 | 10 du/acre |
| RME-8.4 | 12 du/acre |
| RMF-7.2 | 12 du/acre |

*du/acre = dwelling units per acre*

##### (c) Cottage Home Dimensional Standards

Each cottage home shall be placed on an individual lot in accordance with the standards in Table 4-3: Cottage Home Individual Lot Dimensional Standards.

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[273] This carries forward the existing standards relating to agricultural uses in the Flood Hazard district at Article VII, Section 10 of the current Zoning Ordinance.
[274] The current Zoning Ordinance, in Section 10, contains design guidelines for group housing projects, defined as a housing development on one or more acres of land that is not subdivided into separate lots and contains multiple buildings. We have not carried forward these standards and recommend that standards for the design of multi-building residential developments be integrated into the standards in Section 5.8, Form and Design Standards.
[275] These are new standards for cottage homes, a type of development which involves small detached homes organized around a central green. In exchange for significantly reduced lot sizes, the homes in the cottage home development are required to meet site and building design standards. The goal is to allow increased housing density in moderately-sized individual residences that can fit into existing neighborhoods.

**Table 4-3: Cottage Home Individual Lot Dimensional Standards**

| Standard | Value |
|---|---|
| Lot area, min (sf) | [1] |
| Lot width, min (ft) | 20 |
| Height, max (ft \| stories) | 24 ft \| 1 ½ stories [2] |
| **Setbacks, min (ft)** | |
| Front | 5 [3] |
| Side | 15 \| 0 [4] |
| Rear | 20 \| 10 [5] |

*du/acre = dwelling units per acre*

**NOTES:**

[1] If the lot fronts a street on the perimeter of the cottage home development, the minimum lot area is 75 percent of the minimum lot area that applies to single-family development in the district. For all other cottage home lots, there is no minimum lot area.

[2] Maximum height is 24 feet or 1 ½ stories, whichever is less.

[3] If the lot fronts a street on the perimeter of the cottage home development, the front setback is equal to the minimum front setback that applies to single-family development in the district. If the lot fronts the common open space in the cottage home development, the front setback is 10 feet.

[4] Side setback is 15 feet on one side, 5 feet on the other side.

[5] Rear setback is 20 feet for a lot with a driveway and 10 feet for other lots.

**(d) Minimum Percentage of Dwellings Fronting Open Space**

At least 60 percent of the dwellings in a cottage home development shall front common open space.

**(e) Open Space Standards**

1. A cottage home development shall include common open space that comprises at least 30 percent of the total site. The common open space shall include a central green or lawn area fronting some or all of the dwellings, one or more shared surface off-street parking areas located away from the dwellings and common area, and a perimeter buffer area that incorporates landscaping materials, existing vegetation, or other features to buffer the cottage neighborhood development from adjacent development.
2. The central green or lawn area shall include at least 375 square feet of area for each dwelling in the cottage neighborhood development.
3. A common building located within the common open space area may be included as an accessory use, but in no instance shall the common building be larger than 1,500 square feet or serve as a permanent dwelling unit.
4. Open space areas shall include improved pedestrian walkways that provide pedestrian access to each dwelling, shared parking areas, any common buildings, and the public sidewalk network.
5. Ownership of the open space shall remain either with the developer or be conveyed to a homeowners' association or comparable legal entity under state law.
6. Maintenance of the land as permanent open space shall be ensured via the recordation of covenants or similar documents with the Montgomery County Probate Judge and noted (or referenced) on the development plan or final plat. This documentation shall also prescribe the nature and extent of continuing maintenance to the open space designed to preclude the creation of any nuisances.

**(f) Transitional Buffer[276]**

Along lot lines shared with existing single-family detached dwellings, the cottage home development shall provide a Type C perimeter buffer in accordance with Section 5.3.5, Perimeter Buffers.

**(g) Internal Streets**

Vehicular entryways into a cottage home development and internal streets serving the development shall be privately maintained with a maximum pavement width of 22 feet.

**(h) Surface Parking**

1. A cottage home development shall include at least one shared parking area that accommodates resident or guest parking.
2. Surface parking areas shall include at least one parking space for each dwelling unit plus one designated guest parking space for every four dwelling units.
3. Provision of resident parking spaces within a shared parking area is not required in cases where resident parking is provided through individual driveways, garages, or by parking spaces along internal streets or alleys.
4. A surface parking area shall not be located more than 300 linear feet from the dwelling it serves.

**(I) Detached Shared Garages**

Detached garages serving more than one dwelling shall not exceed five car bays or include individual garage doors wider than 12 feet each.

**(j) Homeowners' Association**

in the event the developer has transferred ownership of the common areas, a cottage home development shall include a homeowner's or property owner's association, or comparable legal entity, which maintains control of common areas and takes responsibility for maintenance of common features in the development. Homeowner's association documents shall be submitted to and reviewed by the City prior to approval of a subdivision of land for a cottage home development.

**(k) Individual Lot Configuration**

Development on individual lots within a cottage home development shall comply with the following standards, except to the extent these standards conflict with standards for property in a historic district for which a certificate of appropriateness from the Architectural Review Board is required in accordance with Section 15-126 of the City Code.

1. **Dwelling Size**

   A dwelling shall be between 600 and 2,000 gross square feet in size, excluding garages.

2. **Dwelling Orientation**

   A dwelling that fronts an internal or perimeter street shall be oriented so that the front door of the dwelling faces the street.

3. **Front Porch**

   A dwelling shall incorporate a covered front porch having a minimum width of ten feet and a minimum depth of six feet between the front facade of the dwelling and the street, provided the front of the porch is at least three feet from the street.

[276] This will be updated when the transitional buffer standards are drafted as part of Section 5.3, Landscaping Standards.

**4. Windows**

**I.** The front façade shall incorporate a sufficient amount of transparency to facilitate observation of the common area from within the dwelling.

**II.** Windows on the side of the dwelling facing a side yard subject to a no-build easement held by an adjoining land owner shall remain opaque or be located above eye level to ensure privacy in the side yard of the abutting dwelling unit.

**III.** A window placement on an exterior wall shall not be configured in a manner that allows direct sight into the interior of another dwelling located within 30 feet of the window.

**5. Fences**

**I.** Fences within front yards or side yards forward of the front façade plane shall not exceed three feet in height.

**II.** Fences in rear yards or side yards behind the front façade plane shall not exceed six feet in height.

**III.** In no instance shall a fence be placed within a no-build easement.

**6. Refuse Collection Containers**

Each dwelling shall maintain individual refuse collection containers, which shall be screened from view and located to the side or rear of the dwelling.

**7. No-Build Easement**

Any lot abutting another lot used for residential purposes in a cottage residential development shall include a no-build easement on one side that extends from the lot line to the exterior wall of the dwelling. The purpose for the use easement is to ensure that the adjoining property owner can use the entire side yard as private outdoor space.

**(2) Dwelling, Mobile Home[277]**

**(a)** Mobile home dwellings, whether on their own lot or in a mobile home park, shall comply with the following standards:

**1.** Mobile home dwellings shall not contain any additions or modifications other than those provided by the mobile home dwelling manufacturer, except that a canopy or porch may be placed on three sides.

**2.** All mobile home dwellings shall be anchored against wind or storm damage in accordance with a method approved by the Building Department.

**3.** All mobile home dwellings shall be placed on pads approved by the Building Department.

**4.** Space under a mobile home dwelling shall not be used for storage.

**5.** Except within the RMH-P district, each mobile home dwelling shall be on its own lot.

**(b)** In the AGR or AGR-RES districts, no mobile home dwelling may be installed until a permit has been obtained from the Building Department. The permit shall be valid for two years and may be renewed upon application to the Building Department.[278]

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[277] This carries forward the standards in Article VI, Section 10.3 of the current Zoning Ordinance that apply to mobile home dwellings themselves, whether located on an individually owned lot or in a mobile home park. Removed option to have wheels on mobile dwellings if they are sunk into the ground., at staff's request.

[278] This carries forward the building department permit requirement from Article VI, Section 10.3 (development standards – subsection f) of the current Zoning Ordinance. The last sentence, which notes that a mobile dwelling on land in the agricultural districts will be deemed nonconforming if the land is rezoned to another district, duplicates the general standard regarding nonconforming uses and has been removed.

### (3) Dwelling, Mobile Home Park[279]

Mobile home parks shall comply with the following standards:

#### (a) Dimensional Standards

Each mobile dwelling space shall comply with the dimensional standards in Table 4-4: Mobile Home Space Dimensional Standards.

**Table 4-4: Mobile Home Space Dimensional Standards**

| Standard | Value |
|---|---|
| Lot area, min (sf) | 4,000 |
| **Setbacks, min (ft)** | |
| Side | 20 |
| End | 15 |

*min = minimum  sf = square feet*

#### (b) Mobile Home Park-Specific Standards

1. Each mobile home dwelling space shall have proper attachments for waste disposal and water supply that are connected to approved sewerage and water systems.
2. No mobile home park office building or service building shall be closer than 80 feet from a public street right-of-way.
3. Access to the mobile home park shall largely be by collector or arterial roads, not by minor residential streets.
4. All access driveways, interior streets, and walkways shall be surfaced with a hard material such as asphalt or concrete and lighted in accordance with the street lighting standards in Section 5.4, Fence and Wall Standards,
5. All access driveways and interior streets shall be at least 30 feet in width.
6. A Type B perimeter buffer in accordance with Section 5.3.5, Perimeter Buffers, shall be installed along the perimeter of the site.

#### (c) Dwelling-Specific Standards

Each mobile home dwelling shall be provided at least 200 cubic feet of enclosed storage area, which is located no more than 100 feet from the applicable mobile home dwelling space.

#### (d) Mobile Home Dwelling Standards

Mobile home dwellings shall comply with the standards for a mobile home dwelling in subsection (2) above.

### (4) Dwelling, Patio-Garden Home[280]

A patio-garden home shall comply with the following standards:

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[279] This builds on the standards that apply to mobile home parks in Section 10.3 of the current Zoning Ordinance.
[280] This carries forward the standards that apply to patio-garden homes in the PGH-35 district (Section 10.8) and PGH-40 district (Section 10.9) in the current Zoning Ordinance, with the following changes: 1) New two-story height limit and maximum building size standard added. Because these uses are allowed in more districts, not just patio-garden home specific districts, the maximum building size prevents these provisions from being used to build large, zero-lot line homes using the reduced setback requirements for this use; 2) Adds a requirement that the lot be designated for patio-garden homes at the time of subdivision, building on the requirement in Section 10.8c(12) and 10.9c(12) that the adjacent lot to the zero-lot line of the house be held in common ownership at the time of construction of the home. We are not sure what it means that, if not under common ownership, "ten-foot side setback shall be required, provided the adjacent property is not zoned for patio homes or is not a permitted use in the adjacent zoning district." 3) The allowance of encroachments for fireplaces and chimneys will be relocated to general

**(a) General**

1. A lot shall be designated for patio-garden use at the time of subdivision.
2. A patio-garden home may only be connected to one other patio-garden home.
3. No permitted encroachment shall restrict or obstruct any drainage or drainage easement.
4. A privacy fence or wall is permitted on any side or rear lot line behind the required front setback, provided that gates or other openings are provided to allow access for fire protection. A privacy fence or wall located between the lot line and the rear or side setback line shall be no more than eight feet in height.[281]
5. No part of the principal structure or accessory structures shall project over the lot line, except that a roof overhang may penetrate the maintenance and drainage easement of an adjacent lot up to two-and-a-half feet, if the roof's water runoff is directed to the drainage easement.

**(b) Zero-Lot Line**

If the outside wall of a patio-garden home is within three feet of the lot line, or shared with the adjacent patio-garden home, the following standards apply:

1. No windows, doors, or other openings are permitted on the side of the home near or on the lot line.
2. If adjacent dwellings do not share a wall, each property owner shall provide:
   - **I.** A perpetual wall maintenance easement three feet in width along and parallel to the lot line; and
   - **II.** A perpetual drainage easement. It shall be approved by the City Department of Engineering, with a hold harmless agreement granted to the City. Fences and walls may be located on or along this easement, provided gates or other openings that will not block local lot drainage are maintained.

**(c) Dimensional Standards**

Patio garden homes shall comply with the dimensional standards in Table 4-5: Patio-Garden Home Dimensional Standards:

**Table 4-5: Patio-Garden Home Dimensional Standards**

| | Zone Districts | |
|---|---|---|
| **Standard** | **RSF-8.4** | **RSF-7.2<br>RME-8.4<br>RME-7.2** |
| Lot area, min (sf) | 4,000 | 3,500 |
| Lot width, min (ft) | 40 | 35 |
| Height, max (ft \| stories) | 30 \| 2 | 30 \| 2 |
| Building area, max | 50% | 60% |
| Living area, max (sf) | 1,200 | 1,200 |
| Required yard, min (sf) [1] | 600 | 525 |
| **Setbacks, min (ft)** | | |
| Front | 20 | 20 |

standards. 4) Privacy wall is not permitted in front of the front yard setback; 5) Off-street parking requirements will be consolidated in Section 5.2, Off-Street Parking and Loading Standards. 6) Accessory structure standards have been consolidated in Section 4.3.3, Standards for All Accessory Uses and Structures.

[281] New fence standards may be drafted as part of Section 5.3, Landscaping Standards and may replace these standards.

**Table 4-5: Patio-Garden Home Dimensional Standards**

| | | |
|---|---|---|
| Side | [2] | [3] |
| Rear | 15 | 15 |

*min = minimum max = maximum ft = feet sf = square feet*

**Notes:**

[1] The required yard shall be open space on the lot that may be used by occupants of the home. It shall be screened from view of streets or neighboring property by a privacy wall or fence, or vegetation.[282]

[2] One side setback shall be at least eight feet, and the average side setback shall be no less than eight feet. The yard along the eight-foot side setback shall be kept permanently free of obstructions, accessory structures, and ungated walls and fences

[3] One side setback shall be at least eight feet, and the average side setback shall be no less than six feet. The yard along the eight-foot side setback shall be kept permanently free of obstructions, accessory structures, and ungated walls and fences.

**(d) Garage and Carport Standards**

An unattached garage and carport is permitted and does not count against the lot coverage limit for accessory structures in Section 4.3.3, Standards for All Accessory Uses and Structures, in accordance with the following standards:

1. The garage or carport shall be no more than 600 square feet in area and one-and-one-half stories in height.
2. The garage or carport shall not be placed in between a lot line and a front, side, or street side setback.
3. The garage or carport shall be at least five feet from any other structure on the same lot.

**(5) Dwelling, Single-Family Detached**

In the Agricultural and Residential zone districts, a modular dwelling may be used as a single-family detached residence if it complies with the underlying standards of the district and:[283]

**(a)** The modular dwelling is at least 20 feet in width;

**(b)** The modular dwelling is placed on a permanent foundation with material used in conventional single-family detached dwellings, and is attached and anchored in accordance with all application regulations and the manufacturer's specifications.

**(c)** The minimum distance from top of the foundation to the eaves of the dwelling is eight feet as measured at the highest elevation of the foundation to the lowest elevation of the eaves.

**(d)** The modular dwelling has a pitched roof composed of material customarily used on single-family detached dwellings such as fiberglass, shake, asphalt, or tile.[284]

[282] This builds on the requirement that the yard be “reasonably secluded from view of streets or neighboring property” at Section 10.8c(6) and 10.9c(6) of the current Zoning Ordinance.

[283] This carries forward the regulations relating to modular dwellings in Article VI, Section 10.7 of the current Zoning Ordinance and allows them in all districts where single-family dwellings are permitted. In the current Zoning Ordinance, is allowed it by right in the AGR and AGR-RES districts. Here, and in other parts of the code, we have removed references to restrictive covenants and other private deed restrictions. Such deed restrictions are private agreements enforced by the owners of the property and are typically not referred to or enforced by local government. In many cases, it can be disputed whether a particular covenant or restriction is valid or enforceable, which is why it is unwise for local governments to reference them in decision-making.

[284] We have removed “asbestos” as a roofing material option.

**(6) Dwelling, Townhouse[285]**

Townhouse dwellings shall comply with the following standards:

**(a)** No more than six contiguous townhouses shall be built in a row.

**(b)** Each townhouse shall have at least 400 square feet of open space on the lot that may be used by occupants of the home and which is screened from view of streets or neighboring property by a privacy wall or fence, or vegetation.[286]

**(7) Tiny House Community[287]**

**(a) Dimensional Standards**

A tiny house community shall comply with the dimensional standards in Table 4-6: Tiny House Community Dimensional Standards.

**Table 4-6: Tiny House Community Dimensional Standards**

| Standard | Value |
|---|---|
| Project area, min \| max | 20,000 sf \| 2 acres |
| Density, max | 22 du/acre |
| Open space, min | 10% of project area |
| Height, max | 20 ft |

*min = minimum max = minimum du = dwelling unit ft = feet sf = square feet*

**(b) Minimum Land Area Per Dwelling Unit**

**1.** Each tiny house community shall contain a defined area for the use of each tiny house that is individually platted and contains at least 1,500 square feet of land area or one-and three quarters (1 ¾) times the gross floor area of the tiny house, whichever is larger.

**2.** No defined area for a tiny house may be within a mapped flood hazard area.

**(c) Open Space**

Parking areas, internal streets and driveways, or defined area for each tiny house do not count as open space for the purposes of the tiny house community.

**(d) Setbacks and Separation**

**1.** No designated area for a tiny house shall be located within 50 feet of an adjacent Residential zone district or within 20 feet of any public right-of-way adjacent to the tiny house community.

**2.** No tiny house may be located within 15 feet of another tiny house, measured by the shortest distance between the two tiny houses.

[285] The current Zoning Ordinance includes form and design standards for townhouses in Section 10.1c, including required façade setbacks for rows of townhouses greater than six units in length. These will be updated and consolidated with other form and design standards in Section 5.8, Form and Design Standards. In addition, off-street parking standards will be consolidated in Section 5.2, Off-Street Parking and Loading Standards, and open space requirements in Section 5.5, Open Space . Required distance between ends of townhouses has been reduced to 15 feet and is included in the district dimensional standards. In this Ordinance, townhouses are units on their own lot; a townhouse style development with units sold in a condominium format will be subject to standards for a multifamily use.

[286] This builds on the requirement that the yard be "reasonably secluded from view of streets or neighboring property" at Section 10.1c(7) of the current Zoning Ordinance.

[287] New standards for a new use.

**(e) Installation**

Each tiny house shall be installed on a permanent foundation and shall be connected to public water, sewer, and electric utilities before occupancy for any period of time. Septic systems, community sewerage systems, and wells are prohibited.

**(f) Landscaping, Buffering, and Screening**

1. The perimeter of the tiny house community shall comply with the standards in Section 5.3, Landscaping Standards.
2. Laundry drying yards and outdoor storage yards shall be screened from view from any adjacent public right-of-way in accordance with Section 5.3, Landscaping Standards.

**(g) Off-Street Parking**

Each tiny house community site shall contain one parking space per designated tiny house dwelling site, unless the Administrator determines that some or all of such spaces are not necessary due to the intended use or operation of the tiny house community or restrictions on resident motor vehicle ownership contained in recorded covenants on the tiny house community property.

**(h) Internal Access and Circulation**

1. A pedestrian path at least five feet wide shall be provided from at least one adjacent public street to each designated tiny house site. Required paths may be located in public access easements, and each path shall confirm to the City's adopted standards unless the Administrator determines that due to low levels of expected use a different standard will provide equivalent or better safety and durability.
2. Any public and private streets within the tiny house community shall be designed and constructed to the City's adopted street standards and specification, unless the Administrator determines that due to low levels of expected use a different standard will provide equivalent or better safety and durability.
3. Each tiny house community shall comply with all adopted standards for fire access required to protect each tiny house.

**(I) Accessory Structures**

Each tiny house community may include up to 225 square feet per unit for accessory structures, including mail boxes, enclosed bike storage, laundry, groundskeeping, personal storage, or common rooms. Personal storage space may be attached to the tiny home unit or configured as a single storage building for all residents.

**(J) Maintenance of Common Areas**

A tiny house community shall include a homeowner's or property owner's association, or comparable legal entity, which maintains control of common areas and takes responsibility for maintenance of common features in the development, including open space, pedestrian paths, and private streets.

## (D) Public, Civic, and Institutional Uses

### (1) Cemetery

(a) The operation of a cemetery shall not commence until the owner or operator has applied for and received approval of a Cemetery Development Plan in accordance with Section 2.5.6, Cemetery Development Plan.

(b) A cemetery shall comply with Ch. 7, Cemeteries, of the City Code.

**(2) Public Assembly, Indoors**

This use shall comply with all standards of the City Code, including the business license code at Ch. 16, Art. III.

**(3) Funeral Home or Mortuary**

A funeral home or mortuary that includes a crematory shall comply with Sec. 7-20, Crematories, of the City Code.

**(4) Communications Tower and Equipment[288]**

**(a) Applicability**

**1. General**

The standards in this section apply to all communications towers not located within a publicly owned right-of-way, except as follows:

**I.** Communications towers installed on land owned by a government entity or public agency if the tower and all antennas are used in whole or in part for public safety purposes.

**II.** Small cell technology facilities and support structures, which are regulated by Ch. 26.5, Art. II, Small Cell Technology Facilities, of the City Code.

**III.** Antennas used for amateur/ham radio.

**2. Repair and Maintenance**

Existing communications towers and equipment may be repaired and maintained, and existing equipment may be replaced with new equipment of a similar type.

**3. Third-Party Technical Review**

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

**(b) Collocation or Alternative Technology**

No communications tower intended for use by a wireless communications service shall be permitted unless it is demonstrated by sufficient competent evidence that at least one of the following conditions is applicable, and that the condition cannot be reasonably addressed:

**1.** No existing towers or structures are located within the geographic areas needed to meet the applicant's coverage goals or engineering requirements.

**2.** Existing towers or other structures are not of sufficient height to meet applicant's engineering requirements.

**3.** Existing towers or other structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

**4.** The proposed antenna would cause electromagnetic interference with existing antennas on existing towers or other structures, or existing antenna on other towers or structures would cause interference with the proposed antenna and the interference cannot be prevented at a reasonable cost.

**5.** The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. A fee or cost required by the owner of an existing tower or structure that exceeds new tower development is presumed to be unreasonable.

[288] These are new, basic standards that regulate the installation of traditional wireless communication towers, which are placed on standalone towers on private property, unlike the newer small cell technology regulated by Ch. 26.5, Art. II of the City Code.

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

**(c) Dimensional Standards**

**1. Minimum Setbacks**

I. Guyed towers shall have their guy anchors located on the tower site at least ten feet from all property lines. Guy wires shall not cross any adjoining property, rights-of-way, or public easements without prior approval of the property owner.

II. Setbacks shall in all cases be sufficient to contain on site all icefall unless adequate provisions have been incorporated to prevent the buildup of ice.

III. All structures accessory to a tower, such as equipment cabinets and other support structures, are subject to the dimensional standards of the district in which they are located. Tower setbacks shall be measured from the perimeter of the tower base.

**(d) Building Code**

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

**(e) FAA Regulations**

The tower shall comply will all applicable FAA regulations.

**(f) Lighting**

Only the minimum lighting required by FAA or FCC regulations is permitted on the tower.

**(g) Security**

Any support structures shall be enclosed by security fencing having a minimum height of six feet and a maximum height of eight feet. It shall be equipped in such a manner as to deter climbing. Access to the tower shall be through a locked gate.

**(h) Screening**

The tower shall be screened from public rights-of-way and adjacent properties with a landscaped buffer in accordance with Section 5.3, Landscaping Standards.

**(5) Solar Energy Collection System, Large Scale[289]**

A large-scale solar energy collection system shall comply with the following standards:

**(a)** The maximum size of a large-scale solar energy collection system is 1,000 acres, whether the lot or lots on which the project is located is in single or multiple ownership.

**(b)** Except for fences and walls, and gates that provide access to the site, all equipment and structures shall comply with the dimensional standards that apply to principal buildings in the district in which the facility is located or the following, whichever is more restrictive:

1. All solar panels and other equipment shall be set back at least 75 feet from the edge of the property line or right-of-way.

[289] Carries forward the standards in Section 3 of Article XI of the current Zoning Ordinance.

2. All inverters and other equipment permanently installed on the site that may be expected to contribute noise that may be audible off the site, other than solar panels, shall be set back at least 200 feet from the edge of the property line or right-of-way.
3. All equipment shall be a maximum of 25 feet in height.

**(c)** Except for transmission lines and collector utility structures, all utilities associated with the large-scale solar energy collection system shall be located underground.

**(d)** The facility shall not create glare or shadows on adjacent land.

**(e)** A 20-foot-wide Type A perimeter buffer is required, in accordance with Sec. 5.3.5, Perimeter Buffers.

**(f)** The application for a special exception shall include:

1. A clean-up plan in the event of a natural disaster such as a tornado or hurricane;
2. Details of how damaged solar panels that need to be replaced are disposed of; and
3. A decommissioning plan that describes the timeline and manner in which the facility will be decommissioned and the site restored to a condition similar to its condition prior to the establishment of the facility.

**(g)** Prior to any site construction, the applicant shall provide a performance guarantee in accordance with the following. For purposes of this subsection, site construction does not include pre-construction site preparation work:

1. The applicant shall prepare an estimate of the cost to decommission the use and restore the site to a condition similar to its condition prior to the establishment of the solar farm land use. The cost and salvage estimates shall be submitted with supporting material including the cost assumptions and methodologies used to develop the estimates to the Administrator for the Administrator's approval. The administrator may request additional information to support the applicant's decommissioning cost and salvage value estimates and may request revisions to the assumptions and methodology used to calculate them. Following the administrator's approval of the decommissioning cost estimate and salvage value estimate, the amount of the guarantee shall equal 115 percent of the estimated decommissioning cost, less 100 percent of the estimated salvage value.
2. The amount of the performance guarantee shall be reviewed at least every three years and adjusted based upon updated costs.
3. The performance guarantee shall remain in effect until the use is decommissioned and the site has been restored.

### (E) Commercial

#### (1) Bar or Tavern[290]

A bar or tavern shall be located at least 250 feet from any Residential district, any Residential use existing at the time of establishment of the bar or tavern, or any PD district with residential uses, measured from the closest door of the building (or closest door of a tenant space in a building with multiple tenants) to the district or lot line of the use, measured in a straight line.

#### (2) Nightclub[291]

A nightclub shall be located at least 250 feet from any Residential district, any Residential use existing at the time of establishment of the nightclub, or any PD district with residential

[290] This carries forward the standards in the footnotes to multiple zone districts in Article VII of the current Zoning Ordinance.
[291] This carries forward the standards in the footnotes to multiple zone districts in Article VII of the current Zoning Ordinance.

uses, measured in a straight line from the closest door of the building (or closest door of a tenant space in a building with multiple tenants) to the district or lot line of the other use.

**(3) Conference Center[292]**

A conference center shall obtain and comply with the business license requirements for conference centers in Section 6-4 of the City Code, and the following:

**(a)** No conference center shall be located within 250 feet of a Residential use, land in a Residential zoning district, land in a PD district with residential uses, place of worship, school, public park, playground or greenway, community facility, or community recreation center, measured in a straight line from boundary of the lot containing the conference center to the boundary of the district or lot line of the other use.

**(b)** No conference center shall be located within two miles of another conference center or rental hall, measured in a straight line from the closest door of the building (or closest door of a tenant space in a building with multiple tenants) to the district or lot line of the other use, except as allowed on appeal in accordance with Section 6-4 of the City Code.

**(4) Rental Hall[293]**

A rental hall shall obtain and comply with the business license requirements for rental halls in Section 6-4 of the City Code, and the following:

**(a)** No rental hall shall be located within 250 feet of a Residential use, land in a Residential zoning district, land in a PD district with residential uses, place of worship, school, public park, playground or greenway, community facility, or community recreation center, measured in a straight line from boundary of the lot containing the conference center to the boundary of the district or lot line of the other use.

**(b)** Except in an entertainment district, no rental hall shall be located within two miles of another rental hall or conference center, measured in a straight line from the closest door of the building (or closest door of a tenant space in a building with multiple tenants) to the district or lot line of the other use, except as allowed on appeal in accordance with Section 6-4 of the City Code.

**(5) Alternative Financial Institution[294]**

No alternative financial institution shall be located within 2,500 feet of another alternative financial institution, or within 250 feet of a Residential use; place of worship, school, or public park, playground, or greenway, measured in a straight line from the closest door of the building (or closest door of a tenant space in a building with multiple tenants) to the district or lot line of the other use. An existing alternative financial institution in operation prior to May 20, 2014, shall be a legal nonconforming use and subject to the standards for a legal nonconforming use in Section 6.3, Nonconforming Uses, except that the authority to operate a nonconforming alternative financial institution use may be transferred to a different business operating in the same building.

**(6) Car Wash[295]**

A car wash that uses a production-line method of automated cleaning of cars shall be separated at least five miles from any other such car wash, whether as a standalone use or as an accessory use to a gas station or other principal use.

[292] Incorporates distance standards in Section 6-4 of the City Code.
[293] Incorporates distance standards in Section 6-4 of the City Code.
[294] Carries forward Ord. No. 57-2025.
[295] This carries forward existing standards in the current Zoning Ordinance.

**(7) Gas Station**[296]

**(a)** Pumping islands shall be at least 10 feet from any lot line, and 20 feet from any lot line in the CH district.

**(b)** All parts of any sign or canopy shall be at least ten feet from the lot line adjacent to a street.

**(c)** A car wash that is accessory to a gas station shall comply with the standards in Section 4.2.3(E)(6), Car Wash.

**(8) Bed and Breakfast**[297]

A bed and breakfast can include a maximum of six guest rooms.

**(9) Recreational Vehicle (RV) Park**[298]

The following standards apply to recreational vehicle (RV) parks:

**(a)** The minimum lot size shall be 10 acres.

**(b)** An RV Park may have a maximum of 15 recreational vehicle sites per acre of land, not including land used for a transitional buffer in accordance with Section 5.3, Landscaping Standards, land set aside for open space in accordance with Section 5.5, Open Space Requirements, or land used for internal streets or driveways.

**(c)** Each recreational vehicle site shall contain a stabilized vehicular parking pad composed of shell, marl, asphalt, or other suitable material.[299]

**(d)** Each recreational vehicle shall be parked at least ten feet from any other travel trailer.

**(e)** All streets in an RV park shall be privately maintained and properly stabilized, and at least 12 feet in width for streets that accommodate one-way travel, and 20 feet in width for streets that accommodate two-way travel.

**(f)** The maximum size of a recreational vehicle parked on a recreational vehicle site shall be eight feet in width and 36 feet in length.

**(g)** No permanent external apparatus such as carports, cabanas, or patios shall be attached to a recreational vehicle.

**(h)** A recreational vehicle shall not be placed on a permanent foundation, and its wheels shall not be removed.

**(i)** Each RV Park shall have direct access to a numbered state or federal highway, or be located within 500 feet of an interstate highway interchange measured by a straight line from the part of the site closest to the interchange.[300]

**(F) Industrial Uses**

**(1) Self-Storage**[301]

The following standards apply to all self-storage uses:

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[296] This carries forward existing standards in the current Zoning Ordinance.

[297] New standard added at staff's request.

[298] This builds on the standards for a travel trailer park in Section 10.4 of the current Zoning Ordinance. Some specific standards have been relocated to general development standards in Article 5: Development Standards as identified in this section.

[299] This builds on Section 10.4b and e of the current Zoning Ordinance but substitutes "paving" for "asphalt."

[300] The current Zoning Ordinance requires that the park be "near an interchange." We have replaced that with a more objective standard. It continues to be under discussion.

[301] This carries forward the standards in the Mini-Warehouse Guidelines adopted by the Planning Commission in Resolution No. 2-84, dated February 23, 1984, and adds standards for outdoor storage, with the following additional changes: 1) The general standards are similar to the standards required for a special exception in this Ordinance, and have not been carried forward. 2) Provisions requiring that the use comply with the minimum lot area, minimum lot width, minimum setback, and maximum building height requirements reference the general standards that apply to the underlying zone district, and have not been included; 3) Off-street parking requirements will be included in

**(a)** The access drive onto the site shall be paved and at least 20 feet in width.

**(b)** The maximum building area on the site shall be 50 percent or the maximum building area of the zone district in which the site is located, whichever is lower.

**(c)** The minimum front or side setback abutting a street or right-of-way shall be 20 feet or the minimum setback required in the zone district in which the site is located, whichever is greater.

**(d)** The use of a rented storage space as a residence or an office use (either retail or wholesale) is prohibited, and the City shall not issue a business license for any such use.

**(e)** Open storage of recreational vehicles or travel trailers and dry storage of pleasure boats of the type customarily maintained by persons for their personal use are allowed if they comply with the following standards:

1. Open storage shall occur only within a clearly delineated designated area which shall not exceed 25 percent of the buildable area of the site.
2. Outdoor storage areas shall be located to the rear of the principal structure and screened from all adjacent property classified in a Residential district by a solid fence, wall, or hedge at least six feet in height.
3. All outdoor storage shall comply with the minimum setbacks established in the underlying zone district or this section.
4. Stacking of boats is prohibited.

# Section 4.3 Accessory Uses and Structures

## 4.3.1. General

### (A) Purpose and Intent

The purpose of this section is to authorize the establishment and continuation of accessory uses and structures, which are uses and structures that are incidental and customarily subordinate to principal uses.

### (B) Organization of this Section

Table 4-7: Accessory Use and Structure Table, identifies accessory uses and structures and the zone districts in which they are allowed. Section 4.3.3, Standards for All Accessory Uses and Structures, establishes general standards applicable to all accessory uses and structures. Section 4.3.4, Specific Standards for Accessory Uses and Structures, sets out particular standards applicable to specific accessory uses and structures.

## 4.3.2. Accessory Use and Structure Table

### (A) Organization and Applicability

Table 4-7: Accessory Use and Structure Table, lists accessory uses and structures in alphabetical order.

### (B) Explanation of Table and Abbreviations

For each listed accessory use or structure in Table 4-7, the first column of each row identifies its name, which is defined in Section 8.3, Definitions. The entries in the cells formed by the

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Section 5.2, Off-Street Parking and Loading Standards; 4) Buffer standards will be incorporated into the general buffering requirements in Section 5.3. Landscaping Standards; 5) Requirements for a development plan have not been included and like other such requirements should be handled administratively. References to build code have been removed. Standards III.5 and III.6 are not included.

intersection of a zone district column and an accessory use or structure row indicate whether an accessory use or structure is allowed in a particular zone district, as follows:

**(1) Accessory Uses and Structures Permitted By-Right**

**(a)** "P" in a cell other than in the PD or PD-TND district column indicates that the accessory use or structure is allowed by right in the zone district, subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.

**(b)** "A" in a cell in the PD or PD-TND district column means that the accessory use or structure is allowed in the type of planned development district only if it is specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance, unless expressly modified in the PD Plan or PD Agreement for the district. See Section 3.9.3(A), Planned Development (PD) Plan, and Section 3.9.3(B), Planned Development (PD) Agreement.

**(2) Prohibited Uses**

A blank cell indicates that the accessory use or structure is prohibited in the zone district.

**(3) Use-Specific Standards**

A particular accessory use or structure may be subject to additional standards that are specific to the particular use. The right-most column in a row includes references to the standards in Section 4.3.4, Specific Standards for Accessory Uses and Structures, that apply to the accessory use or structure.

**(C) Unlisted Accessory Uses**

The Administrator shall determine whether an unlisted accessory use is similar to an accessory use identified in Table 4-7: Accessory Use and Structure Table, in accordance with Section 2.5.14, Interpretation. In making the interpretation, the Administrator shall consider the following:

**(1)** Accessory uses identified in Table 4-7: Accessory Use and Structure Table;

**(2)** The definition of the accessory use or structure (see Section 8.3, Definitions), and the general accessory use and structure standards established in Section 4.3.3, Standards for All Accessory Uses and Structures.

**(3)** The additional standards for the specific accessory use established in Section 4.3.4, Specific Standards for Accessory Uses and Structures, if applicable;

**(4)** The purpose and intent of the zone district in which the accessory use or structure is located (see Article 3: Zone Districts);

**(5)** Any potential adverse impacts the accessory use or structure may have on other lands in the area, compared with other accessory uses or structures permitted in the zone district; and

**(6)** The compatibility of the accessory use or structure, including the structure in which it is housed, with other principal and accessory uses allowed in the zone district.

### (D) Accessory Use and Structure Table

**Table 4-7: Accessory Use and Structure Table**

**P = Permitted  A = Allowed In PD  Blank = Not Permitted**

| | Zone Districts | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Ag. | | Residential | | | | | | | | | Inst. | | | Commercial | | | | | | | | Ind. | | PD | | |
| **Use Category/Type** | AGR | AGR-RES | RSF-20 | RSF-12 | RSF-8.4 | RSF-7.2 | RSF-6 | RME-8.4 | RMF-7.2 | RMH-s | RMH-p | INST-PK-O | INST-G | INST-U | CN | CC | CG | CCOR | CR | CH | OC | OP | IL | IG | PD | PD-TND | Use-Specific Standards |
| Accessory dwelling unit[302] | P | P | P | P | P | P | P | P | P | P | P | | | | | | | | | | | | | | A | A | 4.3.4(A) |
| Antenna[303] | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | A | |
| Automated teller machine (ATM)[304] | | | | | | | | | | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | A | |
| Carport or garage[305] | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | A | |
| Chicken-keeping[306] | P | P | P | P | P | P | P | | | | | | | | | | | | | | | | | | | | 4.3.4(B) |
| Day care home[307] | P | P | P | P | P | P | P | P | P | | | | | | | | | | | | | | | | | | 4.3.4(C) |
| Drive-through facility[308] | | | | | | | | | | | | | | | | P | P | P | P | P | P | | | | A | A | 4.3.4(D) |
| Electric vehicle level 1 or 2 charging station[309] | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | A | |
| Electric vehicle level 3 charging station[310] | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | A | |
| Greenhouse or plant nursery[311] | P | P | P | P | P | P | P | P | P | P | P | | | | | | | | | | | | | | A | A | 4.3.4(E) |
| Home occupation | P | P | P | P | P | P | P | P | P | P | P | | | | | | | | | | | | | | A | A | 4.3.4(F) |
| Outdoor display of merchandise[312] | | | | | | | | | | | | | | | | P | P | P | P | P | | | | | A | A | 4.3.4(G) |
| Outdoor seating or activity area[313] | | | | | | | | | | | | P | P | | P | P | P | P | P | P | | | | | | A | 4.3.4(H) |
| Outdoor storage area | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | A | |
| Parking, off-street[314] | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | A | 4.3.4(I) |
| Satellite dish, accessory[315] | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | A | |
| Solar energy collection facility, small-scale[316] | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | A | 4.3.4(J) |
| Storage building[317] | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | A | |

[302] New use, proposed to be allowed in all residential districts.
[303] This carries forward the existing antenna use in Article VI, Section 11 of the current Zoning Ordinance.
[304] This is a new use.
[305] This is a use referenced in multiple sections in the current Zoning Ordinance but not specifically listed or defined.
[306] This is a new use that incorporates City Council guidelines adopted in 2013 and makes the use permitted by right, instead of a special exception.
[307] This is a new use that reflects current practice in the City, according to staff.
[308] This is a new use.
[309] This is a new use.
[310] This is a new use.
[311] This carries forward the existing use which is referenced in Article VI, Section 4(d) of the current Zoning Ordinance.
[312] This carries forward the existing use in the current Zoning Ordinance.
[313] This is a new use.
[314] New accessory use added to address overnight off-street parking of large vehicles such as semi-trucks and buses that are not related to the principal use of a site.
[315] This is a new use.
[316] This is a new use.
[317] This is a new use.

**Table 4-7: Accessory Use and Structure Table**

**P = Permitted  A = Allowed in PD  Blank = Not Permitted**

| | Zone Districts | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Ag. | | Residential | | | | | | | | | Inst. | | | Commercial | | | | | | | | Ind. | | PD | | |
| **Use Category/Type** | AGR | AGR-RES | RSF-20 | RSF-12 | RSF-8.4 | RSF-7.2 | RSF-6 | RME-8.4 | RMF-7.2 | RMH-s | RMH-p | INST-PK-O | INST-G | INST-U | CN | CC | CG | CCOR | CR | CH | OC | OP | IL | IG | PD | PD-TND | **Use-Specific Standards** |
| Swimming pool[318] | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | A | |
| Wind energy facility, small[319] | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | A | 4.3.4(L) |

## 4.3.3. Standards for All Accessory Uses and Structures[320]

**(A)** All accessory uses and structures shall conform to the applicable requirements of this Ordinance, including the standards for the zone district in which they are located (see Article 3: Zone Districts), the use regulations in this article, and the development standards in Article 5: Development Standards.[321]

**(B)** Accessory uses and structures shall not be permitted between a lot line and a required setback unless otherwise allowed by this Ordinance.[322]

**(C)** On a lot in a Residential zoning district and on a lot used primarily for residential purposes, the following standards apply, except where specifically provided in this Ordinance:

**(1)** Accessory structures shall be:

**(a)** No greater than two stories in height.

**(b)** At least five feet from all lot lines.

**(c)** At least ten feet from any other structure on the same lot.

**(2)** If the lot adjoins another lot in a Residential district along a side lot line, the accessory structure shall not be located within 60 feet of a front lot line.

**(3)** If the lot is on a corner lot, and the lot adjoins another lot in a Residential district along a rear lot line, an accessory structure shall be set back from the side street a minimum distance equal to the front setback that applies in the district. This standard applies to the part of the lot within 25 feet of the lot adjoining along the rear lot line.

## 4.3.4. Specific Standards for Accessory Uses and Structures

### (A) Accessory Dwelling Unit[323]

An accessory dwelling unit is permitted as an accessory use to a single-family detached welling and shall comply with the following standards:

**(1)** Only one accessory dwelling unit is permitted on a lot.

**(2)** An attached accessory dwelling unit shall include an entrance directly from the outside.

[318] This is a new use.
[319] This is a new use.
[320] This builds in the standards in Article VI, Section 4 of the current Zoning Ordinance. Standards regarding satellite dishes have been relocated to a use-specific standard for the satellite dish accessory use.
[321] This is a new standard that requires compliance with the general regulations of this Ordinance.
[322] The current Zoning Ordinance only includes restrictions for structures in Residential districts, and only in the front or side yard. We have expanded this to accessory uses in all zone districts.
[323] These are new standards for accessory dwelling units, a type of dwelling permitted in many communities.

**(3)** A detached accessory dwelling unit shall be located to the rear of the primary dwelling and shall comply with the standards in Section 4.3.3, Standards for All Accessory Uses and Structures.

**(4)** An accessory dwelling unit shall be no larger than 75 percent of the gross square footage of the principal dwelling on the lot or 900 square feet, whichever is less.

**(5)** A tiny house that otherwise meets the standards of section may be used as a detached accessory dwelling unit.

### (B) Chicken-Keeping[324]

The keeping of domesticated hens is permitted as accessory to residential uses in accordance with the following:

**(1) Maximum Number of Domesticated Hens Permitted**

The maximum number of domesticated hens permitted to be kept on a lot shall comply with the standards in Table 4-8: Maximum Number of Domesticated Hens Permitted on Lot.

**Table 4-8: Maximum Number of Domesticated Hens Permitted on Lot**

| Lot area | Maximum Number |
|---|---|
| 5,009 sf or less | 2 |
| More than 5,009 sf and less than 10,236 sf | 4 |
| 10,236 sf or more and less than 5 acres | 6 |
| 5 acres or more | Unlimited |

*sf = square feet*

**(2) Location**

All domesticated hens shall be placed to the rear of the dwelling, and may not be kept in a side setback or rear setback.

**(3) Structures**

All domesticated hens shall be kept outside in structures that comply with the following:

**(a)** The structure shall be a predator-proof enclosure, a portion of which is a covered henhouse that provides at least two square feet of space per hen, and a portion of which is a fenced area that provides at least six square feet of space per hen.

**(b)** The henhouse and fenced enclosure shall provide hens with adequate ventilation, sun, and shade, and shall be constructed in a manner to resist access by rodents, wild birds, and predators, including dogs and cats.

**(c)** Henhouses shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents shall be covered with predator- and bird-resistant wire with less than one-inch openings.

**(d)** All structures shall be located at least 25 feet from any residential structure on adjoining lots, and 10 feet from any lot line.

**(4) Operational Requirements**

**(a)** Fenced enclosures and henhouses shall be properly ventilated, clean, dry, and odor-free and kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor, or other adverse impact.

[324] Carries forward and reorganizes the February 5, 2013 City Council guidelines for chickens.

**(b)** Chicken manure shall be stored and removed on a regular basis. All manure for composting or fertilizing shall be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing shall be removed.

**(c)** The henhouse and surrounding area shall be kept free from trash and accumulated droppings.

**(d)** No perceptible odor from the hens or the hen enclosure shall be present at any property line.

**(e)** All feed shall be stored in a rodent and predator-proof container having a secure lid.

**(5) Prohibited Activities**

**(a)** The slaughtering or breeding of hens is permitted.

**(b)** Domesticated hens shall not be used or trained for the purpose of fighting for amusement, sport, or financial gain

**(c)** The on-premises sale of eggs produced by domesticated hens is prohibited.

### (C) Day Care Home[325]

A day care home may operate as an accessory use to a single-family or two-family dwelling providing the day care home:

**(1)** Complies with the minimum standards established by the state for a day care home;

**(2)** Screens any outdoor play areas adjacent to a residential lot line by a six-foot solid fence or wall; and

**(3)** Locates outdoor play equipment not closer than 20 feet from any residential lot line.

### (D) Drive-Through Facility[326]

**(1)** Internal traffic circulation patterns on the site shall not cause vehicles to impede vehicular movement external to the site or block access to any required parking spaces located on the site.

**(2)** Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.

**(3)** Stacking lanes shall be provided in accordance with Section 5.2.6(A), Drive Through and Similar Facilities.[327]

**(4)** No portion of a drive-through facility shall be located within 50 feet of a Residential zone district or a lot containing a Residential use.

### (E) Greenhouse or Plant Nursery[328]

A greenhouse or plant nursery that is accessory to a principal residential use or a use in a lot in a Residential district shall comply with the following:

**(1)** No sales may be made from the site.

**(2)** All structures shall be placed to the rear of the principal structure on the site.

**(3)** All accessory structures and areas of storage larger than 300 square feet in area shall be setback at least 20 feet from all lot lines and at least 10 feet from any other structure.

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[325] These are new basic standards for a use that is allowed pursuant to current practice, that are intended to reduce the impact of the operation of a home day care on surrounding properties.
[326] These are new standards for a new accessory use.
[327] This will be a reference to the parking lot/stacking configuration standards which will be included in Section 5.2, Off-Street Parking and Loading Standards.
[328] This carries forward the standards in Article VI, Section 4(d) of the current Zoning Ordinance.

**(F) Home Occupation[329]**

Home occupations shall comply with the following standards:

**(1)** No non-resident employees or clients, customers, patients, or other visitors are permitted.

**(2)** No on-site retail sales are permitted.

**(3)** The home occupation shall use no more than 25 percent of the total floor area of the dwelling.

**(4)** No changes to the dwelling shall be made that changes the residential character of the principal use.

**(5)** Only one sign up to two square feet in area is permitted for the home occupation.

**(6)** Public display of goods is prohibited.

**(G) Outdoor Display of Merchandise[330]**

**(1)** All outdoor display of merchandise shall be located immediately adjacent to the principal building and outside of all drive aisles, loading zones, fire lanes, sidewalks, required parking, and required landscaping yards.

**(2)** The area used for outdoor display of merchandize shall not exceed 35 percent of the gross floor area occupied by the principal use.

**(3)** All merchandise being displayed outside shall be brought inside each day at close of business.

**(H) Outdoor Seating or Activity Area[331]**

An outdoor seating or activity area as an accessory use shall comply with the following standards:

**(1)** The outdoor area shall not open earlier or end later than the hours of operation of the use that the outdoor seating is serving.

**(2)** Any preparation of food served in the outdoor area shall occur only within the enclosed principal building.

**(3)** No sound production or reproduction machine or device (including but not limited to musical instruments, loud-speakers, and sound amplifiers) shall be played in the outdoor area at volumes that disturb the peace, quiet, or comfort of adjoining properties.

**(4)** The outdoor area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use. A clear path at least five feet wide shall be maintained to allow through public pedestrian traffic along the sidewalk and from the sidewalk into the entrance to the establishment. A greater width may be required where necessary to ensure the safe and convenient flow of pedestrian traffic.

**(5)** No objects shall be placed along the perimeter of the outdoor area that would have the effect of forming a physical or visual barrier discouraging the use of the sidewalk by the general public.

**(6)** Tables, chairs, umbrellas, and other furnishings associated with the seating area shall be of sufficient quality, design, materials, and workmanship to ensure the safety and convenience of the users and compatibility with adjacent uses.

**(7)** The appropriate City permit shall be acquired before any outdoor area may be established or any outdoor use may take place within a public right-of-way.

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[329] This updates the standards contained in the definition of home occupation in Article VI, Section 11 of the current Zoning Ordinance and adds additional restrictions on outside clients and visitors.
[330] These are new standards for a new accessory use.
[331] These are new standards for a new accessory use commonly found in communities.

**(I) Parking, Off-Street**[332]

**(1)** Except as provided in subsections (2) through (4) below, off-street parking is permitted as accessory to a permitted principal use or uses in accordance with the standards of this Ordinance, including Section 5.2, Off-Street Parking and Loading Standards, to accommodate the off-street parking needs generated by the principal use or uses on the site.

**(2)** Outside of a parking facility (as a principal use), parking that is unrelated to the principal use of the site, such as overnight parking of trucks with a gross vehicle weight of over 10,000 pounds, busses, semi-trucks or trailers (other than at a loading dock), is prohibited.

**(3)** Sem-trailers shall not be parked on property in a Residential zone district.

**(4)** Commercial vehicles or trailers shall not be parked on property in a Residential zone district, unless the commercial vehicle or trailer is:

**(a)** Directly associated with a nonresidential use that is permitted on the site;

**(b)** Engaged in an active construction or maintenance project on the site;

**(c)** Being actively loaded or unloaded; or

**(d)** Associated with a police, fire, or emergency service response.

**(J) Solar Energy Collection Facility, Small-Scale**[333]

**(1)** The system shall comply with the maximum height standards for the zone district in which it is located.

**(2)** A solar energy collection facility may be located on the roof of an existing structure irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface if the structure is at the maximum height allowed in the zone district.

**(3)** The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the small-scale solar energy collection facility, and recording any such solar easement with the office of the Montgomery County Probate Judge.

**(K) Storage Building**[334]

In the AGR, AGR-RES, and FH districts, a railroad car may be used for storage purposes on a lot at least five acres in size. The Board of Adjustment may grant a variance from the standards of this section in accordance with Section 2.5.12, Variance.

**(L) Wind Energy Facility, Small**[335]

**(1)** Tower-mounted small-scale wind energy systems shall not be located between the front lot line and the principal building on the site.

**(2)** The system shall be set back a minimum distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus five feet from all property lines, public street rights-of-way, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.

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[332] New standards for a new accessory use that is added to address overnight off-street parking of large vehicles such as semi-trucks and buses that are not related to the principal use of a site, as well as parking of commercial vehicles or semi-trucks on a property in a Residential district. This is intended to support the City's restrictions on streets where trucks may operate in Ch. 21, Art. VIII, Div. 2 of the City Code,

[333] Carries forward the standards in Section 4 of Article XI of the current Zoning Ordinance.

[334] This carries forward the accessory use described in Article VI, Section 10.11(b) of the current Zoning Ordinance. Section 10.11 also allows the use of railroad cars in certain commercial and industrial districts, following approval by the Planning Commission. This has not been carried forward as a separate use.

[335] These are new standards for a new accessory use.

**(3)** The maximum height of a system (including the tower and extended blades) shall be 75 feet if it is free-standing. If a system is mounted on the roof of an existing building, the maximum height shall be 40 feet above the existing building height.

**(4)** The noise produced by the wind turbine under normal operating conditions, as measured at the lot line abutting an existing residential use, shall not exceed 55 dBA at any time. The 55 dBA sound level, however, may be exceeded during short-term events that occur which are beyond the property owner's control, such as utility outages or severe windstorms.

**(5)** The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray or white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site. Bright, luminescent, or neon colors are prohibited.

**(6)** The blade tip or vane of a small-scale wind energy system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.

**(7)** The turbine or tower shall not be illuminated unless required by the FAA.

**(8)** Wind turbines shall not be readily climbable for the first 15 feet of the turbine.

**(9)** Signage shall not be allowed on the wind turbine. Signage may be posted on the fence near the entrance gate(s) or at the base of the tower identifying manufacturer's or installer's identification, appropriate warning signs, or owner identification.

**(10)** If use of the facility is discontinued for a continuous period of six months, the City shall deem it abandoned and provide the owner a written notice of abandonment stating that the owner has 90 days from the date of receipt of the notice to either resume use of the facility or file a notice of termination with the City. The owner shall remove the facility (including all towers, turbines, and above-ground structures and equipment) within 90 days after a notice of termination is filed.

# Section 4.4 Temporary Uses and Structures

## 4.4.1. General

The purpose of this section is to authorize the establishment of certain temporary uses and structures, which are uses and structures of a limited duration. This section identifies the zone districts in which temporary uses and structures are allowed, sets out general standards applicable to all temporary uses and structures, and sets out any special standards applicable to particular temporary uses and structures. This section is intended to ensure that such uses or structures do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

## 4.4.2. Temporary Use and Structure Table

### (A) Organization and Applicability

Table 4-9: Temporary Use and Structure Table, lists temporary uses and structures in alphabetical order.

### (B) Explanation of Table and Abbreviations

For each listed temporary use or structure in Table 4-9, the first column of each row identifies its name, which is defined in Section 8.3, Definitions. The entries in the cells formed by the intersection of a zone district column and a temporary use or structure row indicate whether a temporary use or structure is permitted in a particular zone district, as follows:

**(1) Temporary Uses and Structures Permitted By-Right**

**(a)** "P" in a cell other than in the PD or PD-TND district column indicates that the temporary use or structure is allowed by right in the zone district, subject to any use-

specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.

**(b)** "T" in a cell other than in the PD or PD-TND district column indicates that the temporary use or structure is allowed only following issuance of a temporary use approval in accordance with Section 2.5.9, Temporary Use Approval, and subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.

**(c)** "A" in a cell in the PD or PD-TND district column means that the temporary use or structure is allowed in the type of planned development district only if it is specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance, unless expressly modified in the PD Plan or PD Agreement for the district. See Section 3.9.3(A), Planned Development (PD) Plan, and Section 3.9.3(B), Planned Development (PD) Agreement.

**(2) Prohibited Uses**

A blank cell indicates that the temporary use or structure is prohibited in the zone district.

**(3) Use-Specific Standards**

A particular temporary use or structure may be subject to additional standards that are specific to the particular use. The right-most column in a row includes references to the standards in Section 4.4.4, Standards Specific to Temporary Uses and Structures, that apply to the temporary use or structure.

**(C) Temporary Use and Structure Table**

The temporary use and structure table is established in Table 4-9: Temporary Use and Structure Table.

**Table 4-9: Temporary Use and Structure Table**

**P = Permitted  T = Permitted with a Temporary Use Approval  A = Allowed in PD  Blank = Not Permitted**

| | Zone Districts | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Ag. | | Residential | | | | | | | | | Inst. | | | Commercial | | | | | | | | Ind. | | PD | | |
| **Use Category/Type** | AGR | AGR-RES | RSF-20 | RSF-12 | RSF-8.4 | RSF-7.2 | RSF-6 | RME-8.4 | RMF-7.2 | RMH-s | RMH-p | INST-PK-O | INST-G | INST-U | CN | CC | CG | CCOR | CR | CH | OC | OP | IL | IG | PD | PD-TND | Use-Specific Standards |
| Construction-related temporary structure | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | A | A | 4.4.4(A) |
| Food truck[336] | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | A | 4.4.4(B) |
| Model sales home[337] | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | A | 4.4.4(C) |
| Portable storage unit[338] | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | A | A | 4.4.4(D) |
| Temporary dwelling | T | T | T | T | T | T | T | T | T | T | T | | | | | | | | | | | | | | | | 4.4.4(E) |

## 4.4.3. Standards for All Temporary Uses and Structures

All temporary uses and structures shall, unless otherwise specified in this Ordinance: [339]

**(A)** Obtain any applicable City, county, state, or federal permits;

**(B)** Be compatible with the principal uses on the site;

**(C)** Be established only with permission of the landowner of the site;

[336] This references the existing use defined at Sec. 6-491 of the City Code.
[337] This is a new use.
[338] This is a new use.
[339] These are new standards.

**(D)** Not include permanent alterations to the site;

**(E)** Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;

**(F)** Not have adverse health, safety, noise, or nuisance impacts on any adjoining permanent uses or nearby residential neighborhoods;

**(G)** Not violate the applicable conditions of approval that apply to the site or a use on the site; and

**(H)** Be located on a site containing sufficient land area to allow the temporary use or structure to occur and accommodate associated pedestrian, parking, and traffic movement without adversely impacting surrounding lands, public facilities, and environmentally sensitive lands.

## 4.4.4. Standards Specific to Temporary Uses and Structures

### (A) Construction-Related Temporary Structure

A temporary structure relating to construction taking place on a site shall comply with the following standards:

**(1)** The temporary structure shall not be moved onto the project site prior to the issuance of a building permit and shall be removed within 30 days after issuance of the certificate of occupancy for the building or completed development.

**(2)** The temporary structure may be placed on a property adjacent to the construction site if site constraints make it infeasible to locate the structure on the construction site, provided the adjacent site is restored to its previous condition within 60 days after issuance of the certificate of occupancy for the building or completed development.

**(3)** Adequate off-street parking for the temporary structure shall be provided.

**(4)** A temporary structure, such as a trailer or modular unit, may be used as a real estate sales office in a new development for the sale and promotion of properties within that project and its future phases, or as a contractor's office or for the storage of construction equipment and materials.

**(5)** The Administrator shall issue the temporary use permit for an appropriate period of time not to exceed one year and may extend the temporary use permit for an additional period not to exceed one year on finding that the building construction or land development is proceeding in a reasonably timely manner.

### (B) Food Truck

Food trucks shall comply with the standards in Ch. 6, Art. XI of the City Code, Sec. 6-491 *et seq*.

### (C) Model Sales Home[340]

A model sales home shall comply wit the following standards:

**(1)** A model sales home shall be located on a lot or building site approved as part of a residential development or within a building approved as part of a residential development.

**(2)** There shall be no more than one model sales home per builder in the development.

**(3)** The model sales home shall comply with all dimensional standards and other development standards.

**(4)** The building shall be aesthetically compatible with the character of the surrounding area in terms of exterior color, predominant exterior materials, and landscaping.

**(5)** A model sales home may be used for temporary sales/leasing until the last lot or residential unit is developed. On termination of the temporary real estate sales/leasing use of a model sales home/unit, the home/unit shall be converted into, or removed and replaced with, a

[340] New standards for a new use.

permanent permitted use, and any excess parking shall be removed and landscaped in accordance with the development permits and approvals for the development.

**(D) Portable Storage Unit**[341]

A portable storage unit may be used for temporary storage on a site in accordance with the following standards:

**(1)** No more than one portable storage unit shall be located on a lot.

**(2)** The storage unit shall be no more than eight feet wide, 16 feet long, and eight feet high.

**(3)** A storage unit may be placed on a lot for no more than 30 consecutive days, and no more than 60 days within any calendar year, unless active construction activity is taking place on the site, in which case the storage unit may be placed on a lot for up to two years or until the construction activity ceases, whichever comes first

**(4)** The unit shall not be placed in the front yard, in the front parking lot of a commercial use, or in fire lanes, passenger loading zones, commercial loading areas, or public rights-of-way.

**(5)** The owner and operator of the lot containing a portable storage unit shall ensure that the unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing, or other holes or breaks. The unit shall be kept locked when not being loaded or unloaded.

**(6)** The owner and operator of the lot containing a portable storage unit shall ensure that no hazardous substances are stored within the unit.

**(E) Temporary Dwelling**

A temporary dwelling may be placed on a site with a single-family detached dwelling that is the principal use, in accordance with the following:

**(1)** A temporary dwelling may be placed on a site if needed to facilitate a caregiver's provision of care for a family member who is a mentally or physically impaired person and who needs assistance with activities of daily living such as bathing, dressing personal hygiene, ambulation, or locomotion, provided the temporary dwelling is removed within 30 days of the date on which it was last needed for the caregiver's assistance.

**(2)** A temporary dwelling may be placed on a site if the principal dwelling was damaged or destroyed by a fire, tornado, or other physical catastrophe, during the repair or reconstruction of the principal dwelling, provided the temporary dwelling is removed within 30 days of issuance of the certificate of occupancy for the permanent principal dwelling, or two years, whichever is sooner.

**(3)** All temporary dwellings shall be connected to all water, sewer, and electric utilities serving the primary residence and pass an inspection by the City in accordance with the Technical Codes of the City of Montgomery, and shall comply with all applicable building, health, and other regulations for a habitable dwelling.

## Section 4.5 Interpretation of Unlisted Uses

### 4.5.1. General

The Administrator shall determine whether a particular use type not expressly listed as an allowable use in a particular zone district in the use tables in Article 4: Use Regulations, is allowable in a particular district, whether by right, as a special exception, or with a temporary use approval, in accordance with the procedure in Section 2.5.14, Interpretation.

[341] New standards for a new use.

### 4.5.2. Standards for Allowing Unlisted Principal and Temporary Uses

The Administrator shall interpret a use not expressly listed as an allowable principal or temporary use in a particular zone district in the principal and temporary use tables in Article 4: Use Regulations, only after finding that the nature, function, and duration of the use and the impact of allowing it in the zone district are so similar to those of a use type or use category that is allowed in the zone district that the unlisted use should be deemed allowed in the same manner (i.e. permitted, special exception, temporary, or with a temporary use approval) as the similar use type or use category and subject to the same use-specific standards. In making such Interpretation, the Administrator shall consider the relevant characteristics of the unlisted use relevant to those of listed and defined use types, use categories, and use classifications described in this section, the purpose and intent statements in this Ordinance for the zone district, and the character of use types allowable in the zone district. The relevant characteristics of the unlisted use that should be considered in making this Interpretation include, but are not limited to, the following:

**(A)** Actual or projected characteristics of each activity likely to occur as part of the unlisted use;

**(B)** The type, size, orientation, and nature of buildings, and structures devoted to each activity;

**(C)** The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;

**(D)** Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;

**(E)** Transportation demands, including the volume and frequency of trips generated to and from the site, the split of traffic volume among various means of transportation, and other characteristics of trips and traffic;

**(F)** Relative amounts of sales from each activity;

**(G)** The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored;

**(H)** Customer type for each activity;

**(I)** The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;

**(J)** Any special public utility requirements for serving the use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and

**(K)** The impact on adjacent lands created by the use, which should not be greater than that of other use types allowed in the district.

### 4.5.3. Standards for Allowing Unlisted Accessory Uses.

The Administrator shall interpret a use not expressly listed as an allowable accessory use in a particular zone district in the use table in Section 4.3, Accessory Uses and Structures, in accordance with the standards in Section 4.3.2(C), Unlisted Accessory Uses.

# Article 5: Development Standards

**Commentary on Draft:**

**Article 5: Development Standards,** consolidates the development standards in the zoning ordinance relating to the layout of development. It includes 10 sections, which are outlined below.

**Section 5.1, Access and Connectivity Standards,** includes standards for the transportation network to ensure it is well-connected and provides safe and convenient access to the different uses in the City.

**Section 5.2, Off-Street Parking and Loading Standards,** establishes updated standards for parking areas for automobiles, and for loading areas.

**Section 5.3, Landscaping Standards,** sets out standards for landscaping (including along the perimeter of developments and within parking lots) and screening.

**Section 5.4, Fence and Wall Standards,** includes basic standards for fence and wall location, height, materials, design, and maintenance.

**Section 5.5, Open Space Set-Aside Standards,** establishes a set of standards for open space to be set aside for the occupants and users of new developments.

**Section 5.6, Riparian Buffer Standards,** regulates development on steep slopes to protect and preserve natural areas and features and reduce erosion.

**Section 5.7, Exterior Lighting Standards,** establishes a comprehensive set of exterior lighting standards to minimize light pollution in the night sky, reduce glare and other light trespass, and improve safety.

**Section 5.8, Form and Design Standards,** includes basic new form and design standards that apply to multifamily and townhouse uses, and to large retail establishments (also known as "big box" stores).

**Section 5.9, Outdoor Advertising Sign and Structure Standards,** is a placeholder for updated sign standards.

**Section 5.13, Floodplain Damage Prevention,** establishes a cross-reference to the City's flood damage prevention regulations.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

## Section 5.1 Access and Connectivity Standards

### 5.1.1. Purpose[342]

The purpose of this section is to ensure that developments are served by a coordinated multimodal transportation system that permits the safe and efficient movement of motor vehicles, emergency vehicles, transit, bicyclists, and pedestrians within the development and between the development and external transportation systems, neighboring developments, and local destination points such as places of employment, schools, parks, and shopping areas. Such a multimodal transportation system is intended to:

**(A)** Provide transportation options;

**(B)** Increase the effectiveness of local service delivery;

[342] This purpose statement is new.

**(C)** Reduce emergency response times;

**(D)** Promote walking and bicycling;

**(E)** Facilitate the use of public transportation;

**(F)** Contribute to the attractiveness of development and the community;

**(G)** Connect neighborhoods and increase opportunities for interaction between neighbors;

**(H)** Reduce vehicle miles of travel and travel times;

**(I)** Improve air quality;

**(J)** Minimize congestion and traffic conflicts; and

**(K)** Preserve the safety and capacity of the City's transportation systems.

## 5.1.2. Applicability[343]

**(A) New Development**

The standards in this section shall apply to all new development in the City that is subject to this Ordinance.

**(B) Existing Development**

An expansion or alteration of any development that existed on ___ [*insert effective date of this Ordinance]* in the City that is subject to this Ordinance shall comply with the standards of this section to the maximum extent practicable if the expansion increases the building's floor area by 50 percent or more or if the alteration involves 50 percent or more of the building's gross floor area, as measured over any five-year period.

**(C) Timing of Review**

Review for compliance with the standards in this section shall occur during review of a development application for a planned development (Section 2.5.4, Planned Development), development plan (Section 2.5.7, Development Plan), subdivision (see Subdivision Regulations), or building permit, whichever occurs first.

## 5.1.3. Developer Responsible for Access and Circulation Improvements[344]

The developer of the development being reviewed in accordance with this section shall provide the road, street, bikeway, sidewalk, and other access and circulation improvements, both on the development site and off the site as required by the approved development order, in accordance with the standards for design and construction in this Article 5: Development Standards and in the Subdivision Regulations, and shall dedicate any required rights-of-way or easements, as appropriate.

## 5.1.4. Traffic Impact Assessment (TIA)[345]

**(A) Purpose**

The purpose of a Traffic Impact Analysis (TIA) is to evaluate the impact that a proposed development may have on existing transportation infrastructure, including but not limited to impacts that the development may have on vehicular, bicycle, pedestrian, and transit systems.

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[343] This new subsection establishes what types of development to which the requirements in the section apply and how development is reviewed for accordance with these standards.
[344] This subsection is new. It assigns roles and describes which entities must build the access and connectivity-related improvements described here; this is a best practice used in many ordinances across the country.
[345] This is a new provision that requires an applicant to prepare a Traffic Impact Assessment (TIA) for proposed developments that meet certain thresholds for trip generation, or if the Administrator determines a reasonable

**(B) Requirement**

The developer shall submit a TIA that assesses the development impact on the surrounding street system in accordance with the following:

**(1)** If proposed development is anticipated to add 100 or more external vehicle trips during the peak hour to the adjacent street system; or

**(2)** The Administrator determines that, due to the potential impact of the development, in conjunction with other recently approved development in the area or proposed changes to the transportation network in the area, there is a reasonable likelihood that the development will impact the functioning of the street system adjacent to the use.

**(C) Content of TIA**

A TIA required in accordance with subsection shall:

**(1)** Include, at a minimum, information regarding the development's traffic generation and impacts at the development's access points onto the adjacent street system, and at the nearest intersection of a local street and an arterial or collector street if the development's direct access is to a local road;

**(2)** Be prepared in accordance with the current edition of the forms, procedures, and guidelines which are provided by the Administrator;

**(3)** Assume full occupancy and a reasonable build-out of the proposed development;

**(4)** Identify improvements to the transportation network that are needed to mitigate the traffic impacts of the proposed development.

**(5)** Be prepared by a qualified professional in the field of civil or traffic engineering, or transportation planning;

**(6)** Be submitted to the Administrator for review of the study's sources, methodology, technical accuracy, assumptions, and findings.

**(D) Review of TIA**

**(1)** The Administrator shall review and decide whether to reject or approve the TIA's sources, methodology, technical accuracy, assumptions, findings, and proposed mitigation actions, based on professional transportation engineering principles.

**(2)** The Director may revoke approval of a TIA and requirement preparation of a new TIA following a significant change in the development proposal.

## 5.1.5. Multimodal Access and Circulation System[346]

All development shall be served by a system of sidewalks, paths, roadways, accessways, and other facilities designed to provide for multiple travel modes (vehicular, pedestrian, and bicycle), as appropriate to the development's size, character, and relationship to surrounding development and development patterns, and existing and planned community transportation systems. These systems shall take into account topography, public convenience, and safety, in accordance with the City's comprehensive plan. Vehicular, bicycle, and pedestrian access and circulation systems shall be coordinated and integrated to provide transportation choices within, to, and from the proposed development, as appropriate.

likelihood of an impact on the transportation network. The TIA is required to be provided by a qualified professional, and to quantify the impacts of the development and the mitigation steps that might be completed. The Administrator reviews and may approve the TIA.

[346] This paragraph updates and carries over language from the existing Subdivision Regulations (Section IV.A) related to general street design standards.

## 5.1.6. General Access and Connectivity Standards

### (A) Purpose[347]

The purpose of these connectivity standards is to enhance safe and convenient mobility within and between neighborhoods and developments that helps integrate and connect neighborhoods, allow residents to conveniently visit neighbors and nearby commercial and mixed-use places without compromising the capacity of the City's streets to accommodate through-traffic, improve opportunities for comprehensive and convenient services, enhance efficient provision of public services, and improve the speed and effectiveness with which emergency services and police and fire protection can be provided to City residents.

### (B) Arrangement of Blocks and Streets[348]

All development shall comply with the following standards:

#### (1) Block and Street Configuration

The lengths, widths, and shapes of blocks in a development shall be determined by considering the size of building sites necessary for the needs of the anticipated use; the requirements of the zone district in which the development is located, the needs of vehicular, bicycle, and pedestrian circulation; the control and safety of street traffic; the limitations and opportunities of topography; and convenient access to water areas.

#### (2) Block Length

##### (a) General Standards

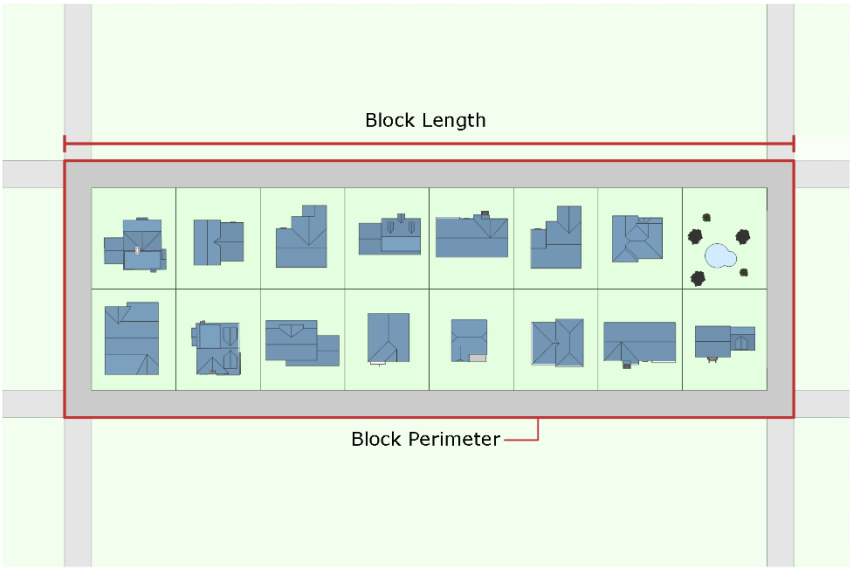
Except as provided in subsection (b) below, the maximum length of any block within a development or redevelopment that proposes the addition or removal of streets shall comply with Table 5-1: Block Length Requirements (see Figure 5-1: Illustration of Block Length Standards).

**Table 5-1: Block Length Requirements[349]**

| Zone District | Maximum Average Block Length (ft.) | Maximum Block Length (ft.) | Maximum Block Perimeter (ft.) |
|---|---|---|---|
| RSF-12, RSF-8.4, RSF-7.2, RSF-6, RME-8.4, RME-7.2 | 750 | 1,000 | 3,000 |
| CN, CC, CG, PD-TND | 600 | 800 | 2,400 |
| CR, OC | 800 | 1,000 | 2,600 |
| All other zone districts | None | None | None |

[347] These standards are a mixture of new and carried over and updated standards from the current ordinance. They support complete streets policies by helping to minimize unnecessary traffic between different uses and make accessing key destinations easier and improve the efficiency of city EMS services, among other benefits.
[348] These standards are new. The City's current block and block length-related standards, while useful, were outmoded and did not differentiate between zone districts with very different built environment contexts. The maximum block length of 1,800 feet and recommended length of 1,200 feet in the existing Subdivision Regulations are both well above what is recommended in modern codes. We have added these new standards to align with modern best practices, and also because shorter block lengths help promote Complete Streets policies and multimodal transportation, especially walking, and create a more pleasant built environment for city residents.

**Figure 5-1: Illustration of Block Length Standards**




**(b) Exceptions**

The Administrator may approve a block length that does not comply with the standards in Table 5-1: Block Length Requirements for either of the following reasons:

**1.** The Administrator determines that one or more of the following conditions prevents a through connection and there are no other practical alternatives:

**I.** Physical obstacles such as prior platting of property from another landowner;

**II.** Construction of existing buildings or other barriers;

**III.** Slopes over 15 percent;

**Iv.** Wetlands and water bodies;

**v.** Railroad or utility right-of-way; or

**vi.** Existing limited-access motor vehicle right-of-way.

**2.** To accommodate parks, dedicated open spaces, civic uses, pedestrian-oriented campuses, conference centers, amphitheaters, arenas, or other similar pedestrian-oriented, civic, or large-scale assembly uses.

## (C) Connectivity Index

### (1) Minimum Connectivity Index Score Required

New subdivisions where at least 50 percent of the developed land area is dedicated to single-family dwelling units shall achieve an internal street connectivity index score of 1.6 or above.

### (2) Connectivity Score Index Calculation

The connectivity index score for a development is calculated by dividing its links by its nodes. See Figure 5-2: Street Connectivity Index Illustration, for an example of how to calculate the connectivity index score.

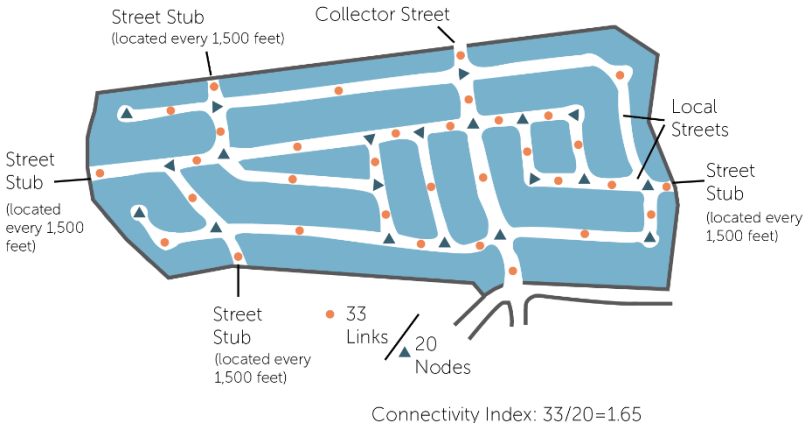
**(a)** A “link” refers to that portion of a street or alley defined by a node at each end or at one end. Approved stubs to adjacent property will be considered links. A pedestrian connection provided through a cul-de-sac in accordance with Sec. 5.1.6(F)(3),

Pedestrian Connections Through Cul-De-Sacs, will count as a link for purposes of this calculation.

**(b)** A "node" refers to the terminus of a street or the intersection of two or more streets, except that intersections that use a roundabout shall not be counted as a node.

**(c)** Street links and nodes along collector or arterial streets that provide access into a proposed subdivision shall not be considered in computing the connectivity ratio.

**Figure 5-2: Street Connectivity Index Illustration**




**(D) External Street Connectivity[350]**

**(1)** Proposed street layouts shall be coordinated with the existing street system in surrounding areas, shall provide for the alignment and continuation of existing or proposed streets into adjoining lands where the adjoining lands are undeveloped and deemed appropriate for future development or are developed and include opportunities for such connections, and shall be consistent with streets proposed in the comprehensive plan or other adopted plans.

**(2)** Street rights-of-way shall be extended to or along adjoining property boundaries. Streets shall be continued or street stubs shall be provided where practicable and feasible in each direction (north, south, east, and west) for development that abuts vacant lands.

**(3)** At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed with the words "FUTURE STREET CONNECTION."

**(4)** The final plat shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped or underdeveloped lands.

**(5)** Stub streets that exceed 150 feet in length shall include a turn-around that shall be replaced when the stub street is connected.

**(E) Access Limitations to Arterial Streets[351]**

A development shall connect directly to an arterial street via a driveway only if:

**(1)** It is not practicable to provide direct access from the site to a lower-classified street such as a collector street;

[350] This subsection includes new standards to help ensure the consistent and orderly connection and extension of streets over time as new areas of the City are developed. It also incorporates provisions from the Subdivision Regulations (Sec. IV.A) that calls for the continuation of existing streets.
[351] These standards are new and are intended to improve traffic safety on higher-capacity roads by limiting connections except where necessary,

**(2)** The development accesses the arterial road only using one two-way driveway, or one pair of one-way driveways, on lots with 660 or less feet of lot frontage on the arterial street, and no more than one additional two-way driveway or pair of one-way driveways per additional 660 feet of frontage; and

**(3)** Either:

**(a)** The development(s) served by the driveway is expected to generate an average daily traffic (ADT) count of 1,000 trips or less; or

**(b)** The Traffic Engineer determines that the origin or destination points accessed by the driveway will generate sufficiently low traffic volumes, and the adjacent arterial street has sufficiently low travel speeds and traffic volumes, to allow safe driveway access while preserving the safety and efficiency of travel on the arterial or collector street.

### (F) Streets and Cul-de-Sacs

#### (1) Half and Dead-End Streets[352]

**(a)** Dead-end streets may be allowed and platted only adjacent to land that is not subdivided, if the Planning Commission determines they are necessary or desirable based on the context of the development. Any permitted dead-end streets shall:

**1.** Be extended to the property's boundaries for future street extension;

**2.** Have a maximum length of 600 feet; and

**3.** At the closed end of the street, be terminated with a turn-around having an outside roadway diameter of at least 80 feet, and a street right-of-way diameter of at least 100 feet.

**(b)** Half streets are prohibited.

#### (2) Limitation on Direct Access to Local Streets[353]

Local streets shall be arranged to discourage use by through traffic.

#### (3) Pedestrian Connections Through Cul-De-Sacs[354]

A paved pedestrian access open to the public at least eight feet wide shall be provided through the head of a cul-de-sac in a single or two-family residential subdivision (see Figure 5-3: Pedestrian Connections Through Cul-De-Sac) if:

**(a)** The cul-de-sac is in close proximity (defined generally as within a half-mile) to significant pedestrian generators or destinations such as schools, parks, trails, greenways, employment centers, mixed use development, retail centers, or similar features, or creates an unreasonable impediment to pedestrian circulation (defined generally as walking distance between uses on the cul-de-sac and uses on the closest street that is at least four times the actual physical distance between these two uses); and

**(b)** The pedestrian access can be reasonably achieved and connected to an existing or proposed sidewalk, trail, greenway, or other type of pedestrian connection.

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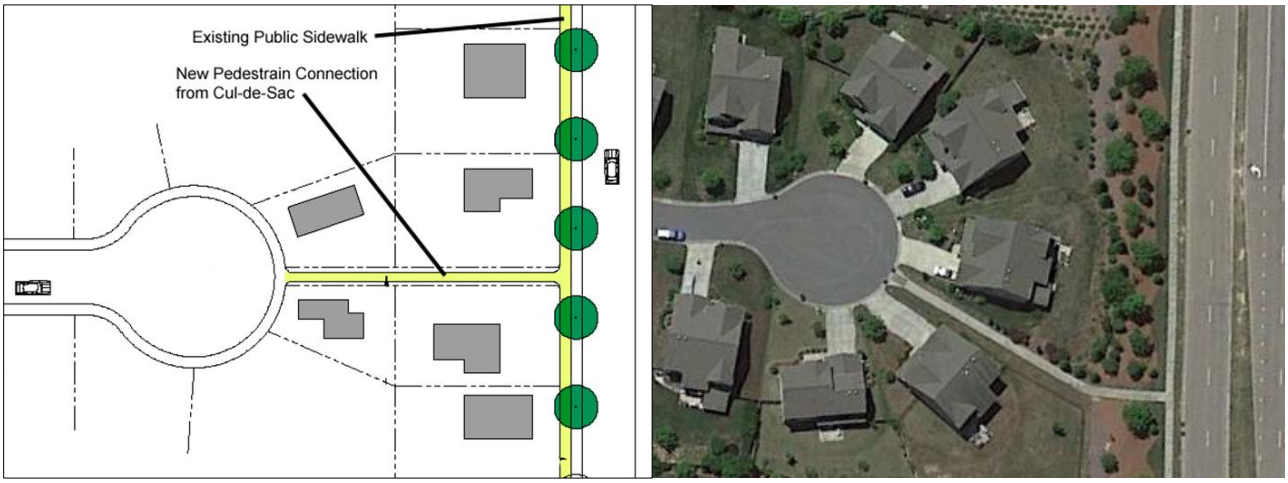
[352] This subsection carries forward and updates standards (Subdivision Regulations, Section IV, A., 9 to 11) related to half and dead-end streets.

[353] This carries forward a standard from the existing Subdivision Regulations (Section IV, A).

[354] This includes new standards and standards carried over with updated language from the current Subdivision Regulations (Section IV, C – Blocks). As recommended in the Assessment, these standards strengthen pedestrian connectivity by requiring right-of-way for cut-through pedestrian connections between cul-de-sacs and nearby sidewalks and key community destinations.

**Figure 5-3: Pedestrian Connections Through Cul-De-Sac**




These pedestrian connections shall count as a link for the purpose of calculating the connectivity index.

**(4) Sidewalks** [355]

**(a)** Sidewalks are required to be installed on both sides of all streets except in the AGR and AGR-RES districts, except the Administrator may waive or modify the requirement for sidewalks or for a planting area with street trees for the following reasons:

**1.** Upon determining that such sidewalks or street trees are impractical or infeasible due to the presence of topographic conditions or natural features that do not allow connections to be realistically made;

**2.** There are no sidewalks on properties within 100 linear feet of the property on either side of the same block face; or

**3.** The lot is a lot of record that does not meet the dimensional standards of this Ordinance.

**(b)** All required sidewalks shall be at least five feet in width adjacent to uses in the Residential use classification, and seven feet in width adjacent to uses in all other use classifications. There shall be a minimum five foot clear path along all sidewalks, uninterrupted by utility poles, street furniture, or other obstacles. During development or redevelopment, sidewalks along a development's frontage shall be replaced or updated to comply with the applicable minimum width requirement.

**(c)** Street trees shall be included in accordance with Sec. 5.3.7, Street Trees.

**(d)** Sidewalks may be placed in the existing street-right of way with permission of the street owner, on additional right-of-way dedicated by the developer, or on the development's property within a dedicated pedestrian easement.

**(e)** Sidewalks or other pedestrian walkways shall be constructed within any commercial, mixed-use, or multifamily development consisting of multiple buildings to link buildings in the development with other destinations in the development, including parking areas, open space and other on-site amenities, and other common areas serving the development (e.g., mailbox clusters), and with sidewalks and other pedestrian ways on adjoining lands.

[355] This subsection builds upon and updates sidewalk-related provisions from the current Subdivision Regulations (Section IV.C and Section V.C) and requires the installation of sidewalks on both sides of all streets within a subdivision, except in the rural AGR and AGR-RES districts, as recommended in the Assessment. It also incorporates the provisions required to concrete-paved pedestrian walkways or cross walks that provide access to key community destinations at Sec. Iv.C.3. The following provision currently housed under subsection C, Blocks (line 4) will be moved to the landscaping standards: "When feasible, all trees of major growth shall be preserved during subdivision development."

### (G) Cross Access Between Adjoining Development[356]

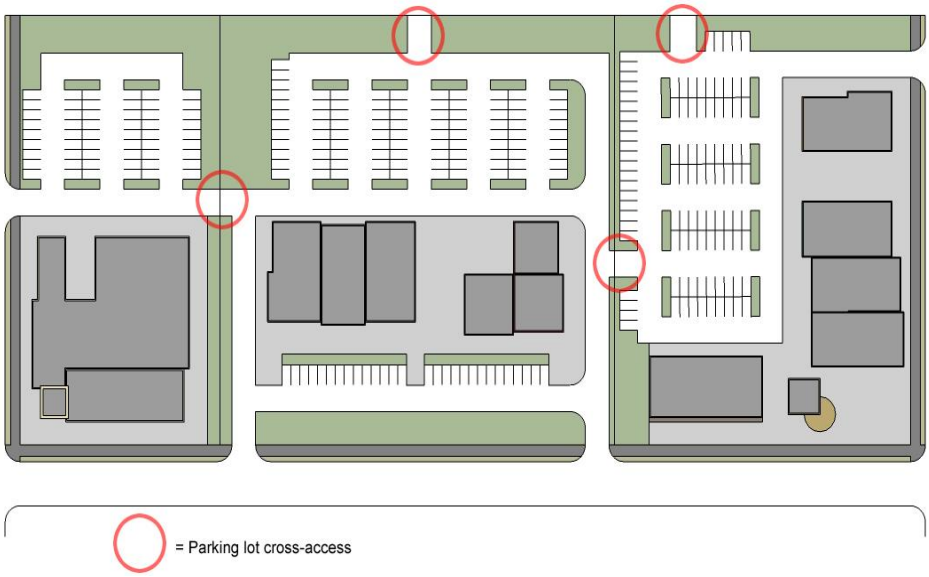
#### (1) Vehicular Cross-Access[357]

**(a)** Except as provided in subsection (c) below, the internal vehicular circulation system in new nonresidential and mixed-use development shall be designed and constructed to provide vehicular cross-access between any vehicular parking areas (parking lots) within the development and any vehicular parking areas on adjoining parcels containing nonresidential or mixed-use development, and to the boundary of adjoining vacant land if it is in a Business district, Planned Development district, or SmartCode district (see Figure 5-4: Example of Vehicular Parking Area Cross-Access). The cross-access shall consist of a driveway or drive aisle that is at least 22 feet wide or two, one-way driveways or aisles that are each at least 14 feet wide.

**(b)** Easements allowing cross-access to and from lands served by a vehicular cross-access, along with agreements defining maintenance responsibilities of landowners pertaining to the vehicular cross-access, shall be recorded in the public records of Montgomery County Judge of Probate .

**(c)** The Administrator may waive or modify the requirement for vehicular cross-access in subsection (a) above on determining that such cross–access is impractical or undesirable due to the presence of topographic conditions, natural features, or vehicular safety factors.

**Figure 5-4: Example of Vehicular Parking Area Cross-Access**




#### (2) Pedestrian Cross-Access[358]

**(a)** Except as provided in subsection (c) below, the internal pedestrian circulation system in new multifamily, nonresidential, or mixed-use development shall be designed to allow for pedestrian cross access between the development's buildings and parking

[356] These standards are new and incorporate modern best practices related to streets and vehicular, bicycle, and pedestrian cross-access.
[357] This new provision requires that abutting parking lots for nonresidential and mixed-use development in the Commercial (Business), Planned Development, and SmartCode districts be connected by cross access.
[358] The new provision requires connectivity to pedestrian facilities on parcels abutting a new nonresidential or mixed-use development by cross access.

areas and those on adjoining lots containing multifamily, nonresidential, or mixed-use development.

**(b)** Easements allowing cross-access to and from properties served by a pedestrian cross-access, along with agreements defining maintenance responsibilities of landowners, shall be recorded in the public records of Montgomery County Judge of Probate.

**(c)** The Administrator may waive or modify the requirement for pedestrian cross-access in subsection (a) above on determining that such cross–access is impractical or infeasible due to the presence of topographic conditions or natural features.

**(H) Traffic-Calming Measures**[359]

**(1)** In residential subdivisions, street widths not in excess of basic design standards, short block lengths, on-street parking, controlled intersections, roundabouts, and other traffic-calming measures are encouraged on all local streets, provided they do not interfere with emergency vehicle access.

**(2)** Residential development shall employ measures to interrupt direct vehicle flow on linear street segments over 800 linear feet long, to the maximum extent practicable (see Figure 5-5: Traffic Calming Measures). Such measures may include, but shall not be limited to:

**(a)** Stop signs at street intersections;

**(b)** Mini roundabouts at intersections;

**(c)** Curvilinear street segments to slow traffic and interrupt monotonous streetscapes;

**(d)** Traffic-diverting physical devices such as neckdowns, chicanes, and diverter islands;

**(e)** Roadway striping to limit vehicular cartway widths or accommodate bike lanes; and

**(f)** Raised intersections or elevated pedestrian street crossings.

**(g)** Any physical installations that narrow the roadway and extend curbs toward the street centerline, such as bulbouts and chicanes, are discouraged on streets less than 24 feet wide, but are encouraged on wider streets as a traffic calming device and to reduce crossing distance for pedestrians, where practicable.

**Figure 5-5: Traffic Calming Measures**

## 5.1.7. Private Streets[360]

Private streets are allowed subject to the following standards:

**(A)** All private streets shall be built to City construction standards and specifications and include any necessary utility easements required for water and wastewater service.

[359] This subsection is new. The standards here build on recommendations in the Assessment to encourage the use of traffic calming measures in appropriate locations throughout the city. Interventions like the ones listed above, such as mini roundabouts at some intersections, can help slow traffic through neighborhoods and increase the safety of all road users.

[360] This section adds new standards for private streets. These standards identify which parties are responsible for the maintenance and funding of private streets and make it clear that the City is not responsible for their maintenance. As requested by staff and discussed in the Assessment, there are basic standards regarding secure access to gated communities by emergency services and provisions related to upkeep.

**(B)** Parking for vehicles shall be accommodated on development sites. Private street access easements shall not be used or calculated to account for required off-street parking except in accordance with Section 5.2, Off-Street Parking and Loading Standards.

**(C)** Private streets and developments with private streets shall adhere to all Police Department requirements and shall be subject to City police protection and any and all law enforcement powers.

**(D)** A development with private streets shall have signage indicating the street is private. Proposed street signs that vary from the standard City signs may be used subject to approval as part of the development plan or subdivision, as appropriate.

**(E)** The development order or plat shall clearly identify private streets and state that the City is not responsible for maintenance of the private street.

**(F)** A homeowners' association, property owners' association, or similar organization representing all persons with ownership interest in the development shall be established to maintain the private streets. The organization is responsible for maintenance and care of the private streets and has the authority to assess funds from its members to pay for maintenance of the street and all associated drainage facilities.

**(G)** The applicant shall provide a method for public vehicles (including emergency vehicles and utility services) to access private streets and properties or utilities served by the street, as applicable, at all times, including instances where an access gate is used.

**(H)** All new or modified gated developments that have private streets without 24-hour staffed guard houses and with automatic opening devices, such as but not limited to, single-family developments, multi-family developments, commercial, office, institutional, and industrial developments, shall be required to install automated systems that enable public agencies to open the gate as needed. The equipment shall be maintained so it is capable of proper operation at all times and shall be compatible with existing emergency vehicle preemption equipment.

## Section 5.2 Off-Street Parking and Loading Standards

### 5.2.1. Purpose[361]

The purpose of this section is:

**(A)** To ensure adequate facilities for off-street vehicular parking and loading and bicycle parking in proportion to the generalized parking and loading demand of the different zone districts and uses allowed by this Ordinance.

**(B)** To provide for adequate off-street vehicular parking while supporting walkable urbanism and bicycle storage in appropriate locations, and allowing the flexibility needed to accommodate alternative parking solutions.

**(C)** To ensure that off-street parking and loading areas do not encroach on or interfere with the public use of streets and alleys by pedestrians and provide for safe passage of pedestrians through the lot.

**(D)** To support the city's Complete Streets policy.

[361] This section is new and establishes the purpose and intent of the updated parking and loading standards.

## 5.2.2. Applicability[362]

### (A) New Development

All new development in the City that is subject to this Ordinance shall provide off-street vehicular parking, bicycle parking, and loading areas in accordance with the standards of this section.

### (B) Existing Development

If an existing structure or use in the City that is subject to this Ordinance is expanded or enlarged (in terms of the number of dwelling units, floor area, number of employees, or seating capacity), any additional off-street parking and loading spaces that may be required shall be provided in accordance with the requirements of this section as applied only to the expanded or enlarged part of the structure or use.

### (C) Timing of Review

Review for compliance with the standards in this section shall occur during review of a development application for a planned development (Section 2.5.4, Planned Development), development plan (Section 2.5.7, Development Plan), subdivision (see Subdivision Regulations), or building permit, whichever occurs first.

## 5.2.3. Parking and Loading Plan[363]

All development applications subject to review for compliance with the standards of this section which propose more than ten off-street parking spaces shall include a parking and loading plan. The plan shall accurately designate the number and location of required vehicular parking spaces, delivery/pick-up/rideshare spaces, access aisles, driveways, bicycle parking spaces, and loading facilities, as applicable. The plan shall also illustrate how the vehicular and bicycle parking and loading facilities relate to the uses or structures they are designed to serve, including how they coordinate with the vehicular, pedestrian, bicycle, and transit circulation systems within and adjacent to the development. The plan shall also demonstrate any alternatives to the off-street vehicular surface parking requirements in Table 5-3: Minimum Number of Off-Street Parking Spaces, by providing the information required by Sec. 5.2.5(G), Off-Street Vehicular Parking Alternatives.

## 5.2.4. General Parking and Loading Area Standards

### (A) Use of Parking and Loading Areas[364]

#### (1) General

Parking lots required by this section shall be used solely for the parking of registered motor vehicles in operating condition. Required parking spaces and loading berths shall not be used for the display of goods for sale (except for farmers' markets, food trucks, seasonal sales, and other uses explicitly permitted in this Ordinance), or the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies.

#### (2) Identified as to Purpose and Location

Parking lots of three or more spaces and all off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading berths and distinguishing such spaces or berths from aisles. Specific dimensional and marking standards are defined in subsection (D) below.

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[362] This section is new. It explains how the parking and loading regulations apply to different types of development.
[363] This requirement is new and provides the City an opportunity to evaluate if an applicant's off-street parking and loading plan complies with the standards of this Section 5.1.
[364] These standards are new. They regulate the appropriate uses of parking lots and how parking spaces are identified within lots.

### (B) Surfacing[365]

#### (1) General

**(a)** Except as provided by subsection (2) below, all parking lots and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material. Use of surfacing that includes recycled materials (e.g., glass, rubber, used asphalt, brick, block, and concrete) is encouraged. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.

**(b)** The use of pervious or semi-pervious parking lot surfacing materials, including but not limited to pervious asphalt and concrete, open joint pavers, and reinforced grass/gravel/shell grids, is encouraged and may be approved for parking lots and loading areas, provided such surfacing is subject to an on-going maintenance program (e.g., sweeping, annual vacuuming). Any pervious or semi-pervious surfacing used for aisles within or driveways to parking and loading areas shall be certified as capable of accommodating anticipated traffic loading stresses and maintenance impacts.

#### (2) Exceptions

In lieu of complying with the requirements of subsection (1) above, the following uses may provide off-street parking that is surfaced in accordance with the following:

**(a) Single-Family and Two-Family (Duplex) Dwellings[366]**

Single-family and two-family dwellings may provide required off-street vehicular parking that either:

**1.** Is covered with pervious materials such as crushed stone or gravel if such material is:

**I.** Expressly designed for such purposes, including but not limited to bricks or railroad ties;

**II.** Bordered by plastic/PVC landscaping or similar materials to contain any loose material; and

**III.** Renewed or replaced as reasonably necessary to maintain a neat and orderly appearance; or

**2.** Includes surfacing in two strips ("tire ribbons") of a material specified in Section 5.2.4(B)(1) above, designed to provide a driving surface for the wheels of an automobile along the length of the parking space and/or driveway, with grass or gravel placed in between the driving surfaces, provided the overall parking space complies with the minimum dimensional requirements in this section.

**(b) Religious Institution, Education, and Parks and Open Space Uses[367]**

A place of worship use or a use in the Education or Parks and Open Space use categories may provide vehicular parking that is surfaced with grass, provided that the grass is maintained in good condition and adequate fire access is provided, and accessible spaces are provided on pavement in accordance with Section 5.2.4(B)(1) above.

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[365] This new standard provides basic surfacing requirements for parking and loading areas across the City to promote attractive and well-maintained parking facilities while providing the option to use permeable surfacing.
[366] This is a new provision that exempts single-family and duplex residences from the new surfacing requirements but establishes new standards for design that require parking areas to be kept in a neat and orderly condition.
[367] This new standard allows additional parking surface flexibility for certain Institutional uses.

### (C) Location and Arrangement[368]

#### (1) Safe and Convenient Access

**(a)** Off-street vehicular parking lots and loading areas shall be arranged for convenient access between an adjacent street and all parking spaces and loading berths to facilitate ease of mobility, ample clearance, and safety of vehicles and pedestrians. Each off-street parking space and loading berth shall have adequate, unobstructed means for the ingress and egress of vehicles.

**(b)** Except for off-street vehicular parking serving single-family detached or two-family (duplex) dwellings, parking lots shall be arranged so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk.[369]

**(c)** Except for off-street vehicular parking serving single-family detached, two-family (duplex), and townhouse dwellings, parking lots shall be arranged so an automobile may be parked or un-parked without moving another automobile, unless it is within an automated or mechanical parking deck or garage or part of valet or tandem parking in accordance with Sec. 5.2.5(G)(5), Valet or Tandem Parking.

**(d)** Parking lots, aisles, pedestrian walks, landscaping, and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.

**(e)** Buildings, parking and loading areas, landscaping, and open spaces shall be designed so that pedestrians moving between parking areas and buildings, and between buildings, are minimally exposed to vehicular traffic.

**(f)** Landscaped, paved, and gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings. Pedestrian walks should be designed to discourage incursions into landscaped areas except at designated crossings.

**(g)** Each off-street parking space shall open directly onto an aisle or driveway that, except for single-family detached and two-family (duplex) dwellings, is not a public street.

**(h)** Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family detached or two-family (duplex) dwelling shall be counted as one or more parking spaces for the dwelling unit; the number of parking spaces that may be accommodated in the driveway shall be based the number of vehicles that can be accommodated in the driveway without overhanging a street or sidewalk.

**(i)** The design of the parking lot shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.

**(j)** No parking space shall be located to block access by emergency vehicles.

#### (2) Backing Onto Streets Prohibited[370]

Except for off-street parking areas serving single-family detached, two-family (duplex), and townhouse dwellings, all parking lots and loading areas shall be arranged so that no vehicle is required or encouraged to back out from such areas directly onto a street.

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[368] This section is new and establishes standards for the development of parking lots that are safe and well-designed, and do not encourage unsafe driving behaviors.
[369] This new provision exempts single-family and two-family residences from the restriction against any maneuvering incidental to parking occurring in a public street.
[370] This new provision is included to improve safety by prohibiting parking designs that require or lead to drivers backing out directly into streets.

### (D) Dimensional and Marking Standards[371]

The following standards apply to all off-street parking lots serving three or more vehicles.

#### (1) General Requirements

**(a)** Each required parking lot and space, and each off-street loading area and berth, shall be identified by surface markings that are arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Such markings—including striping, directional arrows, lettering on signs and in handicapped-designated areas, and labeling of the pavement—shall be maintained to be readily visible at all times.

**(b)** Vehicular parking spaces and aisles shall comply with the standards in the most current version of the Traffic Engineering Handbook published by the Institute for Transportation Engineers (ITE) and the standards in Table 5-2: Dimensional Standards for Parking Spaces and Aisles as illustrated in Figure 5-6: Measurement of Parking Space and Aisle Dimensions.

**Table 5-2: Dimensional Standards for Parking Spaces and Aisles [1] [2]**

| Parking Angle (degrees) | Stall Width (ft) | Aisle Width (ft) [3] | Stall Length along Curb (ft) | Double Row + Aisle, Curb to Curb (ft) |
|---|---|---|---|---|
| A | B | C | D | E |
| 0 | 8 | 11 | 22 | 27 |
| 45 | 9 | 14 | 13 | 52 |
| 60 | 9 | 18 | 10.5 | 58 |
| 90 | 9 | 24 | 9 | 60 |

**NOTES:**

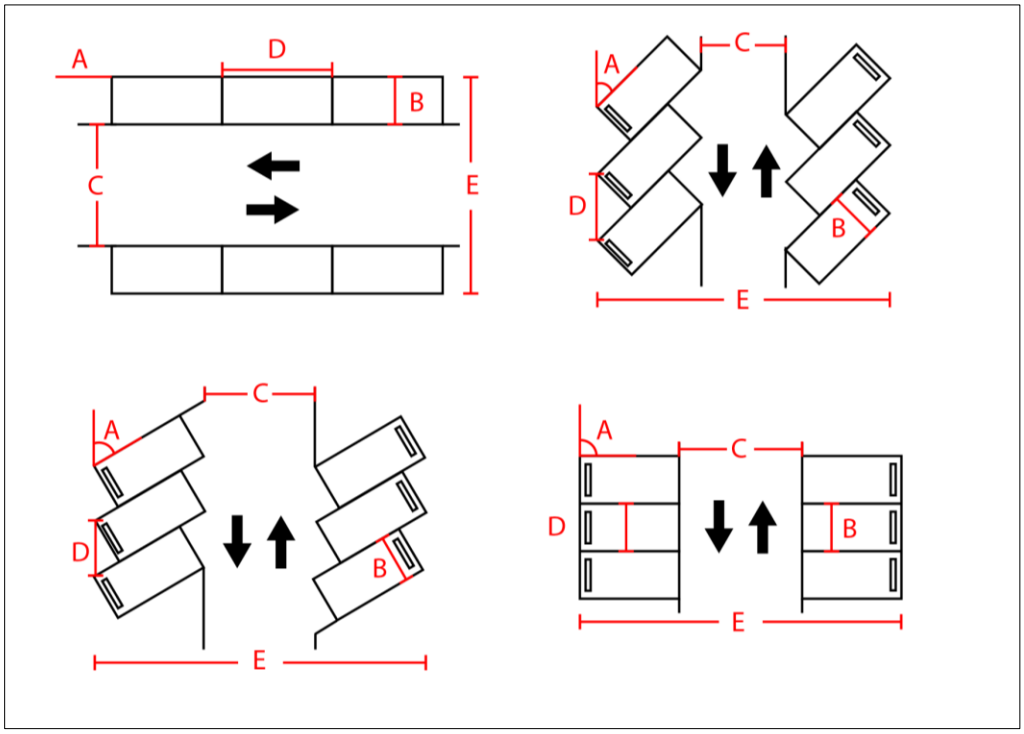
[1] Refer to Figure , below, for illustrations showing how dimensions for parking spaces and aisles in various configurations (A-E) are measured.

[2] Dimensional standards may be modified by the Administrator for ramped parking structures to ensure adequate room is provided.

[3] For one-way traffic; aisles for two-way traffic shall be at least 22 feet wide (for all parking angles). Any aisle used as a fire lane shall be at least 20 feet wide. The Administrator may approve an aisle width less than the minimum upon determining that the aisle is sufficiently wide to allow vehicles to conveniently maneuver through the parking area and access each parking space without driving through any other parking space.

[371] This subsection is new and includes staff input. As recommended in the Assessment, it establishes basic standards around the dimensions and arrangement off-street parking spaces and aisles.

**Figure 5-6: Measurement of Parking Space and Aisle Dimensions**



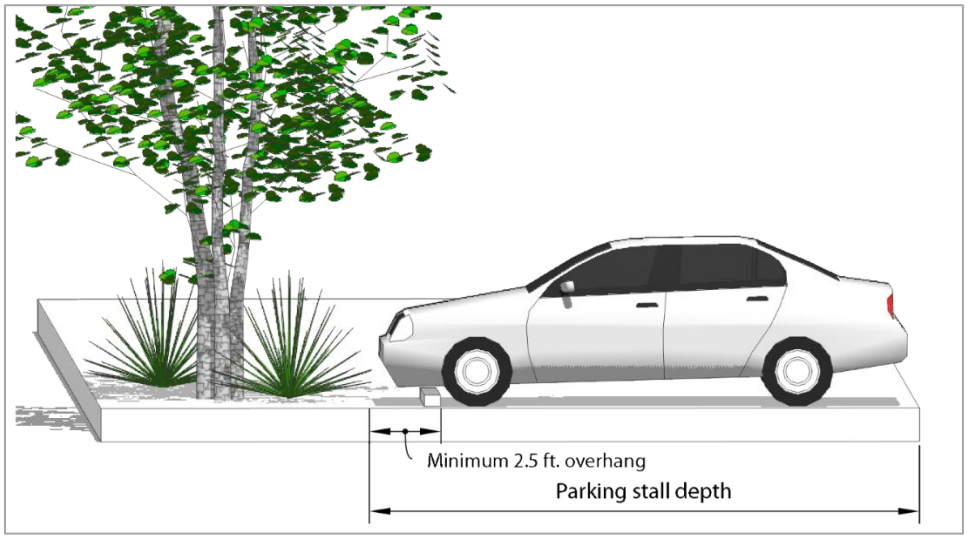

**(2) Accessible Spaces**

Development required to provide off-street vehicular parking spaces shall ensure that a portion of the total number of required off-street parking spaces are specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the federal Americans with Disabilities Act Accessibility Guidelines. All accessible parking spaces shall be made available on the same site as the use it is serving.

**(3) Vehicle Overhang**

A minimum of a two-and-one-half-foot overhang is required from a curb or wheel stop onto a non-paved surface for all off-street vehicular parking spaces except parallel spaces. The overhang areas may not intrude onto pedestrian walkways, landscaped buffers, accessways, rights-of-way, or adjacent property not a part of the site. See Figure 5-7: Vehicle Overhang.

**Figure 5-7: Vehicle Overhang**




**(E) Exterior Lighting**

Lighting in parking lots and loading areas shall comply with the standards of Section 5.7, Exterior Lighting Standards.

**(F) Landscaping**

Parking lots and loading areas shall be landscaped in accordance with Section 5.3, Landscaping Standards.

**(G) Large Parking Lots[372]**

**(1) Applicability**

Parking lots containing 200 or more parking spaces shall be configured in accordance with the following standards.

**(2) Location**

No more than 30 percent of the off-street parking required in accordance with this section shall be located between a principal building on the site and a public street. An applicant may request modification from the standards of this subsection in accordance with Sec. 2.5.12, Variance,

**(3) Primary Drive Aisle**

Primary drive aisles within parking lots shall be designed to appear as an extension of the public street network extending from the public right-of-way along the full length of the primary façades of structures being served by the drive. Each primary drive aisle shall comply with the following standards (see Figure 5-8: Location of Primary Drive Aisle):

**(a)** Have a minimum cross section width between curbs to serve two travel lanes;

**(b)** Include a sidewalk or curb-delineated pedestrian passageway along the front façade of a building when the drive aisle is aligned parallel to that building façade; and

**(c)** Provide street trees along both sides of the primary drive aisle with a maximum spacing of 50 feet on-center. Small-maturing trees may be used adjacent to the building façade within 40 feet of building entrances.

[372] This subsection is new, and builds on recommendations in Section 4.2.1 of the Assessment for enhanced design requirements in larger off-street parking lots.

**Figure 5-8: Location of Primary Drive Aisle**

**(4) Pedestrian Pathway**

The parking lot shall be visually and functionally segmented into smaller lots with landscape islands and strips through the use of fully separated, improved pedestrian pathways that (see Figure 5-9: Example of Pedestrian Pathways):

**(a)** Are provided, at a minimum, every six parallel parking rows (every three double-row parking bays) or every 200 feet, whichever is the lesser dimension (see Figure 5-10: Pedestrian Pathway Configuration);

**(b)** Are enhanced with planted landscaping strips;

**(c)** Include, to the maximum extent practicable, a pathway aligned with and perpendicular to the primary entrance into the building served by the parking lot;

**(d)** Are paved with asphalt, cement, or other comparable material;

**(e)** Are of contrasting color or materials when crossing drive aisles;

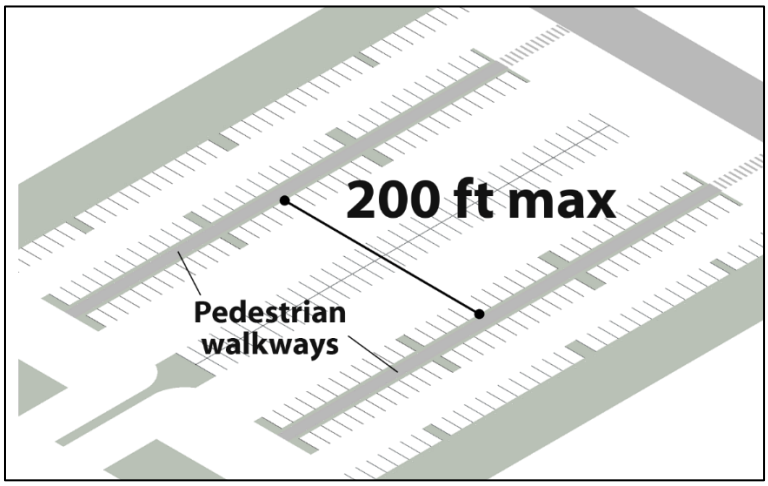
**(f)** Follow applicable state and federal requirements while at a minimum are at least five feet wide when located within planting strips, and ten feet wide when crossing drive aisles;

**(g)** Connect to all existing or planned adjacent transit and pedestrian facilities; and

**(h)** Provide safe and efficient pedestrian access to the use they serve.

**Figure 5-9: Example of Pedestrian Pathways**

**Figure 5-10: Pedestrian Pathway Configuration**




**(H) Completion**

All parking lots and loading areas shall be completed prior to the issuance of a certificate of occupancy for the development they serve. In the case of phased development, parking lots and loading areas are only required to be provided for the phase being developed.

## 5.2.5. Off-Street Parking Standards[373]

### (A) Minimum Number of Off-Street Parking Spaces

**(1)** All development is required to provide the minimum number of off-street parking spaces in accordance with Table 5-3: Minimum Number of Off-Street Parking Spaces, based on the principal use(s) involved and the extent of development, except as provided in subsection (E) below, or in accordance with reductions allowed elsewhere in this section or Ordinance. Interpretation of the off-street vehicular parking space standards for principal uses with variable parking demands or unlisted principal uses shall be in accordance with subsection (D) below.

**Table 5-3: Minimum Number of Off-Street Parking Spaces [1][374]**

| Use Category/Type | Current Standards | Proposed Standards |
|---|---|---|
| **Agricultural Uses** | | |
| **Agriculture and Forestry Uses** | | |
| Agriculture | 3/dwelling unit, room, or boarder | No minimum |
| Agriculture, urban | New use | No minimum |
| Roadside agriculture stand | No standard | No minimum |
| **Residential Uses[375]** | | |
| **Household Living Uses** | | |
| Dwelling, cottage home development | New use | 2 per dwelling unit |
| Dwelling, four-family (fourplex) | See footnote | 6 per fourplex |
| Dwelling, mobile home | 2 per mobile dwelling lot | 1 per manufactured home space and 0.1 per manufactured home space for visitors |
| Dwelling, mobile home park | 2 per mobile dwelling lot | 1 per manufactured home space and 0.1 per manufactured home space for visitors |
| Dwelling, multifamily | See footnote | Up to 1 bedroom: 1 per dwelling unit<br>Two bedrooms: 1.5 per dwelling unit<br>Three or more bedrooms: 2 per dwelling unit |
| Dwelling, patio-garden home | See footnote | 1.75 per dwelling unit and 0.1 per dwelling unit for visitors |
| Dwelling, single-family detached | See footnote | 2 per dwelling unit |
| Dwelling, three-family (triplex) | See footnote | 5 per triplex |

[373] This section includes new off-street parking requirements. As the Assessment recommends, these parking standards incorporate use-based minimum parking requirements which link the amount of required parking to the parking demand generated by different types of uses. Although the current ordinance's district-based requirements were not carried forward on a 1:1 basis, the requirements were taken into account when recommending parking based on use types. Other aspects of the current parking standards (found in Article VI, Sec. 6), such as those related to where required parking spaces may be located, or how (if at all) they may be offset or landscaped, are mentioned below in footnotes for the applicable sections.

[374] This table includes three columns. The first column includes each individual use included in the Table 4-1: Principal Use Table. This makes it easy for landowners to understand the amount of parking they are required to provide. The third column includes the proposed new minimum off-street parking standard for each use. These standards are based off best practices and parking requirements established by similar communities in Alabama and across the country. Finally, the middle column includes the current minimum off-street parking requirements for the listed use in the current Zoning Ordinance. Because many of the current parking standards vary based on district, not by use, some current parking standards are included in footnotes. New uses are indicated as well. **The current minimum off-street parking requirements column is intended to facilitate staff and public review of the new Zoning Ordinance and will be not be included in the adopted version of the Ordinance.**

[375] The suggested new parking requirements for many residential uses are based, in part, on the specific district-based requirements in the current Zoning Ordinance (Article VII, Sec. 3) for various business, shopping, and commercial uses. These existing requirements include (all per 200 sq ft of floor area): 0.5 spaces in the B-1-a and B-1-b districts, 0.5 spaces in B-2, 1.25 spaces in B-3, 1.25 spaces in B-4, 1.5 spaces in B-5, and 1 space in the O-0, O-1, and O-2 office complex districts.

| Table 5-3: Minimum Number of Off-Street Parking Spaces [1][374] | | |
|---|---|---|
| **Use Category/Type** | **Current Standards** | **Proposed Standards** |
| Dwelling, townhouse | 2 per dwelling unit | 1.75 per dwelling unit and 0.1 per dwelling unit for visitors |
| Dwelling, two-family (duplex) | See footnote | 1.75 per dwelling unit and 0.1 per dwelling unit for visitors |
| Tiny house community | New use | See standard in Sec. 4.2.3(C)(7)(g): Off-Street Parking, for tiny house parking standards.4.2.3(C)(7)(g) |
| **Group Living Uses** | | |
| Assisted living facility | New use | 1 per 4 residents design capacity |
| Continuing care retirement facility | New use | 1 per 4 residents design capacity |
| Dormitory | New use | 0.5 per bedroom |
| Fraternity or sorority house | New use | 1 per bedroom |
| Group home | New use | 0.5 per bedroom |
| Rooming or boarding house | No standard | 1 per bedroom |
| Supportive housing | New use | 1 per 4 residents design capacity |
| **Public, Civic, and Institutional Uses** | | |
| **Community and Cultural Facilities Uses** | | |
| Cemetery | No standard | No minimum |
| Club, lodge, or community-oriented association | No standard | 1 per 400 sf of gfa |
| Community facility | New use | 3 per 1,000 sf |
| Community recreation center | New use | No minimum |
| Correctional institution | As determined by the BOA | Variable |
| Day care center | Composite of several old uses; no standard | 2 per 1,000 sf of gfa |
| Government facility | As determined by the BOA | 2 per 1,000 sf of gfa |
| Library | As determined by the BOA | 2 per 1,000 sf of gfa |
| Place of worship | 1 per 5 seats | 1 per 5 seats |
| Post office | As determined by the BOA | 2 per 1,000 sf of gfa |
| Public assembly, indoor | 1 per 5 seats | 1 per 5 seats |
| Zoo | New use | Variable |
| **Educational Uses** | | |
| College or university | 5 per school room | Variable |
| School, private, or parochial | 5 per school room | Based on design capacity:<br>Grades K-8: 1 per 8 students<br>Grades 9-12: 1 per 2 students |
| School, public | 5 per school room | Based on design capacity:<br>Grades K-8: 1 per 8 students<br>Grades 9-12: 1 per 2 students |
| **Funeral Services Uses** | | |
| Crematory | New use | No minimum |
| Funeral home or mortuary | New use | 1 per 150 sf of assembly area |
| **Health Care Uses** | | |
| Hospice | New use | 1 per 3 patients |
| Hospital | 1 per bed | 2.5 per 1,000 sf of gfa |
| Medical or dental clinic | New use | 2.5 per 1,000 sf of gfa |
| Medical or dental laboratory | New Use | 2 per 1,000 sf of gfa |
| Nursing home | As determined by the BOA | 1 per 4 beds |
| **Parks and Open Space Uses** | | |
| Community garden | New use | No minimum |
| Public park, playground, or greenway | No standard | No minimum |

| Table 5-3: Minimum Number of Off-Street Parking Spaces [1][374] | | |
|---|---|---|
| **Use Category/Type** | **Current Standards** | **Proposed Standards** |
| **Transportation and Utility Uses** | | |
| Air transportation and support facility | New use | Variable |
| Communications tower and equipment | As determined by the BOA | No minimum |
| Parking facility (as a principal use) | N/A | N/A |
| Passenger terminal, surface transportation | New use | Variable |
| Solar energy collection facility, large scale | No standard | No minimum |
| Utility, major | As determined by the BOA | 2 per 1,000 sf of office area |
| Utility, minor | As determined by the BOA | 2 per 1,000 sf of office area |
| **Commercial Uses[376]** | | |
| **Animal Care Uses** | | |
| Animal kennel | No standard | 1.5 per 1,000 sf of gfa |
| Animal shelter | New use | 1.5 per 1,000 sf of gfa |
| Pet care service | New use | 3 per 1,000 sf of gfa |
| Veterinary hospital or clinic | See footnote | 3 per 1,000 sf of gfa |
| **Food and Beverage Services Uses** | | |
| Bar or tavern | New use | 8 per 1,000 sf of seating area |
| Nightclub | New use | |
| Restaurant, drive-in | See footnote | |
| Restaurant, sit-down | See footnote | |
| **Medical Marijuana Uses** | | |
| Medical marijuana cultivator | See footnote | 1 per 1,000 sf of office area |
| Medical marijuana dispensary | See footnote | 2.5 per 1,000 sf of gfa |
| Medical marijuana integrated | See footnote | In accordance with the square footage of the different types of medical marijuana facilities in the establishment |
| Medical marijuana processor | See footnote | 1 per 1,000 sf of gfa |
| Medical marijuana transporter | See footnote | 2.5 per 1,000 sf of gfa |
| **Office Uses** | | |
| Broadcasting studio | See footnote | 2 per 1,000 sf of gfa |
| Call center | New use | 2 per 1,000 sf of gfa |
| Contractor's yard | New use | 1.5 per 1,000 sf of gfa |
| Data center | New use | No minimum |
| Office, general | See footnote | 4 per 1,000 sf of gfa |
| Recording studio | New use | 2 per 1,000 sf of gfa |
| **Personal Services Uses** | | |
| Dry cleaning and laundry pick-up service | See footnote | 1.2 per 1,000 sf of gfa |
| Dry cleaning, laundry, and garment services | New use | 1.5 per 1,000 sf of gfa |
| Laundry, self-service | See footnote | 2.5 per 1,000 sf of gfa |
| Personal grooming or well-being service | Composite of several old uses; see footnote | 2.5 per 1,000 sf of gfa |
| Personal or household goods repair | New use | 1.5 per 1,000 sf of gfa |
| **Recreation/Entertainment Uses** | | |
| Conference center | See footnote | 4.0 per 1,0000 sf of gfa |

[376] The suggested new parking requirements for many commercial uses are based, in part, on the specific district-based requirements in the current Zoning Ordinance (Article VII, Sec. 3) for various business, shopping, and commercial uses. These existing requirements include (all per 200 sq ft of floor area): 0.5 spaces in the B-1-a and B-1-b districts, 0.5 spaces in B-2, 1.25 spaces in B-3, 1.25 spaces in B-4, 1.5 spaces in B-5, and 1 space in the O-0, O-1, and O-2 office complex districts.

| Table 5-3: Minimum Number of Off-Street Parking Spaces [1][374] | | |
|---|---|---|
| **Use Category/Type** | **Current Standards** | **Proposed Standards** |
| Golf course, public or private | New use that integrates an old use; see footnote | Variable |
| Performing arts center | New use | 1 per 4 seats of design capacity |
| Recreation facility, indoor | New use that integrates an old use; see footnote | 3 per 1,000 sf of gfa |
| Recreation facility, outdoor | Composite of several old uses; see footnote | 1 per 5 seats or 1 per 5,000 sf of outdoor area |
| Rental hall | See footnote | 4.0 per 1,0000 sf of gfa |
| Shooting range, indoor | New use | 2.5 per 1,000 sf of gfa |
| Shooting range, outdoor | New use | 2.5 per 1,000 sf of gfa of indoor area |
| Stadium, arena, or amphitheater | 1 per 5 seats | 3 per 1,000 sf of gfa |
| **Retail Sales and Services Uses** | | |
| Alternative financial institution | New use that integrates an old use; no standard | 2.5 per 1,000 sf of gfa |
| Bank or other financial institution | No standard | 2.5 per 1,000 sf of gfa |
| Convenience store | New use | 2.5 per 1,000 sf of gfa |
| Farmers' market | New use | 1 per 1,000 sf of vending area |
| Package store | New use | 3 per 1,000 sf of gfa |
| Retail sales and services, general | Composite of several old uses; see footnote | 3 per 1,000 sf of gfa |
| Tobacco and vape products store | New use | 2.5 per 1,000 sf of gfa |
| **Vehicle Sales and Services Uses** | | |
| Car wash | New use | 2 per wash bay |
| Commercial vehicle repair and maintenance | New use | 2.5 per 1,000 sf of gfa |
| Commercial vehicle sales and rentals | New use | 2.5 per 1,000 sf of gfa |
| Gas station | New use that integrates an old use; see footnote | 2 per 1,000 sf of gfa |
| Light vehicle repair and maintenance | New use | 2.5 per 1,000 sf of gfa |
| Light vehicle sales and rentals | New use | 2.5 per 1,000 sf of gfa |
| Vehicle towing and wrecker service | New use | 2.5 per 1,000 sf of gfa |
| **Visitor Accommodations Uses** | | |
| Bed and breakfast | New use | 1 per guest room plus 2 |
| Campground | New use | 1 per campsite |
| Hotel or motel | New use that integrates an old use; see footnote | 1 per guest room, plus 1 per 250 sf of restaurant space or meeting area |
| Recreational vehicle (RV) park | New use that integrates an old use; see footnote | No minimum |
| **Water-Related Uses** | | |
| Boat sales, rental, service, or repair | New use that integrates an old use; see footnote | 2.5 per 1,000 sf of gfa |
| Marina | New use that integrates an old use; see footnote | 1 per boat slip |
| Shoreline structure | New use that integrates an old use; see footnote | No minimum |
| **Industrial Uses[377]** | | |
| **Manufacturing and Processing Uses** | | |
| Aboveground bulk storage | New use that integrates an old use; see footnote | No minimum |

[377] The suggested new parking requirements for many industrial uses are based, in part, on the specific district-based requirements in the current Zoning Ordinance (Article VII, Sec. 4) for various industrial uses. These standards require 0.5 space per worker and 1 space per "each company garaged vehicle" in the M-1, M-2, and M-3 districts.

| Table 5-3: Minimum Number of Off-Street Parking Spaces [1][374] | | |
|---|---|---|
| **Use Category/Type** | **Current Standards** | **Proposed Standards** |
| Industrial launderer | Composite of several old uses; see footnote | 2.5 per 1,000 sf of gfa |
| Manufacturing, assembly, or fabrication, artisanal | New use | 1 per 1,000 sf of gfa |
| Manufacturing, assembly, or fabrication, heavy | Composite of several old uses; see footnote | 0.8 per employee on maximum shift, plus one per company vehicle stored overnight on the premises |
| Manufacturing, assembly, or fabrication, light | Composite of several old uses; see footnote | |
| Manufacturing, assembly, or fabrication, medium | Composite of several old uses; see footnote | |
| **Warehousing, Freight Movement, and Wholesale Sales Uses** | | |
| Auction yard | New use | 1 per 1.5 employee |
| Cold storage plant | New use name; no standard | |
| Self-storage | New use | |
| Truck or freight terminal | New use name; no standard | |
| Wholesale, heavy or hazardous materials | New use | 1.5 per 1,000 sf of gfa |
| Wholesale sales | New use that integrates an old use; see footnote | 1.5 per 1,000 sf of gfa |
| Wholesale, florist and nursery supply | New use | 1.5 per 1,000 sf of gfa |
| **Waste-Related Uses** | | |
| Hazardous waste collection and disposal | New use | 1.5 per 1,000 sf of gfa |
| Junk, salvage, scrap, or wrecking yard | Composite of several old uses; see footnote | 1.5 per 1,000 sf office facilities |
| Landfill or dump | New use | |
| Recycling collection center | New use | |
| Recycling processing center | New use | 1.5 per 1,000 sf of gfa |
| Waste composting facility | New use | 1.5 per 1,000 sf office facilities |
| Waste transfer facility | New use | |

**NOTES:**
[1] In all abbreviations used in this table: "sf" means square feet and "gfa" means gross floor area

**(B) Electric Vehicle Charing Stations[378]**

**(1)** An off-street parking area with more than 75 parking spaces shall provide EV charging stations in at least two of the parking spaces plus two additional EV charging stations for each 75 additional parking spaces.

**(2)** Parking spaces used as electric vehicle charging stations in accordance with subsection (1) above shall:

**(a)** Be Level 2 or Level 3 charging stations;

**(b)** Be consolidated into groups of contiguous spaces located where they can be readily identified by drivers (e.g. through signage); and

**(c)** Comply with the additional standards below:

**1.** Except as otherwise provided in subsection 2 below, EV charging station spaces shall be reserved for the charging of electric vehicles only. Such reserved spaces shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, the amperage and voltage levels, cost of charging, any enforceable time limits or tow-away provisions, and contact information for reporting non-operating equipment or other problems.

[378] This requirement for electric vehicle charging stations is new and reflects a growing trend to accommodate the charging needs of electric vehicles.

2. A required accessible parking space for persons with physical disabilities may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.
3. EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation.
4. EV charging stations for use by patrons of the site or the general public are allowed for non-residential uses in the Residential zone districts.

**(C) Rideshare**

Vehicular parking spaces that are reserved for rideshare/taxi pick-up and drop-off shall reduce the amount of minimum parking required in accordance with Table 5-3: Minimum Number of Off-Street Parking Spaces, by a 1:1 ratio. This reduction is in addition to any other reductions permitted in this Section 5.2.5.

**(D) Unlisted Uses[379]**

An applicant proposing to develop a principal use that is unlisted in Table 5-3: Minimum Number of Off-Street Parking Spaces, shall propose the amount of required vehicular parking by one of the three methods below. On receiving an application, the Administrator shall determine the amount of required vehicular parking using the applicant's methodology or the other methods listed, and may require that the applicant prepare a study as described in subsection (3) below:

**(1)** Apply the minimum off-street parking space standard for the listed use that the Administrator deems most similar to the proposed use;

**(2)** Establish the minimum off-street parking space standard by reference to standard parking resources published by the Institute for Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association, or the American Planning Association (APA); or

**(3)** Conduct a parking demand study to demonstrate the appropriate minimum off-street parking space standard. The study shall estimate parking demand based on the recommendations of the ITE, ULI, or another acceptable source of parking demand data. This demand study shall include relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

**(E) Change of Use**

Where an applicant proposes to change the use of a building to a new use that has increased parking standards, but the site cannot reasonably accommodate the additional parking required by the new use and the applicant demonstrates it is not feasible to use any of the off-street vehicular parking alternatives in subsection (G) below, the Administrator is authorized to reduce the amount of parking otherwise required upon determining that the reduction will not adversely impact surrounding properties or traffic patterns.

**(F) Mixed-Use Development**

**(1)** Unless an alternative parking plan is approved in accordance with subsection (G) below, development containing more than one use shall provide parking spaces in an amount equal to the total of the standards for all individual uses.

**(2)** An applicant for a development containing more than one use may submit an alternative parking plan that proposes a reduction in the minimum number of required off-street parking spaces for the development based on a comprehensive analysis of parking

[379] This subsection is new and provides a procedure for the Administrator to establish parking requirements for unlisted uses.

demand for each use by time of day, in addition to any other reduction for off-street parking alternatives.

**(3)** Combined on-site parking provisions for a site or parcel may be re-evaluated by the Administrator when there is proposed revision to the use or property that would require additional parking in accordance with this section, such as an increase in square footage of structures/buildings affected by the agreement, seating, or employee counts for restaurants.

### (G) Off-Street Vehicular Parking Alternatives[380]

The Administrator is authorized to approve a parking plan that modifies the number of off-street vehicular parking spaces required by Table 5-3: Minimum Number of Off-Street Parking Spaces in accordance with the following standards.

#### (1) Preservation of Existing Trees

The number of off-street vehicular parking spaces required to be provided by Table 5-3: Minimum Number of Off-Street Parking Spaces shall be reduced by the number of existing trees that are preserved, in accordance with the standards in Sec. 5.3.4(G), Existing Tree Credit, for use in parking lot perimeter landscaping or parking lot interior landscaping in accordance with Sec. 5.3.8, Parking Lot Landscaping, up to a maximum of 10 off-street parking spaces, or 10 percent of the number of off-street vehicular parking spaces required by Table 5-3, whichever is lesser.

#### (2) Parking Study

An applicant may prepare and submit an alternative parking study, using professionally accepted methods of transportation engineering and off-street parking demand, which demonstrates that an amount of parking different from that required by Table 5-3: Minimum Number of Off-Street Parking Spaces, is appropriate for the development.

#### (3) Off-Site and Off-Site Shared Parking

An alternative parking plan may propose to reduce on-site parking by up to 25 percent of the spaces required by Table 5-3: Minimum Number of Off-Street Parking Spaces, by providing off-street vehicular parking spaces in an off-site parking facility in accordance with the following standards:

##### (a) Location

All off-site vehicular parking spaces shall be located within a maximum walking distance of the primary pedestrian entrances to the uses served by the parking, in accordance with Table 5-4: Allowed Distances for Shared Parking. The maximum walking distance shall be measured by the actual distance of the pedestrian pathway from the shared parking area to the primary pedestrian entrance(s) along a route that complies with the standards of subsection (b) below, not a straight-line, point-to-point distance.

**Table 5-4: Allowed Distances for Shared Parking**

| Primary Use | Maximum Allowed Distance (ft) |
|---|---|
| Residential uses (including mixed uses) | 600 |
| All other uses | 1,100 |

[380] These provisions are new. They implement the recommendations in the Assessment related to allowing parking reduction opportunities where appropriate. For example, these new standards include the option of a parking study, demonstrating different parking demands for uses based on time of day, providing off-site parking provided conditions are met, and more.

**(b) Access and Signage**

1. Adequate and safe pedestrian access shall be provided between the off-site parking area and the primary entrances to the uses served by the parking, by a pedestrian pathway protected by a landscape buffer or by a curb separation and elevation from the street grade.
2. Off-site parking spaces shall not be separated from the use they serve by an arterial street unless pedestrian access across the arterial street is provided by appropriate traffic controls (such as a signalized crosswalk) or a separated pedestrian pathway (such as a bridge or tunnel).
3. Signage complying with the standards in Section 5.9, Sign shall be provided to direct the public to the shared parking spaces.

**(c) Justification**

If the off-site parking is shared with other uses, the alternative parking plan shall include justification of the feasibility of shared parking among the proposed uses. Such justification shall address, at a minimum, the size and type of the uses proposed to share off-street parking spaces, the composition of their tenants, the types and hours of their operations, the anticipated peak parking and traffic demands they generate, and the anticipated rate of turnover in parking space use.

**(d) Accessible Parking**

Parking spaces required to be accessible to persons with disabilities in accordance with Sec. 5.2.4(D)(2), Accessible Spaces, shall not be provided in an off-site parking facility.

**(e) Agreement Required**

If land containing the off-site parking area is not under the same ownership as land containing the principal use served, if both lands are under the same ownership at the time the off-site parking area is established and ownership of one is subsequently transferred independent of the other, or if multiple uses are sharing parking, then the off-site parking arrangement shall be established in a written agreement that complies with the following requirements:

1. The agreement shall include as parties the owners of land containing the off-site parking area and all owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces.
2. If the agreement is for exclusive use of off-site parking by a single use, the agreement shall provide the owner of the served use the right to use the off-site parking area and shall specify that the parking spaces are for the exclusive use of the served use, including any customers and employees.
3. If the agreement is for use of shared parking by multiple users, the agreement shall provide all parties the right to joint use of the shared parking area and shall ensure that as long as the off-site parking is needed to comply with this section, land containing either the off-site parking area or the served use will not be transferred except in conjunction with the transfer of land containing the other.
4. The agreement shall state that no party can cancel the agreement without first sending notice via certified mail to the Administrator at least 30 days prior to the termination of the agreement.
5. The agreement shall be submitted to the Administrator for review and approval before execution.
6. An attested copy of an approved and executed agreement shall be recorded in the public records of Montgomery County Judge of Probate before issuance of a building permit for any use to be served by the off-site parking area.

7. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner.
8. A violation of the agreement shall constitute a violation of this Ordinance, which shall be enforced in accordance with Article 7: Enforcement.
9. No use served by the off-site parking may be continued if the off-site parking becomes unavailable to the use permanently or for longer than 30 days, unless substitute off-street parking spaces are provided in accordance with this subsection.

**(f) Other Provisions**

When the uses or property subject to a shared parking agreement are proposed to change, or a shared parking agreement expires, the Administrator is permitted to require a revised shared parking study and, whether or not a revised shared parking study is prepared, may:

1. Revoke the shared parking agreement if it is determined that it is no longer necessary to meet parking requirements of the uses; or
2. Require a new shared parking agreement or other types of additional parking if the revised parking study indicates that additional parking is required.

**(4) Deferred Parking**

An alternative parking plan may propose to defer construction of up to 25 percent of the number of off-street vehicular parking spaces required by Table 5-3: Minimum Number of Off-Street Parking Spaces, in accordance with the following standards:

**(a) Justification**

The alternative parking plan shall include a study demonstrating that because of the location, nature, mix of uses, or other unique site characteristics, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum required by Table 5-3: Minimum Number of Off-Street Parking Spaces.

**(b) Reserve Parking Plan**

The alternative parking plan shall include a reserve parking plan identifying the number of off-street parking spaces proposed to be deferred and the location of the area to be reserved for future parking, if future parking is needed.

**(c) Parking Demand Study**

1. The alternative parking plan shall provide assurance that within 24 months after the final certificate of occupancy is issued for the proposed development, an off-street parking demand study evaluating the adequacy of the existing parking spaces in meeting the off-street parking demand generated by the development will be submitted to the Administrator. However, if the Administrator determines that additional time beyond 24 months is needed to determine whether the supply of parking is adequate to meet demand (for example, due to phasing of project development), the Administrator has discretion to delay the preparation of the parking report for up to 24 additional months.
2. If the Administrator determines that the study demonstrates the existing parking is adequate, then construction of the remaining number of parking spaces shall not be required. If the Administrator determines that the study indicates additional parking is needed, such parking shall be provided consistent with the reserve parking plan and the standards of this section.

**(d) Limitations on Reserve Areas**

Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, or other purposes. Such an area may be used for temporary overflow parking, provided such use is sufficiently infrequent to ensure maintenance of its ground cover in a healthy condition.

**(e) Landscaping of Reserve Areas Required**

Areas reserved for future off-street parking shall be landscaped with an appropriate ground cover and, if not ultimately developed for off-street parking, shall be landscaped in accordance with Section 5.3: Landscaping Standards.

**(5) Valet or Tandem Parking**

An alternative parking plan may propose to use valet and tandem parking to meet a portion of the minimum number of off-street parking spaces required for commercial uses in accordance with the following standards:

**(a) Number of Valet or Tandem Spaces**

No more than 35 percent of the total number of parking spaces provided shall be designated for valet or tandem spaces except for restaurant uses, where up to 50 percent of spaces may be designated for valet parking, and hotel uses, where up to 60 percent of parking spaces may be designated for valet parking.

**(b) Drop-Off and Pick-Up Areas**

The development shall provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building served, but shall not be located in a fire lane or where its use would impede vehicular and/or pedestrian circulation, cause queuing in a public street, or impede an internal drive aisle serving the development. Drop-off and pick-up areas shall not be allowed to use sidewalks for any stationing of vehicles.

**(c) Valet or Tandem Parking Agreement**

1. Valet or tandem parking may be established and managed only in accordance with a valet or tandem parking agreement. The agreement shall run with the use being served by the valet or tandem parking, and include provisions ensuring that a valet parking attendant will be on duty during hours of operation of the uses served by the valet parking.
2. The agreement shall be submitted to the Administrator for review and approval before execution.
3. An attested copy of an approved and executed agreement shall be recorded in the public records of Montgomery County Judge of Probate before issuance of a building permit for any use to be served by the valet or tandem parking.
4. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner. A violation of the agreement shall constitute a violation of this Ordinance, which may be enforced in accordance with Article 7: Enforcement.
5. No use served by valet or tandem parking may be continued if the valet or tandem service becomes unavailable, unless substitute off-street parking spaces are provided in accordance with this section.

## 5.2.6. Vehicle Stacking Standards[381]

Development shall provide stacking space for vehicles in accordance with the following:

[381] This is a new provision discussed in Section 4.2.1 of the Assessment, and establishes standards for adequate stacking space on-site to limit cars accessing parking lots or drive-through uses from stacking in public rights-of-way.

### (A) Drive Through and Similar Facilities

#### (1) Required Number of Stacking Spaces

Uses with drive through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide at least the minimum number of stacking spaces established in Table 5-5: Minimum Stacking Spaces for Drive Through and Similar Facilities.

**Table 5-5: Minimum Stacking Spaces for Drive Through and Similar Facilities**

| Use or Activity | Minimum Number of Stacking Spaces [1] | Measured From |
|---|---|---|
| Day care center | 6 | Primary location for child pick-up and drop-off |
| School, private or parochial | Determined by the Administrator based on a parking demand study prepared by the applicant which evaluates, among other factors, the percentage of student population expected to be of driving age and whether school bus service will be provided | |
| School, public | | |
| Hospital | 3 | Building entrance |
| Nursing home | 3 | Building entrance |
| Food and Beverage Services use, with a drive-through | 6 per lane [2] | Pickup window |
| Bank or other financial institution, with a drive-through | 4 per lane | Teller window or teller machine |
| Car wash | 4 per bay | Bay entrance |
| Gas station – fuel sales | 1 | Each end of outermost gas pump island |
| Vehicle sales and service use, with oil change or lubrication services | [3] | Bay entrance |
| Other Commercial uses with a drive-through | 3 per lane | Pickup window |
| Waste-Related use, with designated waste drop-off lane(s) | 3 per bay | Bay entrance |
| Other | Uses not specifically listed are determined by the Administrator based on standards for comparable uses, or alternatively based on a parking demand study | |

**NOTES:**

[1] If a single queue splits into multiple pickup areas (for example, a drive-through restaurant queue that splits into two order boards and pick-up windows), the total number of stacking spaces required shall equal the minimum required for each lane multiplied by the number of "measured from" destinations (in this example, the drive-through restaurant would require a total of 12 stacking spaces).

[2] The Administrator may require additional stacking spaces upon determining that there is a reasonable possibility that the listed minimum number will result in queuing that will interfere with pedestrian or vehicular traffic on adjacent streets or with internal circulation on the development site. The determination may be based on drive-through stacking at similar establishments in other locations in the City or in other jurisdictions.

[3] At least three stacking spaces shall be provided per bay, except that only one stacking space per bay is required if the use provides nearby areas for vehicles to wait that do not interfere with vehicular or pedestrian circulation on the site.

**(2) Stacking Space Standards**

**(a)** Required stacking spaces shall:

**1.** Be a minimum of ten feet wide and 20 feet long;

**2.** Be contiguous;

**3.** Not impede onsite or offsite vehicular traffic movements or movements into or out of off-street parking spaces;

**4.** Not impede onsite or offsite bicycle or pedestrian traffic movements; and

**5.** Be separated from access aisles and other vehicular surface areas by raised medians, if necessary for traffic movement and safety.

**(b)** The Administrator may require a study to evaluate the safety of the proposed stacking arrangement.

**(B) Vehicular Surface Area Entrance Driveways**

All uses other than townhouses or dwellings with fewer than five units in a single building shall provide stacking lanes between the edge of the street right-of-way and entrances into off-street parking areas in accordance with the minimum stacking lane distance established in Table 5-6: Minimum Stacking Land Distance for Vehicular Surface Area Entrance Driveway (see Figure : Measurement of Stacking Lane Distance for Vehicular Surface Area Entrance Driveway).

**Table 5-6: Minimum Stacking Land Distance for Vehicular Surface Area Entrance Driveway**

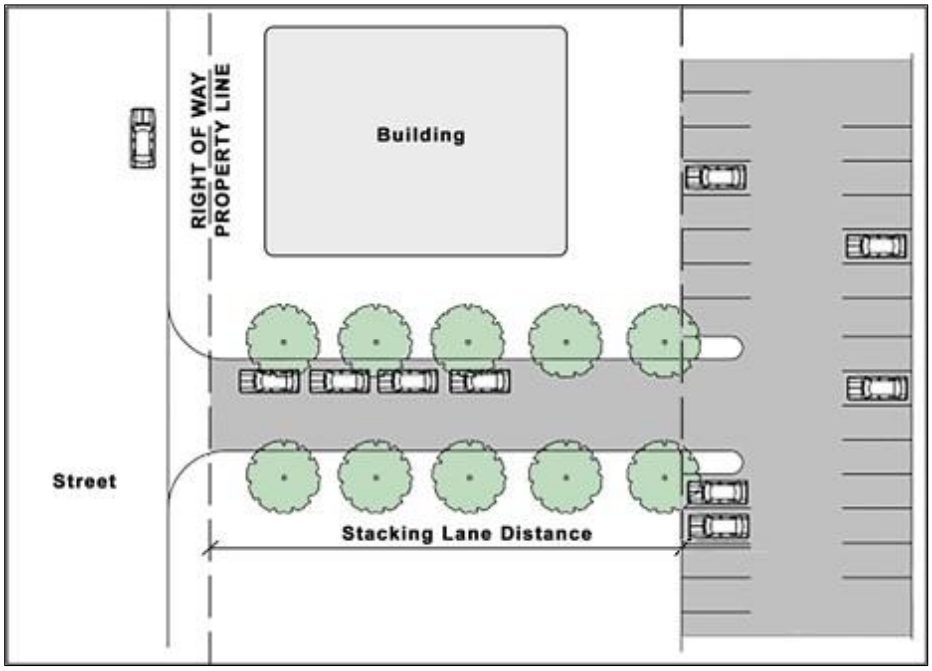
| Number of Off-Street Parking Spaces [1] | Minimum Stacking Lane Distance (ft) [2] |
|---|---|
| 1-49 | 25 |
| 50-249 | 50 |
| 250-499 | 100 |
| 500 or more | 100 + 15 ft for every additional 50 spaces beyond 500 |

**NOTES:**

[1] Entrances into parking structures may be credited towards the stacking lane distance standard provided the parking structure entrance is accessed from a development driveway and not a primary drive aisle. If the parking structure contains a gate that restricts entry, the stacking lane distance is measured from the gate; otherwise, it is measured in accordance with note 2.

[2] Stacking lane distance is measured from the intersection of the drive with the street right-of-way, along the centerline of the stacking lane, to its intersection with the near edge of the first entrance into a parking area or other internal intersecting driveway.

**Figure 5-11: Measurement of Stacking Lane Distance for Vehicular Surface Area Entrance Driveway**




## 5.2.7. Bicycle Parking Standards[382]

### (A) Minimum Bicycle Parking Required

The following shall include a number of bicycle parking spaces equal to two percent of the number of off-street parking spaces required to be provided in accordance with the standards of this Section 5.2, with a minimum of two bicycle parking spaces:

**(1)** All new development; and

**(2)** Any individual expansion or alteration of a building existing prior to ___ *[insert effective date of this Ordinance]* if the expansion increases the building's gross floor area by 50 percent or more, or if the alteration involves 50 percent or more of the building's gross floor area (including interior alterations).

### (B) Reduction Based on Alternative Bicycle Parking Justification

The Administrator may authorize up to a 25 percent reduction in the minimum number of bicycle parking spaces required by subsection (A) above if the applicant:

**(1)** Demonstrates the demand and need for bicycle parking on the site is less than required by this section because of the site's location, the site design, proximity to transit, or other factors; or

**(2)** Offers a strategy that demonstrates other non-auto and non-bicycle travel modes will be used by occupants and users of the development that reduces the demand for bicycle parking spaces.

### (C) Location

All bicycle parking spaces shall be placed on the site served by the bicycle parking spaces. However, bicycle parking may be placed in the public right-of-way if it otherwise complies with

[382] This section is new and creates basic minimum bicycle parking standards requirements. Including bicycle parking standards will help incentivize bicycle travel in the city and assist in implementing Complete Streets standards. The current code contains no standards for bicycle parking, and there is a lack of adequate bicycle parking in the city. It includes basic standards related to the dimensions of bicycle parking spaces and types of bicycle racks. Almost all modern codes contain some requirements for bicycle parking.

the standards of this section and the landowner executes any required encroachment agreements with the owner of the right-of-way to allow the bicycle parking to legally be placed in the right-of-way.

**(D) Bicycle Parking Space Standards**

Bicycle parking spaces shall comply with the following requirements:

**(1) Surfacing**

A bicycle parking space shall be located on a paved or similar hard, all-weather surface, having a slope not greater than three percent.

**(2) Lighting**

Lighting shall be provided for bicycle parking spaces that are accessible to the public or bicyclists after dark.

**(3) Dimensional Standards**

**(a)** The minimum dimensional requirements for a bicycle parking space are:

**1.** Six feet long by two feet wide (see Figure : Example of Bicycle Parking Space and Parking Rack Dimensional Standards); or

**2.** If designed for vertical storage, four feet long by two feet wide by eight feet high (see Figure : Example of Vertical Bicycle Parking Dimensional Standards):

**Figure 5-12: Example of Bicycle Parking Space and Parking Rack Dimensional Standards**

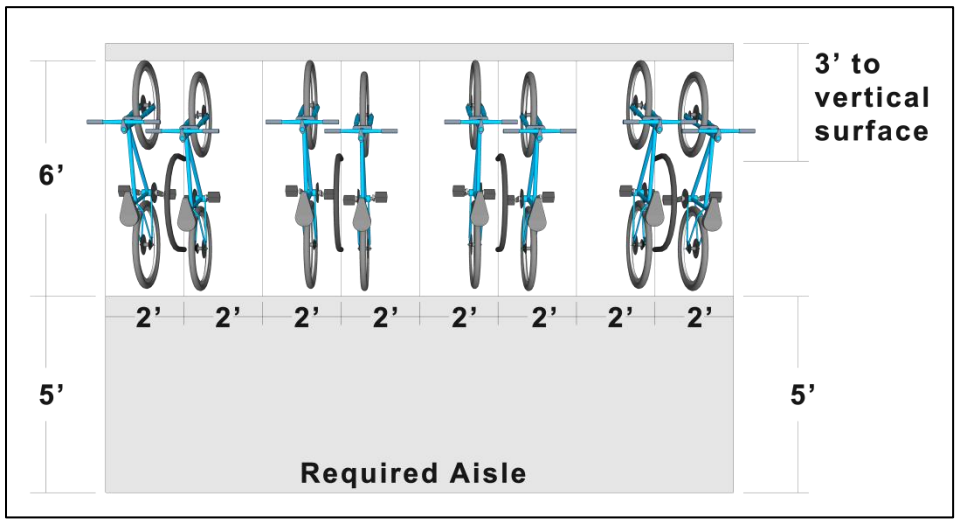
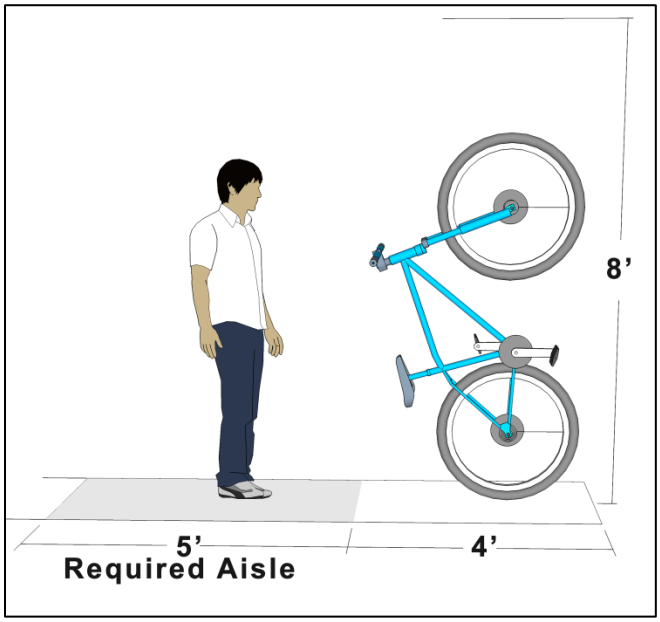


**Figure 5-13: Example of Vertical Bicycle Parking Dimensional Standards**




**(b)** A bicycle parking space shall be accessible without moving another parked bicycle.

**(c)** No more than 25 percent of required short-term bicycle parking spaces and 25 percent of required long-term bicycle parking spaces shall be vertical or wall-mounted parking.

**(4) Signage and Maintenance**

**(a)** Bicycle parking is encouraged to be visible from the main entrance of the building it serves; however, directional signage shall be provided where a bicycle parking space is not visible from a main entrance to the building for which the bicycle parking space is required.

**(b)** Bicycle parking areas shall be maintained free of inoperable bicycles (such as bicycles with flat tires or missing parts) and debris. Bicycle parking racks shall be maintained in good repair, securely anchored, and free of rust.

**(5) Rack Design**

A bicycle rack shall meet the follow standards:

**(a) Rack Style**

The bicycle rack shall be of an inverted-U or post-and-ring rack style, as approved by the Administrator. Wave-style racks are not permitted. In addition, the rack shall:

1. Allow for the securing of the frame and at least one wheel of a bicycle in a bicycle parking space to the rack with an industry-standard U-shaped bike lock;
2. Provide each bicycle parking space with support for a bicycle in a stable position with direct support to the bicycle frame;
3. Be securely anchored to the ground or to a structural element of a building or structure;
4. Be designed and located so it does not block pedestrian circulation systems and pedestrian movements; and
5. Be constructed of materials designed to withstand cutting, severe weather, and permanent exposure to the elements such as powder-coated steel or stainless steel.

**(b) Rack Location**

1. If bicycles must be moved onto or off of the rack parallel to their direction of travel, there shall be an aisle at least five feet wide between all bicycle parking spaces served by the rack and any bicycle spaces served by another bicycle parking rack, vehicular surface areas, or obstructions, including but not limited to fences, walls, doors, posts, columns, or landscaping areas (see Figure : Example of Bicycle Parking Space and Parking Rack Dimensional Standards, and Figure : Example of Vertical Bicycle Parking Dimensional Standards);
2. The bicycle rack shall be located at least three feet from any vertical surface, such as another bicycle parking rack, the side of a building, a tree, or a fence or wall (see Figure : Example of Bicycle Parking Space and Parking Rack Dimensional Standards); and
3. The bicycle rack shall be separated from any abutting vehicular surface area by at least three feet and a physical barrier, such as bollards, curbing, wheel stops, reflective wands, or a fence or wall.

## 5.2.8. Loading Area Standards[383]

### (A) General Standards[384]

(1) No parking area or facility supplied to meet the required off-street parking standards in Sec. 5.2.5, Off-Street Parking Standards, for a use shall be utilized for or deemed to meet the requirements of this article for off-street loading facilities.

(2) Plans for buildings or uses requiring off-street loading facilities under this article shall clearly indicate the location, dimensions, clearance, and access of all such required facilities.

### (B) Minimum Number of Off-Street Loading Berths

Any development subject to the requirements of this section involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development shall provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner. Vehicles used for these services shall meet these requirements without encroaching on or interfering with the public use of streets and alleys by pedestrians or other vehicles. Table 5-7: Minimum Number of Off-Street Loading Berths, sets forth the minimum number of loading berths for the different principal uses. For proposed uses not listed in Table 5-7, the requirement for a use most similar to the proposed use shall apply.

**Table 5-7: Minimum Number of Off-Street Loading Berths[385]**

| Principal Use Classification or Category | Floor Area or Dwelling Units | Minimum Number of Loading Berths |
|---|---|---|
| Household Living uses (Dwelling, multifamily only) | Between 150 and 300 dwelling units | 1 |
| | Each additional 200 dwelling units | Add 1 |
| Group Living uses (Assisted living only) | Between 100 and 300 rooms | 1 |
| | Each additional 200 rooms | Add 1 |
| Personal Services use | 10,000 to 30,000 sf | 1 |

[383] This carries forward and builds upon the existing off-street loading standards in the current Zoning Ordinance (Article VI, Sec. 5), as recommended in the Assessment. In particular, this section adds more requirements related to the location and arrangement of loading areas.
[384] This carries forward and updates the standards in Article VI, Sec. 5, F. and H., of the current Zoning Ordinance.
[385] This table carries forwards, updates, reorganizes, and adds detail to the existing off-street loading standards in the current Zoning Ordinance (Article VI, Sec. 5), as recommended in the Assessment.

| Table 5-7: Minimum Number of Off-Street Loading Berths[385] | | |
|---|---|---|
| **Principal Use Classification or Category** | **Floor Area or Dwelling Units** | **Minimum Number of Loading Berths** |
| | Each additional 30,000 sf | Add 1 |
| Retail Sales and Services use; Food and Beverage Services use; Manufacturing and Processing Uses; Warehousing, Freight Movement, and Wholesale Sales uses | At least 5,000 but less than 25,000 sf | 1 |
| | At least 25,000 sf but less than 60,000 sf | 2 |
| | At least 60,000 sf but less than 120,000 sf | 3 |
| | At least 120,000 sf but less than 200,000 sf | 4 |
| | At least 200,000 sf but less than 290,000 sf | 5 |
| | Each additional 90,000 sf over 290,000 sf | Add 1 |
| Recreation/Entertainment use (Conference center, Stadium, arena, or amphitheater, Rental hall, and Performing arts center only); Visitor Accommodations use (Hotel or motel only); Office Uses (Office, general only) | At least 10,000 sf up to 20,000 sf | 1 |
| | Each additional 60,000 sf over 20,000 sf or major fraction thereof | Add 1 |
| Other | For any use not specifically mentioned in this section, the requirements for off-street loading for a use mentioned and to which the Administrator deems to be most similar and based on best practices shall apply. | |

**(C) Dimensional Standards**

**(1)** Each loading berth shall be of sufficient size to accommodate the types of vehicles likely to use the loading area. The minimum loading berth size that presumptively satisfies loading berth needs is least 12 feet wide and 45 feet long in general industrial, distribution, or warehousing uses. For all other uses, a berth as short as 33 feet may be allowed. Each off-street loading space shall be accessible from a street or alley and arranged for convenient and safe ingress and egress by semi trucks/and or trailer combinations, in addition to other commercial trucks and vehicles. The Administrator may require a larger loading berth or allow a smaller loading berth on determining that the characteristics of the particular development warrant such increase or reduction and the general standard is met.

**(2)** Each loading berth shall have at least 15 feet of overhead clearance.[386]

**(3)** The off-street loading berth shall be arranged so that vehicles shall maneuver for loading and unloading entirely within the property lines of the site.

**(D) Location and Arrangement of Loading Areas**

**(1)** To the maximum extent practicable, loading areas should be located to the rear of the use they serve (see Figure 5-14: Loading Area Configuration).

**(2)** Each loading berth should be located adjacent to the building's loading doors, in an area that promotes its practical use, and be accessible from the interior of the building it serves. Each shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space.

**(3)** Loading areas should be located and designed so vehicles using them can maneuver safely and conveniently to them from a public street and complete loading without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

[386] This overhead clearance standard is changed to 15 feet from 14½ feet in the current Zoning Ordinance (Article VI, Sec. 5, C.)

**Figure 5-14: Loading Area Configuration**

**(E) Additional Requirements**

**(1)** Commercial vehicles shall not be loaded or unloaded on public streets unless approved by the Administrator.

**(2)** Two more uses or buildings may make joint use of off-street loading facilities, provided that the total amount of loading facilities provided are equal in size and capacity to the combined requirements of all buildings or uses and are located and arranged as to be useable by all buildings sharing said facilities.[387]

# Section 5.3 Landscaping Standards

## 5.3.1. Purpose

The purpose and intent of these landscaping standards is to:

**(A)** Improve the quality and aesthetics of the built and natural environments;

**(B)** Preserve natural resources, native plants, and trees;

**(C)** Encourage the protection of existing trees;

**(D)** Reduce the urban heat island effect and improve the aesthetics of parking lots;

**(E)** Minimize the impact of incompatible land uses through the use of perimeter buffers and visual screening, where appropriate; and

**(F)** Reduce erosion and sedimentation.

## 5.3.2. Applicability

**(A) New Development**

The standards in this section shall apply to all new development in the City that is subject to this Ordinance.

**(B) Existing Development**

Development that expands or alters buildings that existed on ___ [insert effective date of this Ordinance] in the City that is subject to this Ordinance shall comply with the standards of this section to the maximum extent practicable if the expansion increases the buildings' floor area by

[387] This carries forward the standard in Art. VI Sec. 5.G., of the current Zoning Ordinance.

50 percent or more or if the alteration involves 50 percent or more of the buildings' gross floor area, as measured over any five-year period.

**(C) Timing of Review**

Review for compliance with the standards in this section shall occur during review of a development application for a planned development (Section 2.5.4, Planned Development), development plan (Section 2.5.7, Development Plan), subdivision (see Subdivision Regulations). or building permit, whichever occurs first.

## 5.3.3. Landscaping Plan[388]

**(A)** A landscaping plan shall be submitted with an application for any development subject to the requirements of this section. The plan shall be prepared by an approved landscaping professional and shall certify that the proposed development complies with the standards of this section.

**(B)** Prior to approval of a development plan (Section 2.5.7, Development Plan), a landscaping plan shall be submitted that includes a planting schedule and installation details.

## 5.3.4. General Standards

**(A) Installation[389]**

**(1)** All landscaping required by this section shall be installed as set forth in the approved landscape plan. An approved landscaping professional shall certify to the Administrator that landscaping has been installed to meet the minimum requirements of this section, and the Administrator shall inspect the site prior to issuing a certificate of occupancy.

**(2)** If inclement weather or difficulties acquiring needed landscape materials delay the installation of landscape materials, the developer may make a written request to the Administrator to allow installation to be completed after issuance of the certificate of occupancy. The request shall specifically state the reason for the delay as well as a proposed date for completion. The Administrator shall consult with the urban forester and may approve a revised date of completion for good cause shown, provided that the applicant provides the City a performance guarantee in an amount sufficient to complete the installation of the landscaping (including 25 percent to cover the costs for the City to administer the installation), on form approved by the City attorney, to ensure the installation of the landscaping. Failure to complete the installation within 15 days of the specified date shall constitute a violation of this Ordinance and shall be grounds for revocation of the certificate of occupancy. Following installation of the landscaping by the applicant, the performance guarantee shall be released. If the applicant fails to install the landscaping, the City may use the performance guarantee to cover the costs of installation (including the costs for the City to administer the installation) and shall return any unspent funds from the performance guarantee to the applicant.

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[388] This builds on the landscape plan review and approval standards in Art. VI, Sec. 8.3 of the current Zoning Ordinance and expands the requirement for the plan to be prepared by a professional as to all elements, not just to demonstrate that the plan meets the minimum off-street parking landscape requirements. The list of architect, landscape architect, engineer, surveyor of record, horticulture professional, or landscape contractor has been replaced by the defined term “approved landscaping professional” which has been defined. The detailed requirements for the plan included in Art VI Sec. 8.5, Landscape plan submittal requirements, have not been carried forward. It is recommended that these application requirements be maintained outside the updated Zoning Ordinance, in a Procedures Manual (see Section 1.5, Consider Using a Procedures Manual, on page II-7 of the Code Assessment).

[389] This carries forward Art. VI Sec. 8.8, Compliance, of the current Zoning Ordinance without revisions for clarity. In addition, the developer is provided the ability to request a delay not only due to inclement weather but also due to difficulty acquiring installation materials. This is added to accommodate supply-chain issues that have delayed developers trying to acquire landscaping materials in recent years.

**(B) Planting Standards**[390]

**(1)** At installation, trees shall be a minimum of two and one-half (2.5) inches caliper and 12 feet in height.

**(2)** At installation, shrubs shall be a minimum of 18 inches in height (seven-gallon container stock).

**(3)** All plantings shall conform to the American Standard for Nursery Stock (ANSI Z60.1).

**(C) Species Diversity**[391]

To avoid the creation of monocultures and curtail the spread of disease and insect infestation in a plant species, trees required to be planted on a site in accordance with this section shall consist of at least two separate species.

**(D) Ground Cover**[392]

All planting strips or landscape islands required to be provided in this section shall be completely covered with sod, seed, or mulch. There shall be no bare ground remaining.

**(E) Slope Plantings**[393]

Landscaping of all cuts and fills or terraces shall be matted or protected until plant cover is adequate to control erosion.

**(F) Topsoil**[394]

Topsoil moved during the course of construction shall be preserved and stockpiled for later use on the site, to the extent practicable.

**(G) Existing Tree Credit**[395]

**(1)** Existing trees may be used to receive credit for any of the landscaping requirements of this section,

**(2)** Each existing tree that meets the standards of subsection shall offset the requirement to plant one new tree, except as follows:

**(a)** Each tree with a dbh of 12 inches or greater (16 inches or greater for Sweetgum trees) shall offset the requirement to plant two new trees.

**(b)** Each tree with a dbh of 18 inches or greater (22 inches or greater for Sweetgum trees) shall offset the requirement to plant three new trees.

**(3)** To receive credit, existing trees shall:

**(a)** Comply with the species and minimum DBH requirements in Table 5-8: Permitted Species and Minimum DBH of Existing Trees;

**(b)** Be in good health with a natural form;

**(c)** Be in a location where its growth to a mature form does not and will not conflict with public utilities;

**(d)** Be approved by the City's Urban Forester;

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[390] This carries forward the standards in Art. VI Sec. 8.5.1(d)-(e) of the current Zoning Ordinance.
[391] This builds on and broadens the species requirements for parking lot perimeter planting requirements in Art. VI Sec. 8.6.1(b) of the current Zoning Ordinance.
[392] This carries forward the ground cover standards for perimeter parking lot plantings in Art. VI, Sec. 8.6.1(c) of the current Zoning Ordinance and for landscape islands in Sec. 8.6.2(c).
[393] This carries forward Art. VI Sec. 8.5.1(c) of the current Zoning Ordinance.
[394] This carries forward Art. VI Sec. 8.5.1(a) of the current Zoning Ordinance.
[395] This carries forward the approved tree list for existing trees in Art. VI, Sec. 8.9 of the current Zoning Ordinance and the protections for existing tree credit in parking lot perimeter planting strips in Sec. 8.6.1(d). Credits for off-street parking are carried forward in Sec. 5.2.5(G)(1), Preservation of Existing Trees. The credit is expanded to apply any of the carried-forward or new landscaping standards in this section (such as the perimeter buffers). Adds additional credit for larger trees.

**(e)** Be located in the area for which credit is being sought (e.g., for credit towards Sec. 5.3.5, Perimeter Buffer, the existing tree shall be located within the requisite perimeter buffer); and

**(f)** During construction, be protected from construction activities by a barrier that extends to the drip line of each tree (or group of trees).

**Table 5-8: Permitted Species and Minimum DBH of Existing Trees**

| Common Name | Genus | Minimum DBH (in) |
|---|---|---|
| **Canopy Trees** | | |
| Oak | *Quercus* | 8 |
| Ash | *Fraxinus* | 8 |
| Hickory | *Carya* | 8 |
| Blackgum (Tupelo) | *Nyssa* | 10 |
| Elm | *Ulmus* | 6 |
| Yellow Poplar | *Liriodendron* | 10 |
| Cedar | *Juniperus* | 8 |
| Sweetgum | *Liquidambar* | 12 |
| Sycamore | *Platanus* | 10 |
| Walnut | *Juglans* | 8 |
| Pine | *Pinus* | 10 |
| Magnolia | *Magnolia* | 8 |
| Maple | *Acer* | 4 |
| **Understory Trees** | | |
| Dogwood | *Cornus* | 2 |
| Redbud | *Cercis* | 4 |
| Mulberry | *Morus* | 4 |

## 5.3.5. Perimeter Buffers[396]

### (A) Purpose

Perimeter buffers are provided to protect land uses from the traffic, noise, glare, trash, activity, vibration, odor, visual disorder, and other harmful or noxious effects likely to be emitted by or associated with an adjacent more intense land use.

### (B) Buffer Options

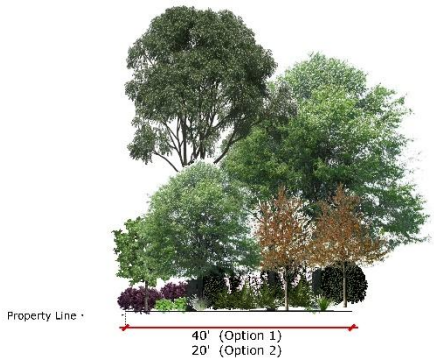
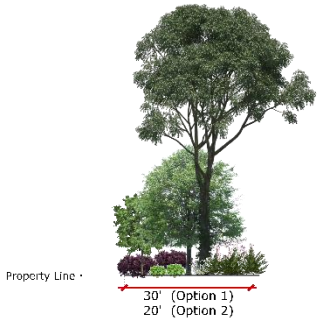
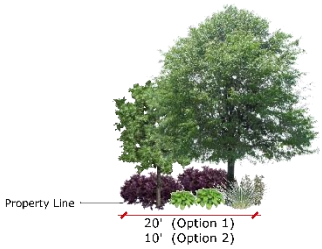
**(1)** Table 5-9: Buffer Options defines three types of buffers based on their function, width, and minimum screening requirements. Each buffer type includes two options for plantings and other screening. The width of the buffer under one of the options, indicated in the top row of each buffer type in Table 5-9, may be reduced by a wall or berm, provided that the

[396] These are new standards that require buffers along the perimeter of certain uses. The purpose of these buffers is to mitigate the potential negative impacts from incompatible uses, such as an industrial use located next to a single-family residential development. The standards provide for four types of buffers; the most substantial buffer, intended for use between the most incompatible uses such as an industrial use and a low-intensity residential use, is the largest in width and requires the most plantings and is intended to serve as a full visual shield between the two uses. The least substantial buffer is narrow and provides an aesthetic barrier that demarcates the separate properties. For each buffer, there are two options of widths, with different amounts of plantings required in each.

Administrator determines that the buffer is adequate to screen the incompatible uses in locations where the buffer width is reduced.

**(2)** If the Director of Planning determines that the presence of utility or access easement or lines within the buffer will make it impractical for the buffer to accomplish its purpose, the Director of Planning may reduce the buffer width and require additional tree planting or the addition of an opaque wall in accordance with subsection (1) above.

**Table 5-9: Buffer Options**

| Buffer Type/Image | Description | Option 1 | Option 2 |
|---|---|---|---|
| **Type A: Opaque** | | 40 ft | 20 ft |
|   | This buffer functions as an opaque screen from the ground to the height of the trees upon full maturity. This type of buffer prevents visual contact between uses and creates a strong separation. | 4 canopy trees, 4 understory trees, and 90 shrubs per 100 linear feet | 5 canopy trees and 5 understory trees, and 100 shrubs per 100 linear feet |
| **Type B: Semi-Opaque** | | 30 ft | 20 ft |
|   | This buffer functions as a semi-opaque screen from the ground to at least the height of the trees upon full maturity. | 4 canopy trees, 4 understory trees, and 60 shrubs per 100 linear feet | 3 canopy trees and 6 understory trees, and 80 shrubs per 100 linear feet |
| **Type C: Aesthetic** | | 20 ft | 10 ft |
|   | This buffer functions as an intermittent visual obstruction from the ground to at least the height of the trees upon full maturity, and creates the impression of spatial separation without eliminating visual contact between uses. | 2 canopy trees, 6 understory trees, and 60 shrubs per 100 linear feet | 2 canopy trees, 6 understory trees, and 80 shrubs per 100 linear feet |

### (C) Buffer Types

#### (1) Buffer Type Standards

**(a)** The perimeter of property adjacent to another use shall contain a buffer in accordance with Table 5-10: Buffer Types. The designation of the required buffer varies based on the nature of the potentially adjacent uses or, if the adjacent land is vacant, the proposed use and the zone district classification of the abutting land. The required buffer width and number and type of plantings are described in Table 5-9: Buffer Options.

**(b)** Where parking lot landscaping requirements overlap with these buffer requirements (see Sec. 5.3.8, Parking Lot Landscaping), they shall be counted toward the buffer requirements if the minimum of both standards are met.

**(c)** No buffer is required if properties are separated by a street or alley that is at least 24 feet in width.

#### (2) Buffer Type Use Groups

For purposes of Table 5-10: Buffer Types, principal uses and use categories have been consolidated into the following Use Groups:

**(a) Use Group 1**

All Agricultural Uses; single-family detached dwellings; townhouse dwellings; two-family (duplex) dwellings; public park, playground, or greenway; and utilities, major.

**(b) Use Group 2**

All remaining Residential uses and all Public, Civic and Institutional uses not included in Use Groups 3 or 4.

**(c) Use Group 3**

Passenger terminal, surface transportation; manufacturing, assembly, or fabrication, artisanal; self-storage; and all Commercial uses not included in Use Group 4.

**(d) Use Group 4**

Air transportation and support facility; utility, major; shooting range, indoor; shooting range, outdoor; all remaining Industrial uses.

**Table 5-10: Buffer Types**

| Existing Use Type or, if Vacant, Zone District of Adjacent Land | Proposed Use [1] [2] | | | |
|---|---|---|---|---|
| | Use in Use Group 1 | Use in Use Group 2 | Use in Use Group 3 | Use in Use Group 4 |
| Use in Use Group 1 or vacant land in AGR, AGR-RES, RSF-20, RSF-12, RSF-8.4, RSF-7.2, and RSF-6 districts | None | B | C | A |
| Use in use Group 2 or vacant land in RME-8.4, RMF-7.2, RMH-S, RMH-P, and INST-PK-O districts | None | None | B | A |
| Use in Use Group 3 or vacant land in INST-G, INST-U, CN, CC, CG, CR, CCOR, CH, CBD, OC, and OP districts | None | None | None | B |

| Table 5-10: Buffer Types | | | | |
|---|---|---|---|---|
| **Existing Use Type or, if Vacant, Zone District of Adjacent Land** | **Proposed Use [1] [2]** | | | |
| | **Use in Use Group 1** | **Use in Use Group 2** | **Use in Use Group 3** | **Use in Use Group 4** |
| **Use in Use Group 4 or vacant land in INST-M, IL, and IG districts** | None | None | A | None |

**NOTES:**

[1] The letters in the cell reference the type of buffer required between the uses; see Table 5-9: Buffer Options.

[2] If a development includes uses in multiple use groups, the development shall include the most protective buffer required by any of the uses in the development unless the Administrator determines that, based on the configuration of the uses in the development and the placement of more intense uses a greater distance from adjacent land, a less protective buffer may be required.

### (D) Buffer Location

Buffers required by this section shall be located along the outer perimeter of a lot and shall extend to the lot line or right-of-way line; however, the buffer may be located along shared access easements between parcels in nonresidential development.

### (E) Wall or Fence

A wall or fence permitted to be used by the Administrator in conjunction with a reduced perimeter buffer width shall be six feet in height and shall be opaque, using material including but not limited to brick, textured concrete masonry units, stucco block, cementitious board, or other similar material approved by the Administrator.

### (F) Development within Perimeter Buffers

**(1)** The required perimeter buffer shall not contain any development, impervious surfaces, screen enclosures, decks, or site features (except fences or walls) that do not function to meet the standards of this section or that require removal of existing vegetation, unless otherwise permitted in this Ordinance.

**(2)** Sidewalks, trails, and other elements associated with passive recreation may be placed in perimeter buffers if all required landscaping is provided and damage to existing vegetation is minimized.

**(3)** Overhead and underground utilities required or allowed by the City are permitted in perimeter buffers, but shall minimize the impact to vegetation, to the maximum extent practicable. Where required landscaping material is damaged or removed due to utility activity within a required perimeter buffer, the landowner shall be responsible for replanting all damaged or removed vegetation as necessary to ensure the buffer meets the standards in this section.

### (G) Buffer Planting Standards

**(1)** Required canopy and understory trees shall be spaced to achieve the screening goals and meet the standards in this subsection.

**(2)** All required shrub plantings shall be spaced to achieve the screening goals and shall be a minimum of four feet in height within two years after planting.

**(3)** Existing vegetation which meets or exceeds the quantity, spacing, and height standards of this section may be used to satisfy the requirements of this subsection. Supplemental native shrubs may be required, however, if it can be reasonably determined that after two years, the existing vegetation will not provide the visual screen required by this section.

## 5.3.6. Foundation Landscaping[397]

**(A) Applicability**

The foundation landscaping standards of this section apply to multifamily dwellings; public, civic, and institutional uses; and commercial and industrial uses.

**(B) Foundation Landscaping Standards**

**(1)** All buildings facing rights-of-way that are set back from lot lines shall contain foundation landscaping at least three feet in width along the entire length of the building façade. (See Figure 5-15: Foundation Landscaping.)

**(2)** The foundation landscaping shall consist of shrubs and at least one understory tree for every 20 feet in length except for industrial uses, for which one understory tree is required only every 50 feet in length The tree shall reach a maximum of 30 feet at maturity.

**(3)** Existing trees may be used to comply with this standard.

**Figure 5-15: Foundation Landscaping**

## 5.3.7. Street Trees[398]

**(A)** All development shall include street trees along frontages on existing and newly created public and private streets that are being developed and redeveloped.

**(B)** Street trees shall be installed and maintained in accordance with the following standards:

**(1)** Along streets with sidewalks, trees shall be placed in a planting area that is at least five feet in width and spaced between 40 and 60 feet apart on center.

[397] As discussed in the Code Assessment (p. II-54), these are new basic standards requiring small amount of plantings around buildings. The standards are general to allow developers to be creative in their foundation landscaping designs.

[398] These are new basic standards for street trees, as discussed in the Code Assessment (p. II-55). They are required along all streets, with different location standards along development where sidewalks are required versus development where sidewalks are not required or provided.

**(2)** Along streets without sidewalks, trees shall be placed within 20 feet of the right of way and spaced between 40 and 60 feet apart on center.

**(3)** Street trees shall be canopy trees unless the Administrator determines that understory trees are preferred due to the presence of utility poles or other considerations.

**(C)** Street trees may be placed in the public right-of-way in accordance with an encroachment agreement between the property owner and the street owner.

**(D)** The property owner shall be responsible for maintenance of street trees.

## 5.3.8. Parking Lot Landscaping[399]

### (A) Irrigation System Required

An irrigation system shall be installed for parking lot landscaping that serves parking lots with 25 or more parking spaces.

### (B) Parking Lot Perimeter Screening[400]

Parking lots shall be screened from abutting properties and rights-of-way in accordance with the following:

**(1)** Except for access driveways, sidewalks and other pedestrian crossings, a parking lot shall be surrounded by a continuous perimeter planting strip.

**(2)** The continuous perimeter planting strip shall meet the following standards:

**(a)** The width of the planting strip shall be measured from the edge of the parking area, and the average width shall be:

**1.** Eight feet adjacent to public rights-of-way; or

**2.** Four feet adjacent to all other property lines.

**(b)** The planting strip shall be planted with trees as follows:

**1.** Except for nonresidential development adjacent to a Residential use or a Residential zone district, canopy trees shall be planted between 40 and 50 feet on center unless pre-existing overhead utility lines prevent the use of canopy trees, in which case understory trees shall be planted between 30 and 40 feet on center.

**2.** For nonresidential development adjacent to a Residential use or a Residential zone district, canopy trees shall be planted 20 feet on center to form a visual screen at maturity.

**3.** Canopy trees shall have a minimum of 20 feet of lateral separation from overhead utilities, measured from the trunk of the tree.

**(c)** Adjacent to public rights-of-way, shrubs shall be planted that are sufficient to form a solid continuous visual screen at least three feet in height within two years of planting.

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[399] These carry forward the standards in the current Zoning Ordinance that relate to parking lot landscaping specifically, in Art. VI Sec. 6.8 of the current Zoning Ordinance. The additional landscaping regulations in Sec. 8.1 through Sec. 8.9 have been relocated to other parts of this Section 5.3 and apply to all required landscaping.

[400] This carries forward Art. VI Sec. 8.6.1 of the current Zoning Ordinance with changes as noted below. Some standards have been relocated to apply generally to all required landscaping – e.g., the requirement for ground cover in all planting strips in Sec. 8.6.1(c), and the protection of existing trees in Sec. 8.6.1(d). Sec. 8.6.1(e) allows interior landscape islands to count as two required off-street parking spaces. That has not been carried forward because the updated off-street parking requirements in Section 5.2, Off-Street Parking and Loading Standards, generally reduce the amount of off-street parking that is required to be provided, and it is recommended that landscaping be generally required in parking lots.

**(3)** For nonresidential development adjacent to a lot with a Residential use or in a Residential zone district, the standards in subsection (2) above apply adjacent to the lot except as modified below:[401]

**(a)** The minimum width of the planting strip shall be ten feet.

**(b)** Canopy trees shall be planted 20 feet on center to form a visual screen at maturity.

**(c)** The Administrator may exempt a lot platted prior to April 4, 2017 from the standards in subsection (a) or (b) above if the Administrator determines that compliance of the standards would make it impracticable for the landowner to provide the number of off-street vehicular parking spaces required in Section 5.2.5, Off-Street Parking Standards

**(4)** Landscaping shall not be placed in a location where it will obstruct the view of the right-of-way for a driver accessing or leaving the site.[402]

**(C) Parking Lot Interior Landscaping Standards[403]**

Parking lots that serve uses other than patio-garden homes, single-family detached dwellings, townhouses, two-family dwellings (duplexes), and three-family dwellings (triplexes) shall comply with the following standards:

**(1)** Each parking space shall be no more than 60 feet from a tree, including trees within a landscape island, trees within the perimeter screening, or street trees.

**(2)** Landscape islands shall be provided throughout the parking lot such that there are no more than 12 consecutive parking spaces without a landscape island.

**(3)** Each landscape island shall:

**(a)** Be at least eight feet in width

**(b)** Include a tree and at least two shrubs per tree.

**(c)** Contain a minimum of 250 square feet in area per tree.

**(4)** Bio-retention systems are encouraged for use in landscape islands.

## 5.3.9. Loading and Service Area Landscaping[404]

**(A) Applicability**

Except in the IG district, all development shall comply with the standards of this section.

**(B) Screening Standards**

**(1)** All loading areas and utility service areas, including but not limited to refuse and recycling collection areas, shall provide one of the following types of screens to block the view from any public street rights-of-way:

**(a)** A closed fence or wall at least six feet high that is compatible with the principal building on the site. It shall be landscaped with additional planting materials designed so that no more than two-thirds of the surface area of the fence or wall is visible from the public right-of-way within three years of erection of the structure; or

[401] This carries forward Art. VI Sec. 8.6.1(h) of the current Zoning Ordinance with revisions for clarity. The text "[p]reviously platted lots at the adoption of this section" has been replaced with the date of the adoption of Sec. 8.6.1(h), as part of Ord. No. 33-2017.

[402] This carries forward Art. VI Sec. 8.6.1(f) of the current Zoning Ordinance.

[403] This generally carries forward Art. VI Sec. 8.6.2 of the current Zoning Ordinance. Sec. 8.6.2(d) allows interior landscape islands to count as two required off-street parking spaces. That has not been carried forward because the updated off-street parking requirements in Section 5.2, Off-Street Parking and Loading Standards, generally reduce the amount of off-street parking that is required to be provided, and it is recommended that landscaping be generally required in parking lots.

[404] As discussed in the Code Assessment (p. II-55), these are new standards to improve development quality by requiring that loading areas and areas used for development utility service such as refuse pick-up are adequately screened from view by a fence or wall or a vegetative buffer.

**(b)** Vegetative material that is a minimum of three feet in height when planted, designed to form a solid hedge at time of maturity, and expected to reach six feet or greater in height within two years of planting.

**(2)** Any access point to a utility service area that is visible from the public street right-of-way shall be screened with gates.

### 5.3.10. Maintenance of Landscaping[405]

The owner of the property being developed in accordance with this section shall be responsible for the continued maintenance of all landscaped areas. Such areas shall be maintained in accordance with the approved landscaping plan and shall present a healthy and orderly appearance, free from refuse and debris. All plant life shown on landscaping plans, including newly planted trees and existing trees preserved for credit in accordance with Sec. 5.3.4(G), Existing Tree Credit, shall be replaced if it dies, is in poor health, is seriously damaged, or is removed.

## Section 5.4 Fence and Wall Standards[406]

### 5.4.1. Purpose and Intent

The purpose and intent of this section is to regulate the location, height, and appearance of fences and walls to:

**(A)** Maintain visual harmony within neighborhoods and throughout the City;

**(B)** Protect adjacent lands from the indiscriminate placement and the unsightliness of fences and walls;

**(C)** Ensure the safety, security, and privacy of land; and

**(D)** Ensure that fences and walls are subject to timely maintenance, as needed.

### 5.4.2. Applicability

**(A) General**

Unless exempted by subsection (B) below, the standards in this section apply to all construction, substantial reconstruction, or replacement of fences or walls in the City that is subject to this Ordinance. For purposes of this section, substantial reconstruction shall include the replacement of more than 50 percent of the slats on a wooden fence, or replacement of more than 50 percent of the length of the fence or wall.

**(B) Exemptions**

The following fences and walls in the City that are subject to this Ordinance are exempt from the standards in this section:

**(1)** Fences and walls required for support of a principal or accessory structure;

**(2)** Fences or barricades around construction sites;

**(3)** Fences for tree protection or sedimentation and erosion control (temporary and permanent);

**(4)** Fences customarily provided for athletic fields, recreational facilities (including tennis and pickleball courts), and cemeteries;

[405] This updates the maintenance standards in Sec. 8.7(a) of the current Zoning Ordinance. The enforcement provisions in Sec. 8.7(b) through 8.7(d) have been consolidated with the general enforcement provisions in Article 7: Enforcement.

[406] These general standards incorporate and substantially expand upon the limited existing fence and wall-related standards in the current Zoning Ordinance (Art. VI, Sec. 7, Fences and Walls).

**(5)** Noise attenuation walls installed by a public entity along a public roadway;

**(6)** Landscaping berms installed without fences; and

**(7)** Fences at parks and schools, where such uses are owned by public entities.

**(C) Timing of Review**

Review for compliance with the standards in this section shall occur during review of a development application for planned development (Sec. 2.5.4, Planned Development), development plan (Sec. 2.5.7, Development Plan), or building permit, whichever occurs first.

## 5.4.3. General Standards[407]

**(A) General**

**(1)** Except as otherwise provided in this Section 5.4, fences and walls:

**(a)** Shall be located outside of the public right-of-way;

**(b)** May be located within any required yard; and

**(c)** Are allowed on the property line between two or more parcels of land held in private ownership.

**(2)** Nothing in this Section 5.4 shall be construed to prevent the installation of temporary fencing to protect existing trees, limit sedimentation, or control erosion.

**(B) Corner Visibility[408]**

In all districts except for the IG district, no fence, wall, or other obstruction to vision between the heights of three and one-half feet and 15 feet above street level shall be permitted within 20 feet of the intersection of the right-of-way lines of two streets or railroads, or of a street and a railroad right-of-way line, subject to the requirements of the traffic engineer.

**(C) Height[409]**

The maximum height of a fence or wall shall comply with the following maximum heights, except that fence posts and wall columns may extend up to one foot above the top of the fence or wall:

**(1)** Six feet within a front or street-side yard that is on or adjacent to property in a Residential zone district;

**(2)** Eight feet within an interior side or rear yard that is on or adjacent to property in a Residential zone district.

## 5.4.4. Materials[410]

**(A) General**

Unless otherwise specified in subsection (B) below, fences and walls shall be constructed of any one or more of the following materials:

**(1)** Masonry or stone;

**(2)** Ornamental iron or other decorative metal, except that fencing shall not incorporate spiked tops within a Residential district except in accordance with Sec. 5.4.7, Security Exemption, or as required by the Architectural Review Board in a historic district;

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[407] These general standards incorporate and substantially expand upon the limited fence and wall-related standards in current Zoning Ordinance, primarily in Art. VI, Sec. 7, Fences and Walls.

[408] These standards incorporate and expand upon the corner visibility standards in the current Zoning Ordinance (Art. VI, Sec. 2, Corner Visibility in all districts except B-1-a, B-1-b, B-2, and M-3) and Art VI, Sec. 8.6.

[409] These standards replace and update the height standards in Art. VI, Sec. 7, Fences and Walls of the current Zoning Ordinance from seven feet to eight feet.

[410] This provision builds on the recommendations in the Assessment to establish basic materials standards to support consistent, appropriate, and visually appealing fences and walls across the city.

**(3)** Painted wood, pressure treated wood, or rot-resistant wood such as cedar, cypress, or teak;

**(4)** Composite materials designed to appear as wood, metal, or masonry;

**(5)** Chain link along side or rear lot lines and only as a customary part of a sports field. Where permitted, all chain link fences shall be vinyl coated and installed with the pointed ends to the ground;

**(6)** Vinyl fencing (for non-multifamily residential uses only); and

**(7)** Walls clad with substrate material intended to support living vegetation.

**(B) Prohibited Materials**

The following fence types or materials are prohibited unless approved in accordance with Sec. 5.4.7, Security Exemption.

**(1)** Barbed and/or razor wire;

**(2)** Fences or walls with any material or substance designed to inflict pain or injury on any person or animal such as broken glass, spikes, nails, barbs, or similar material;

**(3)** Fences constructed of chicken wire, corrugated metal, fabric materials, fiberboard, garage door panels, plywood, rolled plastic, sheet metal, debris, junk, or waste materials, unless such materials are recycled and reprocessed, for marketing to the general public, as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber);

**(4)** In the Mixed-Use and Nonresidential zone districts, opaque vinyl fence panels;

**(5)** Chain link fences except in accordance with subsection (A)(5) above; and

**(6)** Above-ground fences that carry electrical current (below-ground electrical fences intended for the keeping of pets are permitted).

## 5.4.5. Appearance[411]

**(A) Finished Side to Outside**

Wherever a fence or wall is installed, if one side of the fence or wall appears more “finished” than the other (e.g., one side of a fence has visible support framing and the other does not, or one side of a wall has a textured surface and the other does not), the more “finished” side of the fence shall face the exterior of the lot rather than the interior of the lot. See Figure 5-16: Fence with Finished Side Out.

**Figure 5-16: Fence with Finished Side Out**

[411] This subsection adds new standards, as suggested in the Assessment, to improve the outward appearance of fences and walls that may have different appearances on one side, and to make sure that, when relevant, fence and wall segments use a single style and color.

**(B) Compatibility of Materials Along a Single Lot Side**

All fencing or wall segments located along a single lot side shall be composed of a uniform style and color.

### 5.4.6. Maintenance[412]

Fences, walls, and associated landscaping shall be maintained in good repair and in a safe and attractive condition. Maintenance of fences and walls shall include, but not be limited to, the following:

**(A)** The replacement of missing, decayed, or broken structural or decorative elements;

**(B)** Keeping the structure clean of dirt and debris; and

**(C)** The repair of deteriorated or damaged fence materials, including, but not limited to, cracking or chipped surfaces visible from the public right-of-way, sagging sections, and posts that lean more than ten degrees from vertical.

### 5.4.7. Security Exemption[413]

**(A)** A landowner may submit to the Administrator a security plan proposing a fence or wall taller than what is permitted by this section or proposing the use of barbed and/or razor wire or electric wire atop a fence or wall for security reasons.

**(B)** The Administrator may approve or approve with conditions, the security plan and its proposed deviation from the standards, upon finding all of the following:

**(1)** The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, or represent a significant hazard to public safety without:

**(a)** A taller fence or wall;

**(b)** An electric fence; or

**(c)** Use of barbed and/or razor wire atop a fence or wall.

**(2)** The proposed fence or wall will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

**(C)** If the Administrator finds the applicant fails to demonstrate compliance with subsection (B) above, the security plan shall be denied.

## Section 5.5 Open Space Requirements[414]

### 5.5.1. Purpose

Lands set aside as open space (open space set-asides) are intended for the use and enjoyment of a development's residents, employees, or users. Open space set-asides serve numerous purposes,

[412] These new standards provide a codified, baseline expectation for the maintenance of fences and walls to ensure minimum standards across the city and support an appealing visual environment for residents and visitors.
[413] This subsection introduces new standards that outline the processes for landowners who may need fences or walls that are not permitted under the above standards and provide a higher level of security.
[414] As discussed in the Code Assessment (Section 4.5, Include Open Space Set-Aside Standards) on p. II-56, this new section establishes a uniform and comprehensive set of open space set-aside standards that apply throughout the City, not just to particular uses. More specifically, the section establishes measurable minimum open space set-aside standards (requirements), distinguishing the standards based on the use and the zone district in which the use is located (expressed as a percentage of site area). In addition, and importantly, the section identifies the types of open space that can be used to meet the open space set-aside standards; establishes priorities for the types of open space that should be set-aside on individual sites; identifies what cannot be counted as open space; establishes general standards for the design and lay-out of open space on a site; includes provisions identifying the type of development

including preserving natural resources, ensuring resident access to open areas and active recreation, reducing the heat island effect of developed areas, enhancing storm water management, and providing other public health benefits.

## 5.5.2. Applicability[415]

### (A) General

Unless exempted in accordance with subsection (B) below all new development proposed on land in the City that is subject to this Ordinance at least four acres in size shall comply with the standards of this Section.

### (B) Exemptions

The following development in the City that is subject to this Ordinance is exempt from the standards of this Section:

**(1)** All uses in the Agriculture use classification;

**(2)** Detached single-family and two-family dwellings on individual lots or on land that is subdivided into five or fewer lots; and

**(3)** Utility facility uses.

### (C) Timing of Review[416]

Review for compliance with the standards in this section shall occur during review of a development application for a planned development (Section 2.5.4, Planned Development), development plan (Section 2.5.7, Development Plan), subdivision (see Subdivision Regulations), or building permit, whichever occurs first.

## 5.5.3. Open Space Set-Aside Standards

### (A) General Standards

Development subject to the standards in this Section shall provide the minimum amounts of open space identified in Table 5-11: Required Open Space Set-Asides, based on the use and zone district classification.

**Table 5-11: Required Open Space Set-Asides**

| | Minimum Open-Space Set Aside (Percentage of Development Site Area) | | | |
|---|---|---|---|---|
| **Use Classification** | **Agricultural and Residential Districts** | **Business and Institutional Districts** | **Industrial Districts** | **Planned Development** |
| **Residential** | 20 | 15 | 15 | 25 |
| **Public, Civic, and Institutional Uses, and Commercial or Mixed Uses** | 15 | 15 | 15 | 15 |
| **Industrial Uses** | 10 | 15 | 5 | 15 |

that can be located on open space; and establishes rules for how the open space set-aside should be owned and managed, to ensure it remains as open space into perpetuity.

[415] This subsection establishes the development to which the standards apply, and what type of development is exempted.

[416] This subsection identifies when a proposed development is to be reviewed for compliance with the standards of the section.

**(B) Permeable Surface Standards**

At least 75 percent of the land in open space set asides shall be permeable.

## 5.5.4. Areas Counted Toward Open Space Set-Aside Standards[417]

**(A) General**

The features and areas identified as counting toward open space set-asides in Table 5-12: Open Space Set-Aside Features, shall be credited towards compliance with the amount of open space set-aside required by Table 5-11: Required Open Space Set-Asides, provided at least 50 percent of the ground area within open space set-asides shall be pervious.

**Table 5-12: Open Space Set-Aside Features**

| Area Counted as Open Space Set-Asides | Description | Design and Maintenance Requirements |
|---|---|---|
| **Natural Features** | | |
| | Lakes, rivers, streams, ponds, wetlands, other riparian areas, flood hazard areas, steep slopes, other environmentally sensitive lands, and wildlife habitat areas | Preservation of any existing natural features shall generally have highest priority for locating open space set-asides. Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, and unhealthy conditions. |
| **Required Landscape Areas** | | |
| | All areas occupied by required landscape areas, vegetative screening, and buffers, except landscape areas within parking lots | See Section 5.3, Landscaping Standards |
| **Stormwater Management Areas** | | |
| | All of the land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices) | To qualify, stormwater management facilities shall support passive recreation uses by providing access, pedestrian elements such as paths and benches, gentle slopes (less than 4:1), and vegetative landscaping. |

[417] This subsection identifies the types of open space that can be counted to comply with the standards in Table 5-12: Open Space Set-Aside Features. The subsection also includes rules dealing with some of the different types of open space set-asides.

| Table 5-12: Open Space Set-Aside Features | | |
|---|---|---|
| **Area Counted as Open Space Set-Asides** | **Description** | **Design and Maintenance Requirements** |
| **Access Easements with Paths or Trails** | | |
| | Public access easements that include paths or trails that are available for passive recreational activities such as walking, running, and biking | Such access easements shall include at least one improved access from a public street, sidewalk, or trail that includes signage designating the access point, and adequate path and right-of-way width to accommodate the use and maintenance of the facilities. |
| **Active Recreational Areas** | | |
| | Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, and community buildings and clubhouses, and land dedicated for parks. | Land shall be compact and contiguous unless used to link or continue an existing or planned open space resource.<br>Areas shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the public or the development's occupants and users. |

**(B) Areas Not Counted as Open Space**[418]

The following areas shall not be counted as open space set-aside areas:

**(1)** Private yards and setbacks not subject to an open space or conservation easement;

**(2)** Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements;

**(3)** Open parking areas and driveways;

**(4)** Land covered by structures, unless designated for active recreational uses;

**(5)** Designated outdoor storage areas; and

**(6)** Parking lot interior landscaping.

## 5.5.5. Design Standards for Open Space Set-Asides[419]

**(A) Location**

Open space set-asides shall be located so they are readily accessible and usable by occupants and users of the development.

**(B) Configuration**

**(1)** Open space set-asides shall be compact and contiguous, unless a different configuration is needed to continue an existing trail or accommodate preservation of natural features.

**(2)** To the maximum extent possible, buildings adjacent to the required open space set-asides shall have at least one entrance facing the open space set-aside.

[418] This subsection sets down the types of areas that are not counted as open space set-asides.
[419] This subsection establishes the general rules for the layout and design of open space set-asides on the site.

**(3)** If the development site is adjacent to existing or planned public trails, parks, or other public open space area, the open space set-aside shall be located to adjoin, extend, and enlarge the trail, park, or other public open space area.

**(C) Prioritization of Open Space Set-Aside**[420]

Open space set-asides shall be located and organized to include, protect, and enhance as many of the following open areas and features as possible, in the following general order of priority:

**(1)** Natural features such as riparian areas, riparian buffers, steep slopes, flood hazard areas, floodplains, and wildlife habitat areas;

**(2)** Water features such as lakes, rivers, streams, natural ponds, wetlands, and retention and detention ponds;

**(3)** Mature trees;

**(4)** Parks and trails;

**(5)** Perimeter buffers or visual transitions between different types or intensities of uses; and

**(6)** Areas that accommodate multiple compatible open space set-aside uses rather than a single use.

## 5.5.6. Development Allowed Within Open Space Set Aside[421]

Development within an open space set-aside shall be limited to that appropriate to the purposes of the type(s) of open space set-aside. Where appropriate, such development may include, but is not limited to:

**(A)** Walking, jogging, and biking paths or trails;

**(B)** Benches or other seating areas;

**(C)** Meeting areas;

**(D)** Tables, shelters, grills, and other picnicking facilities;

**(E)** Docks and other facilities for fishing;

**(F)** Environmental education guides and exhibits;

**(G)** Gazebos and other decorative structures;

**(H)** Fountains or other water features;

**(I)** Play structures for children;

**(J)** Gardens or seasonal planting areas;

**(K)** Swimming pools; and

**(L)** Athletic fields and courts, and associated clubhouses.

## 5.5.7. Phased Development

If a development consists of multiple phases, each phase shall include at least a proportional share of the open space proposed for the entire development, based on the number of dwelling units and the amount of nonresidential gross floor area in the phase and the total number of dwelling units and gross floor area in all phases of the development.

[420] This subsection establishes general guidelines about how open space should be prioritized.
[421] This subsection establishes basic rules governing the type of development that can occur on an open space set-aside.

### 5.5.8. Protection and Maintenance[422]

**(A) General**

Open space set-aside areas required in this Section shall be managed and maintained as permanent open space through one or more of the following options:

**(1)** Conveyance of open space areas to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open space purposes, in perpetuity;

**(2)** Conveyance of open space areas to a third-party beneficiary such as an environmental, historical, or civic organization, or a government entity, that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes, in perpetuity; or

**(3)** If public stormwater management facilities are treated as site amenities, through stormwater management easements.

**(B) Options Involving Private Ownership**

All options involving private ownership of open space areas shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities.

**(C) Maintenance of Open Space Set-Aside Areas**

The owner of the land used for open space set-asides shall be responsible for its management and maintenance. Failure to maintain open space in accordance with this section shall be a violation of this Ordinance and may be enforced in accordance with Article 7: Enforcement.

## Section 5.6 Riparian Buffer Standards[423]

### 5.6.1. Purpose

The purpose and intent of this section is to regulate development within riparian buffers surrounding identified streams in the City to slow stormwater flow, reduce pollutant runoff into local water bodies, stabilize streambanks, and preserve the City's natural resources.

### 5.6.2. Applicability

**(A) General Applicability**

The standards in this section apply to all development and redevelopment in the City that is subject to this Ordinance.

**(B) Preexisting Development in Riparian Buffers**

Structures and other buildings within riparian buffers subject to the standards of this section where a building permit was obtained and construction initiated prior to _____ *[insert adoption date of this Ordinance]* may continue to be used and maintained but not expanded in size. Further development within the riparian buffer shall be subject to the regulations of this section.

[422] This subsection establishes the rules governing the management and maintenance of open space set-asides.
[423] As discussed in the Code Assessment Section 4.6, Include Standards to Protect Riparian Buffers), this new section includes standards that regulate development in the riparian areas around certain waterbodies within the City. By limiting the impact of development in the riparian areas, these regulations can help meet the City's goals expressed in *Envision Montgomery* to improve water quality, protect wetlands, minimize stormwater runoff, and reduce flooding and erosion.

**(C) Water Bodies Subject to Riparian Buffer Standards**

The standards in this section apply to all perennial and intermittent streams.

**(D) Relationship with Flood Damage Prevention Ordinance**

To the extent the regulations in this section conflict with the regulations in the City's Flood Damage Prevention Ordinance, Ch. 5, Art. X of the City Code, the more restrictive provisions shall control. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

## 5.6.3. Establishment of Buffer[424]

**(A) Buffers[425]**

Riparian buffers are established along perennial streams and intermittent streams. The required width of the riparian buffers is set forth in Table 5-13: Riparian Buffers.

**Table 5-13: Riparian Buffers**

| Surface Water Classification | Buffer Length (ft landward) [1] |
|---|---|
| Perennial stream | 50 [1] |
| Intermittent stream | 30 [1] |

**NOTES:**
[1] The buffer is measured horizontally on a line perpendicular from the top of bank, on all sides of the stream.

**(B) Buffer Identification[426]**

Riparian buffers subject to the standards in this Section are established along water bodies identified in accordance with the following:

**(1) Mapped Surface Waters**

Except as provided in subsection (2) below, surface water is subject to this Section if it is approximately shown on any of the following references:

**(a)** The most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture;

**(b)** The most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS); or

**(c)** A map prepared following a site inspection by the Department of Engineering and Environmental Services that determines that the stream satisfies the USGS definition for perennial or intermittent streams, based on applicable professional stream determination criteria.

**(2) Field Delineation**

A landowner may propose that a perennial stream or intermittent stream identified in subsection (1) above does not currently exist. The landowner shall submit documentation and other evidence to the Administrator in a form established by the Administrator. For good cause shown, the Administrator may remove streams identified in subsection (1) above from the standards of this section.

[424] This section establishes the buffers around waterbodies and the procedures for determining whether an applicable waterbody exists.
[425] This section establishes the width of the riparian buffers, based on the type of stream.
[426] This section determines how to identify a waterbody subject to these regulations, and provides a process for field delineation of the presence or absence of a waterbody.

## 5.6.4. Activities and Uses within Buffer[427]

### (A) Riparian Buffer Zones Identified[428]

The riparian buffers established by this section shall be divided into the two "zones" as follows:

**(1) Zone One**

Zone One is the area closest to the water body. Zone One shall constitute the first 25 feet of a riparian buffer adjacent to a perennial stream, and the first 15 feet of a riparian buffer adjacent to an intermittent stream.

**(2) Zone Two**

Zone Two serves as a transition between development upland and the sensitive Zone One buffer. Zone Two shall constitute the portion of the riparian buffer that is not included in Zone One.

### (B) Activities and Uses Permitted within Riparian Buffer Zones

Notwithstanding the allowed principal, accessory, and temporary uses permitted in the applicable zone district in accordance with Article 4: Use Regulations, only the activities and uses listed in Table 5-14: Activities and Uses Permitted in Riparian Buffers, are permitted in riparian buffers, subject to the standards listed in the right-most column and in subsection (C) below.

**(1)** "A" indicates that the activity or use listed in the left column is allowed in the applicable riparian buffer zone if the activity or use is permitted in the underlying zone district and elsewhere in the Ordinance.

**(2)** "V" indicates the activity or use listed in the left column is allowed in the applicable riparian buffer zone if the activity or use is permitted in the underlying zone district and elsewhere in the Ordinance, and the Board of Adjustment issues a variance permitting the activity or use within the applicable riparian buffer zone in accordance with Sec. 2.5.12, Variance, and the standards in this Section, including Sec. 5.6.5, Riparian Buffer Variance.

**(3)** "*" indicates the activity or use listed in the left column is prohibited in the applicable riparian buffer zone.

**Table 5-14: Activities and Uses Permitted in Riparian Buffers**
**A = Allowed V = Allowed with a Variance * = Prohibited**

| Activity | Zone One | Zone Two | Additional Standards |
|---|---|---|---|
| Buildings | * | * | |
| Clearing of invasive vegetation | A | A | |
| Fencing | A | A | (D)(1) |
| Fill material | * | * | |
| Flood control structures | A | A | |
| Greenway trails | V | A | (D)(2) |
| Hazardous waste and hazardous materials | * | * | |
| Landfills | * | * | |
| Natural footpaths | A | A | |
| Parking lots | * | * | |
| Required landscape buffer | A | A | |

[427] This section identifies which uses or activities are permitted within different areas of the riparian buffer.
[428] This section establishes two separate zones. The portion of the riparian buffer that is closer to the waterbody is more sensitive and thus permits fewer uses or activities.

**Table 5-14: Activities and Uses Permitted in Riparian Buffers**
**A = Allowed V = Allowed with a Variance * = Prohibited**

| Activity | Zone One | Zone Two | Additional Standards |
|---|---|---|---|
| Sheds and gazebos with footprint of less than 150 square feet | * | A | |
| Stormwater BMPs | V | A | |
| Stormwater runoff | A | A | |
| Stream and riparian buffer restoration and associated maintenance activities | A | A | |
| Streambank or shoreline stabilization | A | A | |
| Street crossings | A | A | |
| Streets | * | * | |
| Utility easements | A | A | |
| Vegetation management | A | A | |
| Water dependent structures, and access facilities (such as vehicle access roads and boat ramps) | A | A | |

**(C) Standards for All Activities in Riparian Buffers**

The following standards apply to all activities and uses within riparian buffers:

**(1)** Activities and uses shall be designed and constructed to minimize vegetation and soil disturbance and to provide the maximum water quality protection practicable.

**(2)** All activities and uses shall be regularly monitored and maintained to preserve the integrity and functioning of the riparian buffer.

**(3)** All street, greenway, utility, and other facilities intended to cross riparian buffers and associated water bodies, whether above ground or below ground, shall be designed to minimize impact on the buffer by crossing perpendicular to the buffer, to the maximum extent practicable.

**(D) Standards Specific to Activities in Riparian Buffers**

**(1) Fencing**

Fencing shall not result in the removal of trees from Zone One of the riparian buffer.

**(2) Greenway Trails**

Greenway trails shall be a maximum of 12 feet wide, with two-foot-wide shoulders.

## 5.6.5. Riparian Buffer Variance

The Board of Adjustment may grant a variance in accordance with Sec. 2.5.12, Variance, to authorize an activity or use listed as prohibited in Table 5-14: Activities and Uses Permitted in Riparian Buffers, or to adjust the standards that apply to a particular activity or use, subject to conditions sufficient to ensure compliance with the standards in this Section, provided that in addition to the decision-making criteria for a variance in Sec. 2.5.12(C), Decision-Making Standards for Variance, the applicant demonstrates that there is no practical alternative that minimizes impact to the riparian buffer from the proposed activity or use, and that the activity or use will be designed, constructed, and maintained in a manner that is consistent with the intent of this Section.

# Section 5.7 Exterior Lighting Standards[429]

## 5.7.1. Purpose and Intent

The purpose and intent of this section is to regulate exterior lighting to:

**(A)** Ensure all exterior lighting is designed and installed to maintain adequate lighting levels on site;

**(B)** Limit light spillage and glare directed at adjacent property, neighboring areas, and motorists;

**(C)** Curtail light pollution, reduce skyglow, and preserve the nighttime environment for the enjoyment of residents and visitors;

**(D)** Conserve energy and resources to the greatest extent possible; and

**(E)** Provide security for persons and property.

## 5.7.2. Applicability

**(A) General**

Except as exempted by subsection (B) below:

**(1) New Development**

All new development in the City that is subject to this Ordinance shall comply with the standards in this section.

**(2) Existing Development**

Any expansion or alteration of development existing prior to ___ *[insert effective date of this Ordinance]* in the City that is subject to this Ordinance shall comply with the standards of this section to the maximum extent practicable if the expansion increases the building's floor area by 50 percent or more or if the alteration involves 50 percent or more of the building's floor area (including interior alterations), as measured over any five-year period.[430]

**(3) Outdoor Lighting**

The replacement of any existing outdoor lighting fixture in the City that is subject to this Ordinance shall comply with the standards in this section.[431]

**(B) Exemptions**

The following types of lighting are exempt from the standards of this section:

**(1)** Lighting exempt under state or federal law;

**(2)** FAA-mandated lighting associated with a utility tower or airport;

**(3)** Lighting for public monuments and statuary;

**(4)** Lighting solely for signage (see Section 5.9, Sign );

**(5)** Temporary lighting for circuses, fairs, carnivals, and theatrical and other performance areas, provided such lighting is discontinued upon completion of the performance;

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[429] The introductory language in Sections 5.7.1 and 5.7.2 below describes the function of the two new sections and lays out where and in what situations the new lighting standards do or do not apply. The current Zoning Ordinance includes no lighting or illumination standards except those for billboards and parking lots (in certain districts), and therefore most of the standards in this Section 5.7 are new.

[430] The 50 percent threshold for applicability is intended to require that development making significant changes comply with the enhanced development standards in this new Zoning Ordinance. Similar redevelopment thresholds are included for other development standards.

[431] This is intended to provide for a slow improvement of exterior lighting quality over time as outdoor fixtures are replaced.

**(6)** Temporary lighting of construction sites, provided such lighting is discontinued upon completion of the construction activity;

**(7)** Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation;

**(8)** Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;

**(9)** Underwater lighting in swimming pools, fountains, and other water features;

**(10)** Holiday or festive lighting, provided such lighting does not create unsafe glare on street rights-of-way or neighboring properties and is removed within a reasonable time following the end of the holiday or festival being celebrated; and

**(11)** Outdoor lighting fixtures that do not comply with provisions of this section on ___ [*insert effective date of this Ordinance]*, provided they are brought into compliance with this section when they become unrepairable.

**(C) Prohibited Lighting**

The following exterior lighting is prohibited:

**(1)** Light fixtures that imitate an official highway or traffic control light or sign;

**(2)** Light fixtures that have a flashing or intermittent pattern of illumination;

**(3)** Spotlights, except when used by federal, state, or local authorities, or where they are used to illuminate alleys, parking garages, and working (maintenance) areas, so long as they are shielded and aimed so that they do not result in lighting on any adjacent lot or public right-of-way exceeding 2.0 foot candles;

**(4)** Light fixtures that direct lighting in an upwards direction, with the purpose or effect of illuminating buildings or monument features; and

**(5)** Light fixtures that illuminate all or most of a building façade, including light with the intention or effect of display signage on a building.

**(D) Timing of Review**

Review for compliance with the standards in this section shall occur during review of a development application for planned development (Sec. 2.5.4, Planned Development), development plan (Sec. 2.5.7, Development Plan), or building permit, whichever occurs first.

## 5.7.3. Lighting Plan[432]

To ensure compliance with the standards of this section, a photometric plan demonstrating how exterior lighting will comply with the standards of this section shall be included as part of the application in which these standards are reviewed and approved.

## 5.7.4. General Standards[433]

**(A) Hours of Illumination**

**(1)** Except for uses listed in subsection (2) below, uses that are adjacent to existing residential development shall extinguish all exterior lighting—except lighting necessary for security or emergency purposes—by 10.00 p.m. or within one hour of closing, whichever occurs first. For the purposes of this subsection, lighting "necessary for security or emergency

[432] This is a new requirement that will help standardize the lighting portion of development applications and ensure that proposed exterior lighting complies with the new standards.

[433] These are general standards incorporate many of the key recommendations from the Assessment pertaining to lighting, including: Setting standards for minimum and maximum illumination and hours of illumination, lighting fixture height standards (which prevent unsightly or out-of-scale illumination, especially in residential neighborhoods), mandating the use of full cutoff fixtures to prevent light overflow and glare, minimum energy efficiency standards to improve efficiency, and color standards to ensure LED lighting is not harsh.

purposes" shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, illumination of exterior walkways, or illumination of outdoor storage areas. Lighting activated by motion senor devices is strongly encouraged.

**(2)** The following uses are exempt from the requirements of this subsection (A):

**(a)** Residential dwelling uses (not including mixed-use sites that incorporate dwelling uses);

**(b)** Recreational facilities, outdoor; and

**(c)** Agriculture uses, including accessory agricultural uses.

### (B) Maximum Illumination Levels[434]

Except for street lighting, all exterior lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured in foot candles at ground level at a lot line (see Table 5-15: Maximum Illumination Levels) shall not exceed the standards in Table 5-15: Maximum Illumination Levels.

**Table 5-15: Maximum Illumination Levels[435]**

| Type of Use Abutting Lot Line | Maximum Illumination Level at Lot Line (Foot Candles) |
|---|---|
| Single-family detached dwellings, duplexes, manufactured homes, or vacant land in the RSF-20, RSF-12, RSF-8.4, RSF-7.2, and RSF-6 districts | 0.5 |
| All other uses in the Residential use classification, and vacant land in the RME-8.4 or RFM-7.2 districts. | 1.0 |
| Uses in the Commercial or Civic/Institutional use classifications (except Transportation and Utility uses), and vacant land in a business district or the OC, CG, or LI Districts | 2.0 |
| Transportation and Utility uses, uses in the Industrial use classification, and vacant land in the IG District | 3.0 |

### (C) Maximum Height

**(1)** Except for street lighting and as provided in Sec.5.7.5(A), Parking Lot Lighting, and 5.7.5(B), Sports or Performance Venue, the height of exterior light fixtures, whether mounted on poles, walls, or by other means, shall comply with the standards in Table 5-16: Maximum Height for Exterior Lighting.

**Table 5-16: Maximum Height for Exterior Lighting**

| Zoning District | Maximum Height (Feet) |
|---|---|
| Agricultural and Residential Districts, or within 100 feet of a Residential district | 15 |
| Institutional, Business, and Industrial districts | 25 |

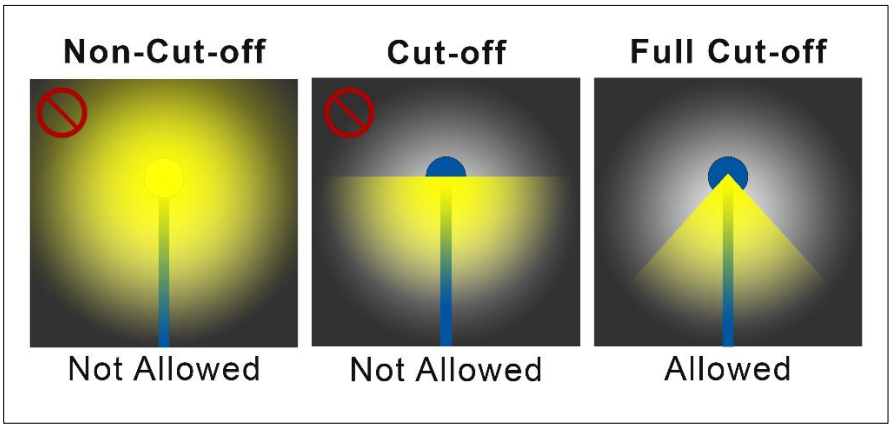
**(2)** The height of streetlights is dependent on the type of luminaire and its candlepower, the lamp, and the pole, and shall be approved by the Director of Public Works.

[434] These are basic new standards for maximum illumination based on the intensity of the adjacent use or intensity of use anticipated on vacant land in an adjacent zone district.

**(D) Full Cut-Off Fixtures Required**

Except for streetlights, all exterior luminaries, including security lighting, shall be full cut-off fixtures that are directed downward, consistent with Figure 5-17: Full Cut-off Fixtures. In no case shall lighting be directed above a horizontal plane through the lighting fixture.

**Figure 5-17: Full Cut-off Fixtures**




**(E) Energy-Efficient Fixtures and Elements Required**

**(1)** All outdoor light fixtures and light elements shall be energy efficient, as defined in subsection (2) below. The Administrator may allow exceptions to this requirement if the applicant demonstrates any of the following:

**(a)** An energy efficient fixture or light element is not reasonably available that meets the necessary functional requirements;

**(b)** Available energy efficient fixtures or light elements are not cost-effective over the life of the product, taking energy cost savings into account; or

**(c)** The use of an energy efficient fixture or light element is unreasonable or impractical for other reasons.

**(2)** For purposes of this subsection, an energy efficient light fixture or light element shall meet one of the following criteria:

**(a)** Is in the upper 25 percent of efficiency for all similar products as designated by the U.S. Department of Energy's Federal Energy Management Program; or

**(b)** Meets Department of Energy and Environmental Protection Agency criteria for use of the Energy Star trademark label.

**(F) Standards for LED Luminaries**

All exterior luminaries that include LED light sources shall comply with the following Illuminating Engineering Society of North America (IES) standards:

**(1)** The Correlated Color Temperature (CCT) shall not exceed 3,000 K;

**(2)** Backlight (B) shall not exceed 1;

**(3)** Uplight (U) shall be 0; and

**(4)** Glare (G) shall not exceed 1.

## 5.7.5. Standards for Specific Uses and Site Features

**(A) Parking Lot Lighting**

Parking lots shall be illuminated with lighting adequate to provide a minimum illuminance of one foot-candle and a maximum of three foot-candles throughout the parking lot. The maximum height of light poles in parking lots is 30 feet.

**(B) Sports or Performance Venue**[436]

**(1)** Lighting fixtures for outdoor sports areas, athletic fields, and performance areas shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

**(2)** Notwithstanding the standards of this Section, lighting for outdoor recreational uses such as ball diamonds, football fields, soccer fields, other playing fields, tennis courts, and similar uses:

**(a)** May be up to 30 feet in height, except at ball diamonds, football fields, and other playing fields, where they can be up to 95 feet in height;

**(b)** Shall have maximum illumination from such lighting at the property line not to exceed 2.0 foot-candles; and

**(c)** Shall be extinguished no later than 11:00 p.m. except to complete an activity that is in progress prior to 11:00 p.m.

**(C) Pedestrian Area Lighting**[437]

**(1)** Except near streets, crosswalks, or rights of way where the Director of Public Works determines that different standards are needed for safety, light fixtures for sidewalks, walkways, trails, and bicycle paths, outside of vehicular surface areas (parking lots), except for pedestrian bollard lamps, shall comply with the following standards:

**(a)** Provide at least 0.8 foot-candles of illumination, but not exceed 2.0 foot-candles;

**(b)** Have a maximum height of 15 feet; and

**(c)** Be placed a maximum of 100 feet apart.

**(2)** Any pedestrian bollard lamps shall be mounted no higher than four feet above grade and shall not exceed 900 lumens for any single lamp. (See Figure 5-18: Examples of Pedestrian Bollard Lamps).

**Figure 5-18: Examples of Pedestrian Bollard Lamps**

[436] These new provisions govern the special lighting situations at outdoor sports and performance venues. The standards allow for outdoor venues like these to operate but within reasonable guideposts, such as those on illumination height, power, and time of day (with a proposed 11:00 p.m. cutoff).

[437] These standards for pedestrian lighting, which are new, help the city make certain that pedestrian-scale lighting fixtures provide a minimum level of illumination, while not adding unnecessarily to light pollution. The provisions in this subsection also make sure that pedestrian lighting is built at a "pedestrian scale," which is to say, not too high or similar to streetlights.

**(D) Wall Pack Lights**[438]

Wall packs on the exterior of a building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and shall not exceed 1,600 lumens for any single fixture.

**(E) Canopy**[439]

Areas under a canopy shall be designed so as not to create glare off-site. Acceptable methods to address this include one or both of the following:

**(1)** A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides a full cutoff or fully-shielded light distribution; or

**(2)** A surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.

**(F) Decorative and Landscape Lighting**[440]

Outdoor light fixtures used for decorative effects shall comply with the following standards:

**(1)** Decorative lighting intended to enhance the appearance of a building and/or landscaping shall cast all light downward (rather than upward) against the building surface or onto a landscape feature, except the lighting may be cast upward if the lighting is intended to and does illuminate a building that has been designated as a historic property in accordance with Chapter 15 of the City Code.

**(2)** Decorative lighting fixtures shall not exceed 1,600 lumens for any single fixture.

## 5.7.6. Streetlights[441]

**(A)** Streetlights are required in all development.

**(B)** Streetlights shall be mounted on non-corrosive poles served by underground wiring. The lamps shall be designed to minimize direct glare and to provide reasonably uniform light distribution on the street and sidewalk surface.

**(C)** The light structure and light color of streetlights in an individual subdivision or development shall be consistent throughout the subdivision or development.

**(D)** The lamps and poles to provide the required illumination shall be compatible with the structure types in the subdivision.

**(E)** The developer shall coordinate with the utility that will provide electrical service for the streetlights.

## 5.7.7. Illumination Measurement[442]

**(A)** If illumination is measured, the measurement shall be made at the lot line of the land upon which light is to be measured. If measurement on private property is not possible or practical, light

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[438] These new standards were added to help address glaring, unattractive, and light pollution-producing building lighting.
[439] These standards are new, and build on recommendations from the Assessment to prohibit canopy lighting that extends below the edge of a canopy, thus lessening the amount of offsite glare from this style of lighting.
[440] The standards are new. As discussed in the Code Assessment, these standards regulate the use of specialized types of lighting and associated light pollutions on signs, monument features, buildings, etc.
[441] This new subsection adds citywide standards for streetlights, which were not part of the previous code. Providing adequate lighting of streets improves traffic and community safety.
[442] This provision is new and sets a standard form of measurement for illumination in the city, to make certain that the above standards related to maximum illumination levels and related standards are enforced consistently and correctly.

level measurements may be made at the boundary of the public street right-of-way that adjoins the land. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground.

**(B)** Illumination measurements shall be taken with a light meter that has been calibrated within two years.

### 5.7.8. Security Exemption[443]

**(A)** A landowner may submit a security plan to the Administrator proposing exterior lighting that deviates from the standards in Section 5.7.

**(B)** The Administrator may approve or approve with conditions the security plan and its proposed deviation from the standards, upon finding that:

**(1)** The proposed deviation from the standards is necessary for the adequate protection of the subject land, development, or the public;

**(2)** The condition, location, or use of the land, or the history of activity in the area, indicates the property or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding property without the additional lighting; and

**(3)** The proposed deviation from the standards is the minimum required, and will not have a significant adverse effect on neighboring lands.

**(C)** If the Administrator finds the applicant fails to demonstrate compliance with subsection above, the security plan shall be denied.

## Section 5.8 Form and Design Standards

### 5.8.1. Nonresidential and Mixed-Use Design Standards

**(A) Purpose**

The purpose of these nonresidential and mixed-use form and design standards is to ensure a minimum quality of form and design for commercial and mixed-use development in the City outside the areas zoned for the SmartCode, in a way that results in greater predictability during the development review process. More specifically, the intent of this section is to:

**(1)** Improve the physical appearance of the City generally;

**(2)** Encourage the establishment of a stronger sense of place with vibrant commercial and mixed-use development; and

**(3)** Encourage a more pedestrian-friendly environment through attention to human-scale design and site features to limit large, bulky buildings with few architectural details.

**(B) Applicability**

**(1)** Except as otherwise provided by subsection (2) below, the nonresidential and mixed-use form and design standards in this section shall apply to all new commercial and mixed-use development in the City that is subject to this Ordinance.

**(2)** Development in the SmartCode districts is exempt from the standards in this section.

[443] These new standards were added, as discussed in the code assessment, to allow modifications to the above lighting requirements for public safety reasons.

**(C) Timing of Review**

Review for compliance with the standards of this section shall occur during review of a development application for a development plan (Section 2.5.7) or building permit, as applicable.

**(D) Standards**

Development subject to the requirements of this section shall comply with the following standards.

**(1) Building Orientation**

**(a) Front Streets**

The front façade of all buildings, as defined by the primary entrance, shall be oriented towards and front onto a street, a courtyard, or plaza. (See Figure 5-19: Example of Building Orientation.)

**(b) Single Building Development**

1. To the maximum extent practicable, all single-building developments shall be configured with the long axis of the building parallel to the street it fronts, or be consistent with existing development patterns, rather than being sited at unconventional angles.
2. New large single-use retail buildings shall comply with the standards in Sec. 5.8.2, Large Retail Establishment Form and Design Standards.

**Figure 5-19: Example of Building Orientation**

**(c) Multi-Building Development**

1. The primary entrances of buildings shall be oriented towards a street along the perimeter of a development, towards streets or driveways interior to the development, or towards open space areas, courtyards, or plazas.
2. Developments totaling 100,000 or more square feet of floor area that are composed of multiple buildings shall be configured to accomplish any one or combination of the following:
   - I. Break up the site into a series of smaller "blocks" defined by on-site streets, vehicle accessways, pedestrian walkways, or other circulation routes, as appropriate; or
   - II. Frame the corner of an adjacent intersection or entry point to the development (see Figure 5-20: Building Framing Corner or Entry Point).

**Figure 5-20: Building Framing Corner or Entry Point**

**(2) Building Entrances**

Primary building entrances shall be designed to be visually prominent through the use of a combination of two or more of the following features:

**(a)** A canopy, portico, archway, arcade, or similar overhang that provides architectural interest and pedestrian protection;

**(b)** Peaked roof forms;

**(c)** Raised corniced parapets over the door;

**(d)** Outdoor pedestrian features such as seat walls and landscaping, or permanent landscape planters with integrated benches; and

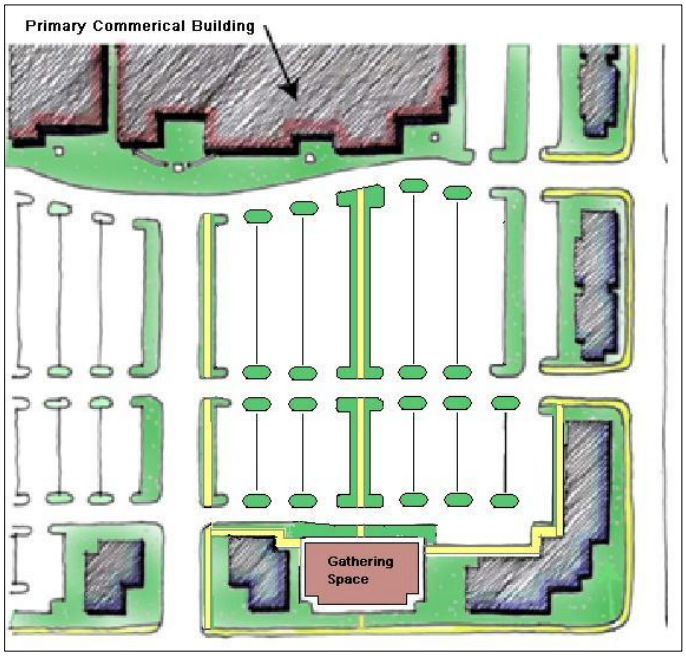
**(e)** Architectural detailing such as tile work and moldings integrated into the building structure.

**(3) Outparcel Development**

**(a)** To the maximum extent practicable, outparcels and their buildings shall be configured and located to define street edges, development entry points, and spaces for gathering or seating between buildings.

**(b)** Spaces between buildings on outparcels shall be configured with small scale pedestrian amenities such as plazas, seating areas, pedestrian connections, and gathering spaces (see Figure 5-21: Outparcel Development).

**Figure 5-21: Outparcel Development**




**(4) Façades**

**(a) Materials and Fenestration**

**1.** Building façades shall be constructed primarily of brick, cast concrete, stone, marble, cementitious fiber board, or other materials similar in appearance and durability.

**2.** The use of exposed smooth-finish concrete blocks, aluminum siding, vinyl siding, corrugated metal siding, or other metal cladding as a primary building material is prohibited on any façade visible from a street right-of-way. However, decorative metal may be used as a building accent material.

**3.** Primary façade materials shall not change at outside corners but shall extend along any side façade visible from a street right-of-way. In all instances the extension shall be a minimum of 20 feet, except materials may change where side or rear wings meet the main body of the structure. Where two or more materials are proposed to be combined on a façade, the heavier and more massive elements shall be located below the lighter elements (i.e., brick shall be located below stucco or wood). The heavier material may be used as a detail on the corner of a building or along cornices or windows.

**4.** Along the street-facing façade of principal structures, the following transparency requirements apply:

**I.** Along the ground-level façade, 50 percent of the ground-level façade shall be occupied by windows or doorways if the structure is within 25 feet of a street right-of-way, or 25 percent if the structure is 25 feet or further from a street right-of-way. The minimum percentage requirement shall be measured shall be measured between three and twelve feet above the ground, but windows and doors extending to ground level shall count towards the minimum required percentage. Windows shall be set to the inside of the building face wall.

**II.** On floors above the ground level, 20 percent of the facade shall be occupied by windows or doorways. The minimum percentage of transparency for

floors above the ground level is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, transparency for floors above the ground level is measured from the top of the finished floor to the top of the wall plate.

**III.** All street-level windows shall have a Visible Light Transmittance rating of at least 50 percent.

**Iv.** Low-emissivity glass is permitted. Mirrored glass is prohibited.

**5.** The use of aluminum siding, vinyl siding, corrugated metal siding, or other metal cladding is prohibited on any façade visible from a street right-of-way. Nothing shall limit the use of high-quality, decorative metal (e.g., brass, copper, steel) as a building accent or cladding material.

**(b) Offsets Required**

Street-facing front building façades that are greater than 60 feet wide shall be articulated with wall offsets (e.g., projections or recesses in the façade plane) that are at least two feet deep, at least ten feet wide, and spaced no more than 50 feet apart (see Figure 5-22: Example of Front Façade Offsets).

**Figure 5-22: Example of Front Façade Offsets**

**(c) Offset Alternatives**

The following techniques may be used (alone or in combination with other techniques and/or wall offsets) as an alternative to the required front façade offsets:

**1.** Changes in façade color or material that follow the same dimensional standards as the offset requirements (see Figure 5-23: Changes in Color and Roofline);

**2.** Roofline changes that vertically align with a corresponding wall offset or change in façade color or material, including changes in roof planes and changes in the height of a parapet wall (such as extending the top of pilasters above the top of the parapet wall) (see Figure 5-23: Changes in Color and Roofline); or

**Figure 5-23: Changes in Color and Roofline**

**3.** Columns or pilasters that are at least eight inches deep and at least eight inches wide, and have a height equal to at least 80 percent of the façade's height (see Figure 5-24: Pilasters).

**Figure 5-24: Pilasters**

Credit: kusenkova – stock.adobe.com

**(d) Side Façades**

The street-facing side façades of buildings shall be articulated with the same façade details as provided on the building's front façade, or be screened from off-site views through fences, walls, or landscaping (which shall be at least eight feet high).

**(e) Outbuildings**

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

**(5) Roofs**

**(a)** Sloped roofs on principal buildings over 100 feet in length shall include two or more different sloping roof planes, each with a minimum pitch between 3:12 and 12:12.

**(b)** Flat roofs on principal buildings shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane.

**(c)** All roof-based mechanical equipment, as well as vents, pipes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured, to the maximum extent practicable, to have a minimal visual impact as seen from the street. If mechanical equipment is located in an area where it would be visible from an adjoining street, the mechanical equipment shall be screened with parapet walls that are at least as high as the mechanical equipment.

**(6) Location of Off-Street Parking**

Except in the SmartCode districts and as otherwise provided in Sec. 5.8.2, Large Retail Establishment Form and Design Standards, development shall be configured to locate a minimum of 50 percent of required surface off-street parking to the side or rear of the front façade of the building.[444]

**(7) Loading, Service, and Equipment Areas**

**(a)** Loading, service, and equipment areas shall be located in a manner that minimizes their visibility from off-site areas, to the maximum extent practicable.

**(b)** Outdoor storage areas and dumpsters shall be fully screened from adjacent streets and single-family dwellings.

**(c)** All dumpsters shall be maintained on-site and not kept on a public right-of-way.

**(d)** Loading, service, and equipment areas that are associated with an outparcel building shall be screened through the use of structural elements using similar materials as the building attached to and integrated with the building.

## 5.8.2. Large Retail Establishment Form and Design Standards

**(A) General**

In addition to the general nonresidential and mixed-use form and design standards in Sec. 5.8.1, Nonresidential and Mixed-Use Design Standards, any large retail establishment (see Section 8.3, Definitions) shall also comply with the standards in this section. If there is a conflict between the standards in this section and those in Sec. 5.8.1, Nonresidential and Mixed-Use Design Standards, the standards in this section shall control.

**(B) Building Entrances**

Buildings shall have clearly defined, highly visible customer entrances featuring no less than three of the following (see Figure 5-25: Large Retail Building Entrances and Massing):

**(1)** Canopies or porticos above the entrance;

**(2)** Roof overhangs above the entrance;

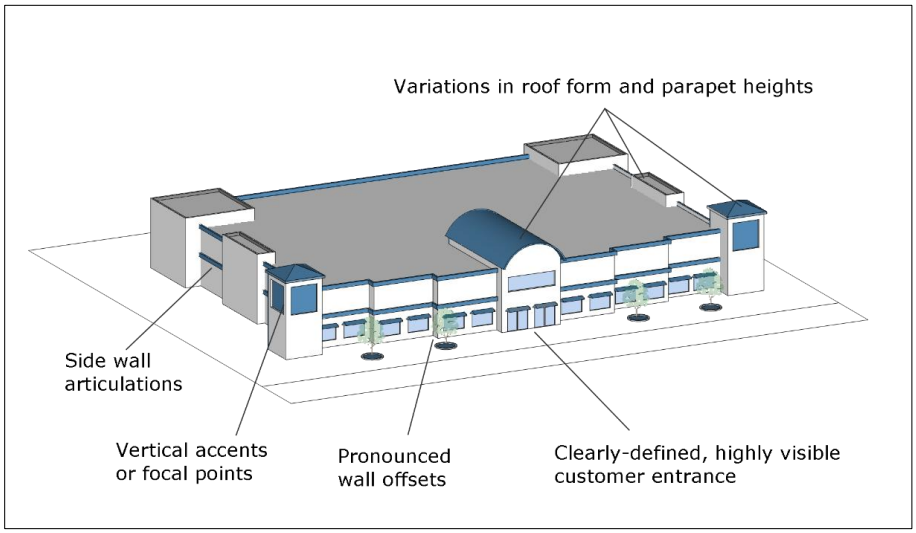
**(3)** Entry recesses or projections;

**(4)** Arcades that are physically integrated with the entrance;

[444] Consider if these standards should be required only in some districts or locations.

**(5)** Raised corniced parapets above the entrance;
**(6)** Gabled roof forms or arches above the entrance;
**(7)** Outdoor patios or plazas next to the entrance;
**(8)** Display windows that are directly next to the entrance;
**(9)** Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above or next to the entrance; or
**(10)** Integral planters or wing walls that incorporate landscaped areas or seating areas.

**Figure 5-25: Large Retail Building Entrances and Massing**




**(C) Façades and Massing**

**(1)** To reduce their perceived mass and scale, buildings shall incorporate two or more of the following design elements on each façade facing a street (see Figure 5-25: Large Retail Building Entrances and Massing):
- **(a)** Variations in roof form and parapet heights;
- **(b)** Pronounced wall offsets that are at least two feet deep;
- **(c)** Distinct changes in texture and color of wall surfaces;
- **(d)** Ground level arcades and second floor galleries or balconies;
- **(e)** Protected and recessed entries; and
- **(f)** Vertical accents or focal points.

**(2)** Side building walls that do not face a street and exceed 30 feet in length shall have façade-articulating elements such as columns or changes in plane, texture, or masonry pattern (see Figure 5-25: Large Retail Building Entrances and Massing).

**(D) Building Façade Fenestration/Transparency**

Unless more restrictive requirements are established elsewhere in this Ordinance, at least 10 percent of the street-facing façade area of the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways.

**(E) Location of Off-Street Parking**

Up to 75 percent of surface parking required by this Ordinance may be located between the front façade of the building and the street it faces. Any parking provided in addition to that required by this Ordinance shall be located to the side or rear of the front façade of the building.

## Section 5.9 Sign Regulations

New, comprehensive sign regulations will be delivered in a future draft.

## Section 5.10 Flood Damage Prevention[445]

### 5.10.1. Purpose

The purpose of this section is to clarify the applicability of additional regulations that apply to property located in flood-prone areas of the City.

### 5.10.2. Standards

The standards in the City's Flood Damage Prevention Ordinance, Ch. 5, Art. X of the City Code, apply to all development in the City.

[445] This is included to provide a clear cross-reference to the City's flood damage prevention regulations.

# Article 6: Nonconformities

**Commentary on Draft:**

**Article 6: Nonconformities,** consolidates all rules pertaining to nonconformities. It builds on the rules in the current Zoning Ordinance governing nonconformities. The article is organized into the following sections:

**Section 6.1, Policy and Purpose,** states the general purpose and scope of the article.

**Section 6.2, General Applicability,** establishes the rules that generally apply to all nonconformities.

**Section 6.3, Nonconforming Uses,** establishes the specific rules governing nonconforming uses.

**Section 6.4, Nonconforming Structures,** establishes the specific rules governing nonconforming structures.

**Section 6.5, Nonconforming Lots of Record,** addresses nonconforming lots of record.

**Section 6.7, Nonconforming Outdoor Advertising Signs,** addresses nonconforming outdoor advertising signs (billboards).

**Section 6.8, Nonconformities Created By Eminent Domain or Voluntary Donation of Land For a Public Purpose,** provides relief for those nonconformities created by eminent domain actions, or nonconformities created by the voluntary donation of land for a public purpose.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

## Section 6.1 Policy and Purpose[446]

### 6.1.1. Purpose

The purpose and intent of this article is to recognize the interests of the landowner in continuing to use the land, but to preclude the expansion of a nonconformity or reestablishment of a discontinued or substantially destroyed nonconformity unless allowing such expansion or reestablishment can serve as an incentive to achievement of even greater public benefit.

### 6.1.2. Policy Towards Nonconformities

In this City, there exist uses of land, structures, lots of record, and outdoor advertising structures that were lawfully established before the Ordinance was adopted or amended, that do not conform to its terms and requirements. It is the general policy of the City to allow such uses, structures, lots of record, and outdoor advertising structures to continue to exist. It also is the policy of the City to bring as many of these nonconformities into conformance with this Ordinance as is reasonably practicable, subject to the requirements of this article.

[446] This builds on Article I, Section 6a of the current Zoning Ordinance.

## Section 6.2 General Applicability[447]

### 6.2.1. Authority to Continue

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

### 6.2.2. Determination of Nonconformity Status

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

### 6.2.3. Minor Repairs and Maintenance

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, and outdoor advertising structures in a safe condition are permitted. For the purposes of this subsection, minor repair or normal maintenance involves work that makes no structural change to a building, structure, or sign, and means:

**(A)** Repairs that are necessary to maintain a nonconforming use, structure, lot of record, sign, or site feature in a safe condition;

**(B)** Painting and the replacement of doors or windows if the existing openings are not changed in size;

**(C)** Work on the interior of a building or structure; and

**(D)** Maintenance of land areas to protect against health hazards and promote the safety of surrounding uses.

### 6.2.4. Change in Tenancy or Ownership

The change in title, possession, or the right to possession of land shall not be construed to change the status of a nonconformity.

### 6.2.5. Restoration to Safe Condition[448]

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe, nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of the structure or portion of the structure declared to be unsafe by any official charged with protecting the public safety.

## Section 6.3 Nonconforming Uses[449]

### 6.3.1. General

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

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[447] This is a new section that establishes the general applicability of this article, and makes clear that normal repair and maintenance and change in tenancy or ownership do not impact the lawful existence of a nonconformity, while also establishing that the burden of demonstrating that a nonconformity is lawful lies with the property owner.
[448] This carries forward Article I, Section 6c of the current Zoning Ordinance.
[449] This section establishes specific rules governing nonconforming uses. It builds on Article I, Section 6, of the current Zoning Ordinance with refinements to modernize and clarify the rules and to clarify that the general impact of the nonconforming use may not be increased. Certain revisions that had in practice expired were not carried forward.

### 6.3.2. Extension, Expansion, or Relocation[450]

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

### 6.3.3. Change in Use[451]

**(A)** Except as otherwise provided in subsection (B) below, a nonconforming use may only be changed to a use that is permitted in the zone district in which it is located. After a nonconforming use is converted to a conforming use, it shall not be changed back to a nonconforming use.

**(B)** An existing nonconforming use may be converted to another nonconforming use, subject to approval of a special exception (see Sec. 2.5.5, Special Exception) if the Board of Adjustment finds, in addition to all other required findings, that the proposed nonconforming use is more in character with the uses permitted in the district than the use it replaces. In permitting the change, the board may require appropriate conditions and safeguards in accordance with the purpose of this Article.

### 6.3.4. Discontinuance or Abandonment of Nonconforming Use[452]

**(A)** Except for nonconforming residential uses, if a nonconforming use ceases to operate or is discontinued or abandoned for a period of one year, it shall not be reestablished and shall only be replaced with a conforming use.

**(B)** A nonconforming residential use may be reestablished regardless of the length of time the use was discontinued or abandoned.

### 6.3.5. Structures Used for Nonconforming Use

Any reconstruction or repair of a damaged structure used for a nonconforming use shall be subject to the same provisions applicable to nonconforming structures in Section 6.4, Nonconforming Structures.

## Section 6.4 Nonconforming Structures

### 6.4.1. General

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

### 6.4.2. Relationship with Conforming and Nonconforming Uses

Where a nonconforming principal structure contains a conforming use, only the nonconforming structure is subject to the standards and limitations in this section. Where a nonconforming structure contains a nonconforming use, the nonconforming structure is subject to the standards and limitations of this section and the nonconforming use is subject to the standards and limitations in Section 6.3, Nonconforming Uses.

[450] This carries forward Article I, Section 6b of the current Zoning Ordinance.
[451] This builds on Article I, Section 6f of the current Zoning Ordinance and establishes a requirement that a change to a use that purports to be nonconforming but more restrictive (in other words, being less nonconforming than the original use) may only be allowed through the approval of a special exception.
[452] This carries forward Article I, Section 6e of the current Zoning Ordinance.

### 6.4.3. Enlargement, Alteration, or Extension

**(A)** A nonconforming structure may be enlarged or structurally altered, provided the enlargement or alteration does not increase the extent or degree of the nonconformity and complies with all other applicable requirements of this Ordinance.

**(B)** Nothing in this Section 6.4.3 shall be construed to prevent the restoration of an historical or architectural landmark, as designated by the City, state, or federal government.

### 6.4.4. Reconstruction or Repair[453]

The reconstruction or repair of a nonconforming structure damaged as a result of a natural disaster or other unforeseen and unpreventable accident or occurrence shall be subject to the following provisions.

**(A) Damage Up to 60 Percent of Value**

If a nonconforming structure is damaged to an extent whereby the cost of restoring the structure to its before-damaged condition would be 60 percent or less of its replacement value at the time the damage was incurred, the structure may be reconstructed or repaired if:

**(1)** The reconstruction or repair does not increase, expand, enlarge, or extend the degree of nonconformity; and

**(2)** The reconstruction or repair is completed within one year after the damage.

**(B) Damage Greater Than 60 Percent of Value**

If a nonconforming structure is damaged to an extent whereby the cost of restoring the structure to its before-damaged condition would exceed 60 percent of its assessed value before the damage, the structure shall not be reconstructed or repaired except in conformity with the provisions of this Ordinance.

### 6.4.5. Historic Structures

Nonconforming structures on properties designated as historic in accordance with Chapter 15 of the City Code may be renovated, restored, repaired or maintained if done in accordance with the state guidelines for historic preservation and applicable design standards, regardless of the nonconformance of the building.

## Section 6.5 Nonconforming Lots of Record[454]

### 6.5.1. General

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

### 6.5.2. Structures on Nonconforming Lots of Record

Nonconforming structures legally established on a nonconforming lot of record before ___ *[Insert the effective date of this Ordinance]* may be continued, enlarged, or redeveloped only in accordance with the standards in Section 6.4, Nonconforming Structures.

### 6.5.3. Development on Nonconforming Lots of Record

New development shall be allowed on a vacant nonconforming lot of record in accordance with the following, provided neither the lot nor any portion of it has been held in common ownership with any

[453] This carries forward Article I, Section 6d of the current Zoning Ordinance, and clarifies that the reconstructed or repaired nonconforming building may not be more nonconforming than the original structure.
[454] This builds on Article I, Section 7 of the current Zoning Ordinance and provides increased flexibility for addressing nonconforming lots of record in residential and nonresidential zone districts.

abutting lot so that the combined property holdings of the landowner would form a lot of sufficient width and area to conform to the requirements of this Ordinance at any time during the period of common ownership:

**(A)** In Residential districts, one single-family dwelling unit may be developed on a vacant nonconforming lot, if the structure complies with all other applicable standards in this Ordinance, including applicable setback and building height standards and any applicable use-specific standards, to the maximum extent practicable.

**(B)** In Business and Industrial districts, any use allowed in the zoning district in which a nonconforming vacant lot is located may be established on the lot, if the structure complies with all other applicable standards in this Ordinance, including any applicable use-specific and building height standards and, to the maximum extent practicable, applicable setback standards.

## Section 6.6 Nonconforming Signs[455]

### 6.6.1. General

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

### 6.6.2. Enlargement or Alteration

A nonconforming outdoor advertising structure shall not be extended or structurally alerted. The changing of the copy of a nonconforming outdoor advertising structure is permitted as long as the sign copy area is not increased and no extensions or structural alterations are made. The changing of a nonconforming outdoor advertising structure from a static copy to an electronic messaging or digital sign is not permitted.

### 6.6.3. Restoration to Safe Condition[456]

If a nonconforming outdoor advertising structure becomes physically unsafe, nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of the structure declared to be unsafe by any official charged with protecting the public safety.

### 6.6.4. Reconstruction or Repair[457]

The reconstruction or repair of a nonconforming outdoor advertising structure damaged as a result of a natural disaster or other unforeseen and unpreventable accident or occurrence shall be subject to the following provisions.

**(A) Damage Up to 60 Percent of Value**

If a nonconforming outdoor advertising structure is damaged to an extent whereby the cost of restoring the structure to its before-damaged condition would be 60 percent or less of its replacement value at the time the damage was incurred, the outdoor advertising structure may be reconstructed or repaired, provided the reconstruction or repair does not increase, expand, enlarge, or extend the degree of nonconformity.

**(B) Damage Greater Than 60 Percent of Value**

If a nonconforming outdoor advertising structure is damaged to an extent whereby the cost of restoring the structure to its before-damaged condition would exceed 60 percent of its assessed value before the damage, the outdoor advertising structure shall not be reconstructed or repaired except in conformity with the provisions of this Ordinance.

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[455] This carries forward Article IX, Section 4 of the current Zoning Ordinance. It will be updated to encompass additional categories of nonconforming signs when the comprehensive sign regulations are drafted.
[456] This carries forward Article I, Section 6c of the current Zoning Ordinance.
[457] This carries forward Article I, Section 6d of the current Zoning Ordinance, and clarifies that the reconstructed or repaired nonconforming building may not be more nonconforming than the original structure.

### 6.6.5. Discontinuance or Abandonment

If a nonconforming outdoor advertising structure ceases to operate or is discontinued or abandoned for a period of one year, it shall not be reestablished.

## Section 6.7 Nonconformities Created by Eminent Domain or Voluntary Donation of Land for a Public Purpose[458]

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

**(A)** Complies with Section 4.2, Principal Uses;

**(B)** Complies with the dimensional standards of the zone district in which it is located, to the maximum extent practicable;

**(C)** Complies with the off-street parking and landscaping standards of this Ordinance, to the maximum extent practicable;

**(D)** Complies with all other standards and requirements of this Ordinance; and

**(E)** Is designed and configured in a way that is compatible with surrounding development.

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

# Article 7: Enforcement[459]

**Commentary on Draft:**

**Article 7: Enforcement,** includes the rules pertaining to enforcement. It significantly expands upon the limited provisions in Article II of the current Zoning Ordinance with a new set of provisions that establish the full extent of the City's authority to inspect and enforce this Ordinance, and to make the code enforcement process more clear, efficient, and effective.

**Section 7.1, Purpose,** states the purpose of the article.

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

**Section 7.3, Violations,** identifies what actions result in a violation of this Ordinance.

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

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

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

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

## Section 7.1 Purpose[460]

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

## Section 7.2 Compliance Required[461]

### 7.2.1. General

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

### 7.2.2. Development Approval and Permits

All persons shall obtain all development approvals and permits required by this Ordinance prior to development. A development approval or permit issued by a decision-making body or person authorizes

[459] As discussed in the Annotated Outline, this article establishes a comprehensive series of regulations that govern enforcement of this Ordinance. This chapter clearly describes violations, identifies who is responsible for violations of the Ordinance, and sets forth the City's power to enforce the Ordinance, the remedies the City may use to ensure enforcement, and the available penalties for refusal to comply with the terms of the Ordinance. Sections 2 through 4 of Article II address the requirements for a building permit and certificate of occupancy and have been carried forward in Section 1.8, Construction and Occupancy.
[460] This section sets forth the purpose of the enforcement article, which is to establish a set of rules for enforcement of the rewritten Zoning Ordinance.
[461] This new section clearly states that compliance with all provisions of the Zoning Ordinance is required.

only the use, arrangement, location, design, density or intensity, and development set forth in such development approval or permit.

## Section 7.3 Violations[462]

### 7.3.1. General Violations

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

### 7.3.2. Specific Violations

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

**(A)** Develop land or a structure without first obtaining all appropriate development approvals and permits;

**(B)** Fail to provide any notice that the applicant is required to provide under this Ordinance;

**(C)** Develop land or a structure without complying with the terms or conditions of all applicable development approvals and permits;

**(D)** Occupy or use land or a structure without first obtaining all applicable development approvals and permits;

**(E)** Disturb any landscaped area or vegetation required by this Ordinance except for required maintenance;

**(F)** Install, create, erect, alter, or maintain any sign without first obtaining the applicable development approvals and permits, and complying with their terms and conditions;

**(G)** Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permit has lapsed;

**(H)** Create, expand, replace, or change any nonconformity except in compliance with this Ordinance;

**(I)** Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Ordinance;

**(J)** Increase the intensity or density of development, except in accordance with the standards of this Ordinance;

**(K)** Through any act or omission, fail to comply with any other provisions, procedures, or standards required by this Ordinance;

**(L)** Through any act or omission, violate any term, condition of approval, or qualification placed by a decision-making body or person on a development approval or permit;

**(M)** Violate any lawful order issued by any decision-making body or person in accordance with this Ordinance;

**(N)** Violate any standards or conditions that apply to a qualified district;

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

**(O)** Obtain a development approval or permit through false or misleading information; or

**(P)** Remove, deface, obscure, or obstruct a notice required to be posted or otherwise given in accordance with this Ordinance.

## Section 7.4 Responsible Persons[463]

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

## Section 7.5 Enforcement Generally[464]

### 7.5.1. Responsibility for Enforcement[465]

The Administrator shall be responsible for enforcing the provisions of this Ordinance in accordance with state law.

### 7.5.2. Inspections[466]

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

### 7.5.3. Complaints Regarding Violations[467]

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

### 7.5.4. Enforcement Procedure[468]

Upon becoming aware of any violation of the provisions of this Ordinance, the Administrator shall serve written notice of such violation upon the person(s) responsible for compliance.

**(A) Investigation of Complaint**

On receiving a written complaint, the Administrator shall investigate the complaint and determine whether a violation of this Ordinance exists.

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[463] This new section states who is responsible for a violation when it occurs. It states that any person who violates the Zoning Ordinance shall be subject to the remedies and penalties set forth in this article.
[464] This section builds on the current Zoning Ordinance. It states who is responsible for enforcing the ordinance, what procedures citizens should follow to report potential violations, and how inspection of property is to be carried out, when it is required. The heart of the section sets down the current procedure for enforcement of zoning ordinance violations.
[465] This builds on Article II, Section 1 of the current Zoning Ordinance.
[466] This builds on Article II, Section 1 of the current Zoning Ordinance.
[467] This is a new section.
[468] This is a new section that establishes a process for investigating a potential violation, providing notice to the property owner in an effort to secure a remedy of a violation, and the City's authority to impose penalties and secure remedies.

**(B) Notice of Violation**

**(1)** On finding that a violation of this Ordinance exists, whether from an investigation of a written complaint or otherwise, the Administrator shall provide written notification of the violation to the owner of the property on which the violation exists and the person causing or maintaining the violation, if different from the owner, by personal service or by certified or registered mail. Such notification shall at a minimum:

**(a)** Describe the location of the violation;

**(b)** Describe the nature of the violation;

**(c)** State the actions necessary to abate the violation;

**(d)** Order that the violation be corrected within a specified reasonable time period stated in the notice of violation; and

**(e)** Advise the violator(s) of their right to appeal the notice of violation to the Board of Adjustment in accordance with Sec. 2.5.13, Appeal.

**(2)** If the owner of the property cannot be located or determined, or if service of the notice is refused, the Administrator shall post a copy of the notice on the building, structure, sign, or site that is the subject of the violation.

**(3)** On receiving a written request for extension of the time limit for correction specified in the notice of violation, and upon determining the request includes sufficient information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Administrator may grant a single extension of the time period for correction stated on the notice of violation.

**(C) Application of Remedies and Penalties**

On determining that the violator has failed to correct the violation by the time limit set forth in the notice of violation, or any granted extension thereof, or has failed to timely appeal the notice of violation in accordance with Sec. 2.5.13, Appeal, the Administrator shall ensure that appropriate action is taken, as provided in Section 7.6, Remedies and Penalties, to correct and abate the violation and to ensure compliance with this Ordinance.

## Section 7.6 Remedies and Penalties[469]

### 7.6.1. Available Remedies[470]

The Administrator may use any combination of the following enforcement actions or remedies to correct, stop, abate, and enjoin a violation of this Ordinance:

**(A)** Suspend inspections at the site of construction;

**(B)** Issue and serve upon a person pursuing the activity or activities in violation of the Ordinance a stop-work order requiring that the person stop all activities in violation of the Ordinance.

**(C)** Revoke any development approval or permit required under the Ordinance if it is determined that:

**(1)** There is a failure to comply with the approved development approval, permit, plans, specifications, or terms or conditions required under the development approval or permit;

**(2)** The development approval or permit was procured by false representation; or

**(3)** The development approval or permit was issued in error.

[469] This section recognizes civil, equitable, and criminal penalties, detailing the range of penalties and remedies available.
[470] This is a new section.

**(D)** Deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation related to such land, structure, or improvements is corrected and any associated civil penalty is paid.

**(E)** If a violation is one that presents a serious threat to the public health, safety, or welfare, or is irreparable or irreversible, ensure that all reasonable repairs necessary to bring the land into compliance are made and charge the violator with the reasonable cost of the repairs, in accordance with state law.

**(F)** Bring an action for injunction or mandamus to abate a violation; or

**(G)** Take any other action at law or in equity to prevent or remedy any violation, or otherwise enforce the provisions of this Ordinance.

### 7.6.2. Available Penalties[471]

Any person who violates this Ordinance shall be subject to the civil and criminal penalties set forth in Section 1-6 of the City Code.

### 7.6.3. Remedies Are Cumulative[472]

**(A)** The remedies and penalties provided for violations of this Ordinance, whether civil, equitable, or criminal, shall be cumulative and may be exercised in any order.

**(B)** Each day of continued violation of this Ordinance shall be considered a separate violation for purposes of computing cumulative penalties.

### 7.6.4. Private Civil Relief[473]

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

[471] This section carries forward the first sentence of Article II, Section 5 of the current Zoning Ordinance.
[472] This builds on the second sentence of Article II, Section 5 of the current Zoning Ordinance.
[473] This is a new section that makes clear the authority of an adjoining landowner who may sustain special damages from a violation of this Ordinance to file a civil action.

# Article 8: Definitions and Rules of Construction, Interpretation, and Measurement

**Commentary on Draft:**

**Article 8: Definitions and Rules of Construction, Interpretation, and Measurement,** contains the rules governing construction and interpretations, rules of measurement, and the definitions used in the new Zoning Ordinance.

**Section 8.1, Rules of Construction and Interpretation,** provides basic rules of construction which supplement the regulations in the City Code.

**Section 8.2 Rules of Measurement,** establishes rules for measuring bulk and dimensional requirements like height, width, setbacks, lot area, and other measurements that are required to interpret standards.

**Section 8.3, Definitions,** includes the definitions used in the new Zoning Ordinance.

## Section 8.1 Rules of Construction and Interpretation[474]

This Ordinance shall be construed in accordance with Section 1-2, Definitions and rules of construction, of the City Code, and the following:

### 8.1.1. Mandatory and Discretionary Terms

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

### 8.1.2. Used or Occupied

When used in reference to land, the terms “used” or “occupied” shall be interpreted to mean “intended, arranged, or designed to be used or occupied.”

### 8.1.3. Property[475]

Unless the context clearly indicates otherwise, the term “property” shall be interpreted to mean real property.

### 8.1.4. Headings, Illustrations, and Text

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

[474] This is a new section. It includes a cross-reference to the Section 1-2 of the City Code, which establishes other general rules of construction and interpretation. Other useful rules that are not addressed in Section 1-2 are included as well.
[475] Section 1-2 of the City Code defines the term "property" to include real property, personal property, and mixed property. For purposes of this Ordinance, property refers only to real property.

### 8.1.5. Time[476]

A day shall mean a calendar day.

### 8.1.6. Lists and Examples

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

### 8.1.7. References to Other Regulations/Publications

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

### 8.1.8. Public Officials and Agencies

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

### 8.1.9. Term Not Defined

If a term used in this Ordinance is not defined in this Article 8 or elsewhere in this Ordinance, the Administrator shall have the authority to provide a definition based on the definitions use in accepted sources including, but not limited to, *A Planners Dictionary*, *A Glossary of Zoning, Development, and Planning Terms*, and A *Survey of Zoning Definitions* (all published by the American Planning Association), as well as general dictionaries such as *Merriam-Webster, American Heritage, Webster's New World,* and *New Oxford American* dictionaries.

## Section 8.2 Rules of Measurement

### 8.2.1. Lots

**(A) Lot[477]**

A piece, parcel, or tract of land occupied or intended to be occupied by one or more main buildings, accessory buildings, uses customarily incidental to such main buildings, and other areas required in this Ordinance such as open space and parking, or that are intended to be used with such piece, parcel, or tract of land.

**(B) Lot Types**

[to be drafted]

**(C) Lot Line[478]**

The boundary that legally and geometrically demarcates a lot.

**(1) Front Lot Line**

The lot line separating a lot from a street right-of-way. For a corner lot, the front lot line shall be the lot line with a narrower width of street frontage or, if both frontages are of equal width, the front lot line shall be the side on which the majority of lots front along the block.

[476] This is based on the definitions of "month" and "year" in Section 1-2, which are defined to refer to a calendar month and calendar year.
[477] Updates the current definition in Article VI, Section 11 of the current Zoning Ordinance.
[478] Definition of "lot line" is the definition from the City's SmartCode. The definitions of the other types of lot lines are adapted from the definitions of front, rear, and side yards in Article VI, Section 11 of the current Zoning Ordinance.

**(2) Rear Lot Line**

A lot line that is opposite a front lot line, but which does not abut a street. A triangular lot has 2 side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

**(3) Side Lot Line**

Any lot line other than a front or rear lot line.

**(4) Street Side Lot Line**

A lot line adjoining a street and which is not a front lot line.

**(D) Setback[479]**

The minimum distance between a lot line and a building or structure that is required to remain open, unoccupied, and unobstructed by structures from the ground to the sky except as otherwise provided in this Ordinance.

**(1) Front Setback**

The setback between the front lot line adjacent to street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the closest part of a lot where a building may be placed. The front setback extends the full width of the lot and is parallel to or concentric with the street right-of-way.

**(2) Rear Setback**

The setback between the rear lot line and the closest part of a lot where a building may be placed. The rear setback extends the full width of the lot.

**(3) Side Setback**

The setback between the side lot line and the closest part of a lot where a building may be placed. The side setback extends from the front setback to the rear setback.

**(4) Street Side Setback[480]**

The setback between the side setback lot line adjacent to a street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the closest part of a lot where a building may be placed. The street side setback extends from the front setback to the rear setback.

## 8.2.2. Lot-Related Measurements

**(A) Building Area[481]**

The portion of the lot occupied by the main building (including porches) and other structures such as carports and accessory buildings.

**(B) Lot Area[482]**

The total area within the lot lines of the lot.

**(C) Lot Width[483]**

The width of a lot measured at the front setback.

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[479] New definition. The term “setback” is used instead of the use of the term “yard” in the current Zoning Ordinance to represent the areas on a lot that are required to remain unencumbered by structures.
[480] New definition for the side street setback (the current Zoning Ordinance references side street yards but does not define a side street yard).
[481] Updates the definition in Article VI, Section 11 of the current Zoning Ordinance for clarity.
[482] New definition.
[483] New definition. In this draft, the zoning district standard “Lot width at building line” that is used in the current Zoning Ordinance is replaced with the term “Lot width,” and the term lot width is defined to reflect the front setback,

### 8.2.3. Structure-Related Measurements

**(A) Story[484]**

The portion of a building included between the surface of any floor and the surface of the next higher floor, or if there be no next higher floor, then the space between the surface of the floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over four feet above the average adjoining ground surface.

**(B) Height[485]**

The height of a building or structure is the vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

### 8.2.4. Exceptions and Variation

The following exceptions apply in all zone districts.

**(A) Exceptions to Maximum Building Height[486]**

Except as otherwise provided in this Ordinance, the maximum building height standards in this Ordinance shall not apply to the following structures or structural elements:

**(1)** Steeples, farm structures, barns, silos, granaries, chimneys, flagpoles, utility transmission towers, cooling towers, water tanks, industrial structures, elevator shafts, masts, other utilities, and other similar structures not intended for human occupancy;

**(2)** Antennas, provided they comply with height limits established for the specific use;

**(3)** Roof-mounted small wind energy facilities, in accordance with standards in Section 4.3.4(L), Wind Energy Facility, Small.

**(B) Allowable Encroachments[487]**

Fixtures and features that are permitted to encroach into required minimum setbacks are listed in Table 8-1: Allowable Encroachments into Required Minimum Setbacks.

**Table 8-1: Allowable Encroachments into Required Minimum Setbacks**

| Feature | Allowable Encroachment |
|---|---|
| Fences, walls | May be located within a required minimum setback in accordance with Section 5.4, Fence and Wall Standards |
| Eaves, gutters, cornices, roof overhangs, and similar minor architectural features | May be located in a required minimum setback |
| Customary yard accessories, ornaments, and outdoor furniture | May be located within a required minimum setback except as limited elsewhere in this Ordinance |

which is the closest point at which a building could be constructed. The current definition of "Building line" is not carried forward. In the current Zoning Ordinance, the term building line is defined as "A line showing the nearest distance to the street property line or lines that it is permissible to build a structure, either to be in compliance with this chapter or in compliance with a plat, deed or private contract." It is uncommon for a local government to review development applications for compliance with private agreements such as real estate covenants or unrecorded contracts, and we recommend removing this reference.

[484] Carries forward the current definition in Article VI, Section 11 of the current Zoning Ordinance and adds a new provision regarding how a basement should be counted.

[485] New definition. The current Zoning Ordinance does not include a definition of height.

[486] This carries forward the height exceptions in Article I, Section 8 of the current Zoning Ordinance. The exception for hospitals and sanitariums has not been carried forward; the IG district, which accommodates hospital uses, has a 75 foot height limit. We could add a use-specific standard for hospitals allowing extra height. To enhance predictability of this Ordinance, we would recommend that an unlimited height provision not be included.

[487] These are new standards for common allowable encroachments into required minimum setbacks.

| | |
|---|---|
| Play equipment such as a slide, jungle gym, or tree house | May be located within a required minimum side or rear setback except as limited elsewhere in this Ordinance |
| Porch, stoop, and balcony | May extend up to six feet into a required minimum setback, as long as it remains at least two feet from a lot line |
| Swimming pool[488] | May be located beyond a side or rear setback as long as the pool and its enclosure remains at least five feet from a lot line. |
| Mailboxes | May be located in any required minimum setback |

[488] New and added at staff's request.

## Section 8.3 Definitions[489]

## A

### Aboveground bulk storage[490]

A facility for the outside, aboveground bulk storage of liquid petroleum, alcohol products, or other products with similar safety profiles in excess of 500 gallons. This definition does not include belowground bulk storage facilities or bulk industrial storage within an industrial building.

### Abutting[491]

The condition of two or more adjoining lots having a common property line or boundary, including cases where two or more lots join at a corner. Lots that are separated by a street or alley are not abutting.

### Accessory dwelling unit[492]

A dwelling unit that is accessory, supplementary, and secondary to a single family detached dwelling, located on the same parcel. An attached accessory dwelling unit is a dwelling unit that is part of the same structure as the principal dwelling, and a detached accessory dwelling unit is a dwelling unit that is on the same lot as the principal dwelling but in a separate structure.

### Accessory structure[493]

A structure which:

a) Is subordinate to and serves the principal building or principal use;
b) Is subordinate in area, extent, or purpose to the principal building or principal use served;
c) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
d) Is located on the same zoning lot as the principal building or principal use served.

### Accessory use[494]

A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

### Adjacent[495]

The condition where two or more lots share common property lines, including cases where two or more lots join at a corner, or where two lots are separated only by an alley, easement, or street.

### Adjoining

See “Adjacent.”

[489] This includes definitions for terms included in the zoning district and use regulations included in Module 1. Additional definitions will be added when additional sections of the code are drafted.
[490] New definition.
[491] New definition.
[492] New definition.
[493] Carries forward the current definition in Article VI, Section 11 of the current Zoning Ordinance but removes the reference to off-street parking.
[494] Carries forward the current definition in Article VI, Section 11 of the current Zoning Ordinance.
[495] New definition.

### Administrative adjustment[496]

A procedure to obtain limited deviations from certain provisions of the Zoning Ordinance's dimensional or numerical development standards. See Sec. 2.5.11, Administrative Adjustment.

### Agriculture[497]

The production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products. This definition does not include community gardens, urban agriculture, feed lots, swine farms, or processing or distribution plants for agricultural products and supplies.

### Agriculture, urban[498]

The cultivation of food and/or horticulture crops, aquaponics, aquaculture, and/or hydroponics. It includes the raising of small animals like bees for the purpose of producing honey and chickens for the purpose of producing eggs, but does not include slaughtering or selling meat or the keeping of any large animals. Such use may include the production and sale of food products from food grown on the premises but does not allow the sale of items on the premises.

### Air transportation and support facility[499]

All facilities necessary or useful in rendering air transportation service, including without limitation, rights-of-way, bridges, tunnels, motor vehicles, stations, terminals, and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of air transportation service. Accessory uses may include restaurants, retail sales, hotels or motels, car rental, and storage facilities.

### Alternative Financial Institution[500]

A business that provides financial services other than a bank or financial institution and that is required to be licensed under either Title 5, Ch. 18A, Deferred Presentment Services Act, or Title 5, Ch.19A, Alabama Pawnshop Act, of the Code of Alabama 1975.

### Animal kennel[501]

An establishment where dogs or cats are boarded for compensation, or where dogs or cats are bred or raised for purposes of sale, animal rescue, or not-for-profit. A kennel may include the grooming and training of animals.

### Animal shelter[502]

A facility which is used to house or contain household pets and which is owned, operated, or maintained by a government entity or a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

### Antenna[503]

A usually metallic structure or device for radiating or receiving radio and television transmission waves for the purpose of carrying, magnifying, and transferring the signals into the interior of buildings.

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[496] New definition.
[497] New definition.
[498] New definition.
[499] New definition.
[500] Carries forward and revises the definition in Article X, Financial Institutions, of the current Zoning Ordinance.
[501] New definition.
[502] New definition.
[503] Carries forward the definition in Article VI, Section 11 of the current Zoning Ordinance but removes the reference to satellite reception, as satellite dishes are a separate use in this Ordinance.

### Appeal[504]

A request for a review of any decision or interpretation of any provision of this Zoning Ordinance. Appeals from administrative decisions and other specific decisions are heard by the Board of Adjustment in accordance with Sec. 2.5.13, Appeal.

### Approved landscaping professional

A licensed professional, including a landscape architect, or landscape contractor, who is responsible for the preparation and installation of landscaping in accordance with the standards in Section 5.3, Landscaping Standards.

### Assisted living facility[505]

A facility that provides or offers to provide any combination of residence, health supervision, or personal care to three or more individuals who are in need of assistance with activities of daily living such as bathing, dressing, ambulation, feeding, toileting, grooming, medication assistance, diet, and personal safety. This use does not include residential and personal care services provided by individuals to persons to whom they are personally related. This exception is only for individuals, and does not apply to corporations, partnerships, limited partnerships, limited liability companies, or any other organized entity or business. This use also does not include facilities whose residents are under the care, oversight, or protection of another governmental agency if the government body, agency, or authority has a fiduciary relationship or some other legally recognized and enforceable relationship to the residents of the facility which carries an obligation to oversee the health, safety, and welfare of the residents, and licenses, certifies, or otherwise legally authorizes the facility to provide accommodations and care for the residents.

Assisted living facilities are regulated by Chs. 420-5-4 (Assisted Living Facility) and 420-5-20 (Specialty Assisted Living Facility) of the Alabama Administrative Code.

### Auction yard[506]

An open-air area or structure for the sale via auction of heavy machinery (including farm machinery) and vehicles.

### Automated teller machine (ATM)[507]

A mechanized device operated by or on behalf of a bank or financial institution that allows customers to conduct automated banking or financial transactions.

## B

### Bank or financial institution[508]

An establishment that provides retail banking services (banks, savings and loans institutions, credit unions, mortgage lending), or similar financial services to individuals and businesses, such as a federally chartered bank, state-chartered bank, credit union, mortgage lender or savings and loan association. This use type does not include alternative financial institutions, or check cashing, auto title, or payday loan businesses or bail bond brokers. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

[504] New definition.
[505] New definition.
[506] New definition.
[507] New definition.
[508] New definition that incorporates language from Article X, Financial Institutions, of the current Zoning Ordinance

### Bar or tavern[509]

An establishment where the primary use is the on-premises sale and consumption of beer, wine, or liquor/distilled spirits-based alcoholic beverages. Live entertainment and the incidental sale of prepared food for consumption on the premises are permitted accessory uses.

### Bed and breakfast[510]

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

### Boat sales, rental, service, or repair[511]

A business primarily engaged in the display, sale, rental, repair, or maintenance of new or used boats, marine engines, or marine equipment.

### Broadcasting studio[512]

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

### Building[513]

Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, goods, or materials of any kind or nature.

## C

### Caliper[514]

The diameter of a tree six inches above ground level.

### Call center[515]

An establishment primarily engaged in answering telephone calls and relaying messages to clients or in initiating or receiving communications for telemarketing purposes, such as promoting clients' products or services, taking orders for clients, or soliciting contributions or providing information for clients.

### Campground[516]

An outdoor facility designed for overnight accommodation of persons in travel trailers/recreational vehicles, tents, rustic cabins and shelters for recreation, education, naturalist, or vacation purposes. Accessory uses may include indoor and outdoor recreational facilities, office, retail, laundry facilities, and other commercial uses commonly established in such facilities.

### Canopy tree[517]

See "Tree, canopy."

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[509] New definition.
[510] New definition.
[511] New definition.
[512] New definition.
[513] This is a new, more modern definition that replaces the current definition in Article VI, Section 11 of the current Zoning Ordinance.
[514] Carries forward the definition in Art. VI Sec. 8.2 of the current Zoning Ordinance.
[515] New definition.
[516] New definition.
[517] Carries forward and updates the definition in Art. VI Sec. 8.2 of the current Zoning Ordinance.

### Carport[518]

An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of the occupants in the building to which such carport is accessory, and that is open on at least two sides. A carport is considered an accessory structure if it is detached from the principal building(s) on the site.

### Car wash[519]

A commercial establishment for the primary purpose of washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by customer.

### Cemetery[520]

A place used for the permanent internment of deceased human bodies or pet animal bodies. Accessory uses may include columbaria, mausoleums, and necessary maintenance facilities, but not including a crematory. A cemetery may be on its own lot or may be accessory to another institutional use such as a religious facility.

### Cemetery development plan

A procedure for review and approval of a cemetery development plan, which is a prerequisite to the commencement of a cemetery use. See Sec. 2.5.6, Cemetery Development Plan.

### Chicken-keeping[521]

The keeping or raising of chickens as an accessory use to a residential property.

### Club, lodge, or community-oriented associations[522]

Buildings and facilities owned or operated by a nonprofit nonresidential legal entity, organization, or association of persons that operates on membership basis. These entities operate for social, civic, cultural, religious, literary, political, recreational, professional, or other similar purposes to promote the interests of their members and guests only while providing them, but not the general population, facilities for dining, entertainment, and recreation.

### Cold storage plant[523]

An establishment primarily engaged in the cold processing and storage of chilled or frozen food products.

### College or university[524]

An institute of higher education authorized by the State to award associates or higher degrees. Ancillary facilities may include administrative and faculty offices, classrooms, dining halls, meeting areas, dormitories, arenas, stadiums, recreation facilities, and similar features that serve students, teachers, and employees, and not the general population.

### Commercial kitchen[525]

A commercial establishment where foodservice providers can prepare, cook, and store food and equipment on the premise and distribute food off-site for sale, delivery, or consumption for caterings,

[518] New definition.
[519] New definition.
[520] New definition.
[521] New definition.
[522] New definition.
[523] New definition.
[524] New definition.
[525] New definition.

mobile food vendors, concessions, social service organizations, or restaurants. It may include accessory use space for educational purposes or the sale of food.

### Commercial vehicle[526]

A vehicle that is 6,000 pounds or greater in rating and that is designed, intended to be used, or actually used for purposes other than for a private passenger vehicle, including but not limited to for the transportation of people, chattel, or goods, or 2) displays commercial logos or lettering.

### Commercial vehicle repairs and maintenance[527]

An establishment that repairs, installs, or maintains the mechanical components or the bodies of vehicles with 8,500 pounds or more of gross vehicle weight, mass transit vehicles, large construction or agricultural equipment, or commercial boats. Truck stops and fueling facilities are included. This use does not include establishments that paint vehicles.

### Commercial vehicle sales and rentals[528]

An establishment that sells or provides rental of vehicles with 8,500 pounds or more of gross vehicle weight, mass transit vehicles, large construction or agricultural equipment, or other similar vehicles.

### Communications tower and equipment[529]

A building mounted or ground mounted tower which supports communication equipment for telephone, radio, television, microwave, cellular and similar communications purposes, both for transmission and reception. This use includes radio and television towers, cellular telephone towers, and camouflaged or stealth communication towers, as well as the tower structure and all supports and related facilities and equipment such as cabling, equipment huts, and other associated structures. This use does not include amateur radio operators' equipment, licensed by Federal Communications Commission (FCC), or receiving and transmission facilities used for public emergency services.

### Community facility[530]

A facility owned by a non-profit or government agency that provides a recreational, educational, or cultural service to the community. Examples of this use type include botanical gardens, planetarium, museum, or similar use.

### Community garden[531]

Privately or publicly owned land devoted to the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, family, or non-profit organization for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group, and may include common areas maintained and used by group members.

### Community recreation center[532]

A facility operated by a public or nonprofit entity for the provision of social and recreation programs and facilities. The facility may be designed to accommodate and serve specific residential developments or significant segments of the community, and may include meeting rooms, game rooms, club houses, swimming pools, courts, exercise equipment, snack bars, kitchens, and similar facilities. This use does not

[526] New definition.
[527] New definition. The 8,500-pound distinction is based on vehicle classification standards from the Environmental Protection Agency for “heavy duty” trucks.
[528] New definition. The 8,500-pound distinction is based on vehicle classification standards from the Environmental Protection Agency for “heavy duty” trucks.
[529] New definition.
[530] This is a new use.
[531] New definition.
[532] New definition.

include commercial recreation/entertainment establishments, which are categorized in the Recreation/Entertainment category.

### Conference center[533]

A venue at least 1,500 square feet in gross floor area that is intended for use for conferences, social activities, performances, or business gatherings, including weddings, receptions, bridal showers, private parties, small social and cultural events, and community meetings. A conference center typically includes a large hall, smaller lecture rooms, and other facilities.

### Continuing care retirement facility[534]

An establishment for care of the elderly that has common facilities and provides licensed intermediate and skilled nursing services for its residents, as well as other supportive services. This use may include a variety of housing types and provide a variety of levels of assistance and care so that its residents may obtain higher levels of care and service as they age without having to move to another residential care facility.

### Construction-related temporary structure[535]

A temporary structure, facility, or space associated with the staging, management, or security of new construction areas and located on or adjacent to the construction site. This includes a structure, facility, or space used for offices, security, storage, construction waste and recycling, temporary sanitation facilities, outdoor storage, and employee parking.

### Contractor's yard[536]

A building and related outdoor areas used to store and maintain construction equipment and materials, including but not limited to plumbing, electrical, carpentry, roofing, landscaping, road work, and facilities customarily required in the building trade by a construction contractor. This use typically includes office facilities for the contractor.

### Convenience store[537]

An establishment for the retail sale of food products (including limited groceries) and beverages for off-site consumption, household items, newspapers and magazines, and other small convenience items. This is often combined with a gas station use.

### Correctional institution[538]

A place of confinement or incarceration, including places requiring overnight stays only, for persons who have broken the law, are awaiting trial, or have been convicted of criminal offenses.

### Crematory[539]

A facility containing furnaces for the reduction of dead bodies—either human or animal—to ashes by fire.

[533] Definition adapted from definition in Section 6-4 of the City Code, adopted as part of Ord. 43-2024.
[534] New definition.
[535] New definition.
[536] New definition.
[537] New definition.
[538] New definition.
[539] New definition.

# D

### Day care center[540]

A facility which provides daily care for children or infirm adults during all or part of a 24-hour day. This use includes pre-kindergarten, preschool, nursery school, or other similar daytime programs, as well as night care facilities.

### Day care home[541]

An accessory use licensed by the Alabama Department of Human Resources where daily care is provided in a residential use to no more than five children during all or part of a 24-hour day. This use does not include day care centers, which are a principal use.

### Data center[542]

An establishment primarily engaged in providing infrastructure (e.g., computer systems and associated components such as telecommunications and storage systems) for data processing and storage and related services.

### DBH (Diameter at breast height)[543]

The diameter of a tree measured at four and one-half (4.5) feet above ground level.

### Development plan[544]

A plan prepared to scale showing all uses (existing and proposed) for a specific project and including all information necessary to clearly define the intended use and development details of the project. Also referred to as a "site plan." See also Sec. 2.5.7, Development Plan.

### Dog daycare facility[545]

A facility where dogs may socialize and be groomed, trained, and/or exercised, and socialized during the day, for compensation, but not kept overnight, or bred, sold, or let for hire.

### Domesticated hen[546]

Female chickens that are kept and maintained for the production of eggs, education, companionship, or recreation. Other types of fowl and poultry shall not be considered domesticated hens.

### Dormitory[547]

A building used as group living quarters for students attending a college or university or for members of religious orders. Residents use common entrances and hallways, reside in single or group sleeping accommodations, and typically share bath and toilet facilities. Shared cooking and dining facilities may also be provided, while student bedrooms in dormitories are typically rented on an annual basis or for an academic semester or summer term. Accessory uses may include fitness facilities, pools, and similar accessory uses.

### Dripline[548]

The perimeter of a tree's canopy.

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[540] New definition. Minimum of 12 children removed; day care center will continue to need to comply with state law, as applicable.
[541] This is a new use added at staff's request to reflect a current use in the City.
[542] New definition.
[543] Carries forward the definition in Art. VI Sec. 8.2 of the current Zoning Ordinance.
[544] New definition.
[545] New definition.
[546] New definition adopted from City Council guidance dated February 5, 2013.
[547] New definition.
[548] Carries forward the definition in Art. VI Sec. 8.2 of the current Zoning Ordinance.

### Drive-through facility[549]

A facility used to provide goods or services through a special window or station for customers who order from their vehicles and leave after receiving the service. The facility can be located in the principal building or in a separate structure. Use types that commonly use drive-through facilities include restaurants, banks (including ATMs), pharmacies, and car washes.

### Dry cleaning and laundry pick-up services[550]

An establishment where laundry or dry cleaning is dropped off and picked up by customers and processed off-site, and where no laundering or dry-cleaning, or related services are done on-site.

### Dry cleaning, laundry, and garment services[551]

An establishment where laundry or dry cleaning is dropped off and picked up by customers, and that also includes on-site laundering, dry cleaning activities, or garment tailoring services.

### Dwelling unit[552]

A building or a portion of a building, arranged, designed, and intended for occupancy occupied by one family for living and sleeping purposes, with kitchen facilities for the exclusive use of one family.

### Dwelling, cottage home development[553]

A residential development that combines a group of small individually owned or rented single-family dwelling units on a single parcel of land that are oriented around a shared open space for communal use by the residents of the development and may include a shared parking area and/or a shared community building.

### Dwelling, four-family (fourplex)[554]

A single building on a single lot containing four individual dwelling units under one roof.

### Dwelling, mobile home[555]

Any vehicle or similar portable structure mounted or designed for mounting on wheels, used or intended for use for permanent dwelling purposes and connected to utilities, including structural additions, but not including a recreational vehicle. Any vehicle or structure shall be deemed to be a mobile dwelling whether or not the wheels have been removed therefrom and whether or not resting on temporary or permanent foundations. A mobile home built on or after May 28, 1980 shall comply with the Uniform Standards Code for Manufactured Homes Act at Title 24, Ch. 5, Art. 1 of the Code of Alabama, 1975.

### Dwelling, mobile home park[556]

A tract of land under unified control that is designed, arranged, or used for the placement of mobile home dwellings, and provides streets, utilities, landscaping, sanitary facilities, and recreational facilities for the residents of the mobile home dwellings.

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[549] New definition.
[550] New definition.
[551] Carries forward, revises, and modernizes the definition *Dry cleaners: Small dry cleaners* in Article VI, Section 11 of the current Zoning Ordinance.
[552] Carries forward the current definition in Article VI, Section 11 of the current Zoning Ordinance.
[553] New definition.
[554] New definition In the current Zoning Ordinance, the use *Apartment* is defined as a building with three or more dwelling units; this definition in part replaces that use.
[555] Carries forward and revises the current definition in Article VI, Section 11 of the current Zoning Ordinance.
[556] Carries forward and revises the current definition in Article VI, Section 11 of the current Zoning Ordinance.

### Dwelling, modular[557]

A dwelling unit constructed by the assembly of two or more premanufactured units, sections, or modules to be placed on a permanent foundation, thereby creating a permanent residence.

### Dwelling, multifamily[558]

One or more buildings on a single lot containing five or more dwelling units, each of which is arranged, designed, used, or intended to be occupied by one family. This definition excludes duplex, triplex, fourplex, townhouse, and patio-garden home uses, along with any Group Living or Visitor Accommodations uses. This use includes apartments.

### Dwelling, patio-garden home[559]

A single-family dwelling on a single lot, having only one side yard required, or two single-family dwellings connected by a firewall as required by the building code with only one side yard required per dwelling.

### Dwelling, single-family detached[560]

A building on a single lot containing only one dwelling unit which is not physically attached to any other principal structure and sits on a permanent foundation. This definition excludes mobile homes.

### Dwelling, three-family (triplex) [561]

A building on a single lot containing three individual dwelling units.

### Dwelling, townhouse[562]

A residential structure containing between four and 12 dwelling units that are attached horizontally through, and entirely separated by, common walls, with each dwelling unit occupying space from the lowest floor to the roof of the building, and located on a separate lot. Each unit has its own entrance and is a minimum of two stories.

### Dwelling, two-family (duplex)[563]

A building on a single lot containing two dwelling units which is not physically attached to any other principal structure. Each unit has its own separate exterior entrance.

### Dwelling, unit within a professional office building or industrial facility for owner or custodian[564]

A residential unit designed to be occupied only by a person engaged to provide security services on the property where the unit is located, and/or by that person's immediate family members, and generally containing no more than 1,000 square feet of gross floor area.

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[557] Carries forward the definition in Article VI, Section 11 of the current Zoning Ordinance.
[558] Carries forward and revises the current definition in Article VI, Section 11 of the current Zoning Ordinance and in doing so limits it to housing with five or more dwelling units to accommodate the new dwelling, two-family (duplex), dwelling, three-family (triplex), and dwelling, four-family (fourplex) uses. In the current Zoning Ordinance, the use *Apartment* is defined as a building with three or more dwelling units; this definition in part replaces that use as applied to buildings with five or more dwelling units.
[559] Carries forward the current definition in Article VI, Section 11 of the current Zoning Ordinance.
[560] Carries forward and revises the current definition in Article VI, Section 11 of the current Zoning Ordinance.
[561] New definition. In the current Zoning Ordinance, the use *Apartment* is defined as a building with three or more dwelling units; this definition in part replaces that use.
[562] Carries forward and revises the current definition in Article VI, Section 11 of the current Zoning Ordinance.
[563] Carries forward and revises the current definition in Article VI, Section 11 of the current Zoning Ordinance. Some communities permit the owner of a duplex to divide the lot along the common lot line, thereby providing fee simple ownership of the dwelling unit and land to each owner. That has not been included here.
[564] New definition.

# E

### Electric vehicle charging station[565]

A vehicle parking space served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

- A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit, such as a typical household power outlet.
- A Level 2 charging station is a medium-speed charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt AC circuit.
- A Level 3, or Direct Current Fast Charging (DCFC) charging station, is a high-speed charging station that operates on a high-voltage Direct Current (DC) circuit and supports the fastest charging times.

# F

### FAA

Federal Aviation Administration

### Family[566]

An individual; or two or more persons related by blood, marriage, or law; or a group of not more than any five persons living together in a dwelling unit. Employees that provide basic household services to and share common housekeeping facilities with any family consisting of an individual or two or persons related by blood, marriage, or law, are a part of the family.

### Farmers' market (as a principal use)[567]

A collection of vendors using private or publicly owned property or property owned by a not-for-profit organization for the sale of agricultural and horticultural products, or for the sale of baked, canned, or preserved foods, or other value-added items produced by the vendor from any agricultural, horticultural, or forestry products, or for the sale of fresh foods prepared by the vendor. If the farmers' market occurs regularly for all or most of the year, it is considered a principal use. If the farmers' market occurs only occasionally or periodically for a limited time period during the year, it is considered a temporary use.

### FCC

Federal Communications Commission

### Food truck[568]

A motorized vehicle or mobile food unit which is temporarily parked on a public street within the authorized food truck locations in downtown Montgomery or on private property with the property owner's written notarized permission in areas outside the authorized food truck locations in downtown Montgomery and that is licensed by the City

[565] New definition.
[566] New definition.
[567] New definition.
[568] Definition adapted from Section 6-491 of the City Code.

### Fraternity or sorority house[569]

A building used for lodging by individuals who are members or affiliates of a fraternity or sorority while attending a college or university. It may include common rooms and facilities for cooking and dining for residents, employees, and guests of the residents.

### Funeral home or mortuary[570]

An establishment providing services such as preparing the human or animal dead for burial, cremating human remains, and arranging and managing funerals, and which may include a crematorium.

## G

### Garage[571]

An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of the occupants in the building to which such garage is accessory, and that is enclosed and contains vehicular access doors. A garage is considered an accessory structure if it is detached from the principal building(s) on the site.

### Gas station[572]

An establishment for the retail sale of gasoline, oil (but no butane or propane fuels), or automobile accessories, and which may offer minor repair services and inspections including but not limited to battery charging, tire repairs, and oil and fluid changes, but not including painting or major repair. A convenience store or car wash may be permitted as an accessory use.

### Golf course, public or private[573]

An area of land and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts, and similar recreational or service uses available either to the general public, or only to members and their guests.

### Government facility[574]

An office or other facility of a federal, state, county, or City government or agency. Examples include general offices, employment offices, public assistance offices, motor vehicle licensing and registration services, maintenance and repair centers, equipment, and outdoor storage yards, and administrative offices that support the police, fire, and emergency medical services uses included in the public safety facility use, but excluding the Correctional Institution use.

### Greenhouse or plant nursery[575]

A structure consisting primarily of light-transmitting materials, or an outside area on a residential site, that is used exclusively for growing plants or vegetables.

### Gross floor area[576]

The total area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky. Gross floor area may be abbreviated as “GFA”.

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[569] New definition.
[570] New definition.
[571] This is a new definition.
[572] New definition.
[573] New definition.
[574] New definition.
[575] New definition.
[576] New definition.

### Group home[577]

Any premises which provides shelter, food, personal assistance and/or supervision for not more than ten individuals with developmental disabilities or mental illness and which is a permitted use in certain zoning districts in accordance with this Ordinance and Sec. 11-52-75.1 of the Code of Alabama, 1975. Two additional persons who carry out duties in connection with the supervision or management of the group home may also reside on the premises.

## H

### Hazardous waste collection and disposal[578]

A facility principally used for the processing, storage, or disposal of solid waste which, because of its quantity, concentration or physical, chemical, or infectious characteristics, may:

a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

### Home occupation[579]

A business or occupation conducted within a dwelling unit by a resident of the dwelling that is incidental and subordinate to the use of the dwelling for residential purposes.

### Hospice[580]

An establishment that provides a coordinated program of inpatient care and services including the coordination of nursing care, social services, medical supplies, physician's services, counseling, and bereavement services for patients' families to hospice patients and families, through a medically directed interdisciplinary team, under interdisciplinary plans of care established pursuant to Sec. 22-21-20 of the Code of Alabama, 1975, in order to meet the physical, psychological, social, spiritual, and other special needs that are experienced during the final stages of illness, dying, and bereavement. This use is licensed by the Alabama Department of Public Health in accordance with Ala. Admin Code r. 420-5-17.

### Hospital[581]

An institution providing health services primarily for human inpatient medical care for the sick or injured and including related facilities such as laboratories, outpatient facilities, emergency medical services, eating establishments, small retail sales establishments, and staff offices which are an integral part of the facility.

### Hotel or motel[582]

A building or group of buildings in which temporary lodging is offered to guests for compensation, typically for fewer than 30 consecutive days. Guest rooms may have separate individual sleeping and living rooms and may include limited kitchen facilities. Accessory uses may include food and beverage uses, meeting rooms, and small-scale retail sales. This use does not include the bed and breakfast, or rooming or boarding house uses.

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[577] New definition for a use required by state and federal law.
[578] New definition.
[579] New definition which replaces the existing definition in Article VI, Section 11 of the current Zoning Ordinance. The use standards in the definition have been relocated as a use-specific standard.
[580] New definition.
[581] New definition.
[582] Carries forward and revises the current definition in Article VI, Section 11 of the current Zoning Ordinance. Motor court, which is defined in the current Zoning Ordinance as requiring separate exterior entrance to each guest room, has been consolidated and not carried forward separately.

## I

### Impervious surface[583]

Any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking and driveway areas, graveled areas, sidewalks and paved recreation areas.

### Industrial launderer[584]

An establishment where laundry or dry cleaning of clothes, other garments, rugs, carpet, upholstery, and other items is performed in bulk and primarily for commercial and institutional customers. The use does not include facilities where the public drops off or picks up dry cleaning or laundry that is cleaned off-site.

### Interpretation

A procedure that authorizes the Administrator to make a formal written interpretation of the Zoning Ordinance. See Sec. 2.5.14, Interpretation

## J

### Junk, salvage, scrap, or wrecking yard[585]

An establishment or place of business which is maintained, operated, or used for storing, buying, processing, or selling junk or inoperable, unused, wrecked, or dismantled motor vehicles or motor vehicle parts, or equipment or machinery, or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials, or other salvage, waste, or junk materials. This use includes any establishment or place of business upon which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more.

## L

### Landfill or dump[586]

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

### Laundry, self-service[587]

A facility that provides washing, drying, dry-cleaning, and/or ironing machines for hire for use by customers on the premises. It may or may not have an attendant.

### Library[588]

A public facility for the use and loan, but not sale, of literary, musical, artistic, or reference materials. A library may also include meeting rooms, offices for library personnel, other support facilities, and incidental sales of items including food and beverages.

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583 New definition.
584 New definition.
585 New definition.
586 New definition.
587 Carries forward and revises the definition in Article VI, Section 11 of the current Zoning Ordinance.
588 New definition.

### Light vehicle repair and maintenance[589]

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

### Light vehicle sales and rental[590]

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

### Living area[591]

The conditioned (air conditioned or heated) area of a dwelling that is used for purposes of daily living, including sleeping, eating, cooking, and sanitation purposes. This does not include an unheated garage, crawlspace (even if enclosed or conditioned), or unenclosed porch.

## M

### Manufacturing, assembly, or fabrication, artisanal[592]

Small-scale fabrication, preparation, or production of arts, crafts, foods, and beverages by an artist, artisan, craftsperson, or cook, on the premises, by hand or with minimal automation. Examples include small-scale welding and sculpting or arts and crafts, small-scale 3D printing, firing of pottery or sculpture in kilns, and local, small-batch bakeries, candy shops, and cheese shops. Accessory uses include retail teaching of these skills to others during fabrication, preparation, or production. This use does not include production of alcoholic beverages or a restaurant.

### Manufacturing, assembly, or fabrication, heavy[593]

The assembly, fabrication, or processing of goods and materials using processes that ordinarily have impacts on the environment or impacts on quality of life and the use and enjoyment of surrounding properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. Uses may generally include manufacturing of concrete, clay, synthetic stone, stucco, and brick products, paper products, petroleum, asphalt, coal, and manufactured homes, lumber yard or sawmills, primary metal processing, animal slaughtering and processing, grist and flour milling, and fabricated metal product manufacturing.

### Manufacturing, assembly, or fabrication, light[594]

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place. Such processes shall be housed entirely within a building. Light manufacturing generally includes processing and fabrication of finished products (such as woodworking, metalworking, or printing), predominantly from previously prepared materials, and includes processes which do not require extensive floor areas or land areas.

### Manufacturing, assembly, or fabrication, medium[595]

The assembly, fabrication, or processing of goods and materials using processes that ordinarily create minimal noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a

[589] New definition. The 8,500-pound distinction is based on vehicle classification standards from the Environmental Protection Agency for “heavy duty” trucks.
[590] New definition.
[591] New definition.
[592] New definition.
[593] New definition.
[594] New definition.
[595] New definition.

building. Uses may generally include manufacturing of abrasive products, chemicals, equipment, plastics and rubber, lime and gypsum, mineral wool/fiberglass insulation, large-scale home furniture, glass products, and cut stones.

### Marina[596]

A waterfront facility which, for a fee, provides for the berthing, mooring, or water storage of boats. The use may include such facilities as major and minor boat repair; boat docks, piers, and slips; boat fueling; dry land boat maintenance and storage; pumpout stations; fishing piers; beaches; erosion control devices; boat ramps, lifts, and launching facilities; boat sales, including parts; restaurants; ship's store; sale of ice; car and boat trailer parking; laundromat; locker rooms; cabanas; bathhouse; public showers; outdoor playing courts; and picnic areas.

### Maximum extent practicable[597]

The degree to which a project meets an adopted standard in which all possible efforts to comply with the standard or to minimize harmful or adverse effects have been undertaken, but full compliance cannot be achieved, and no feasible or practical alternative exists. Economic considerations may be taken into account but shall not be the overriding factor in determining the maximum extent practicable.

### Medical marijuana cultivator[598]

An entity licensed by the state Medical Cannabis Commission to grow cannabis, in accordance with Section 20-2A-1 *et seq.*, Code of Alabama, 1975.

### Medical marijuana dispensary[599]

An entity licensed by the state Medical Cannabis Commission to dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers, in accordance with Section 20-2A-1 *et seq.*, Code of Alabama, 1975.

### Medical marijuana integrated facility[600]

An entity that has received an integrated facility license in accordance with Section 20-2A-67 Code of Alabama, 1975, and that is authorized to undertake activities in accordance with the license.

### Medical marijuana processor[601]

An entity that is licensed One who is licensed by the state Medical Cannabis Commission, in accordance with Section 20-2A-1 *et seq.*, Code of Alabama, 1975, to purchase cannabis from a cultivator and extract derivatives from the cannabis to produce a medical cannabis product or products for sale and transfer in packaged and labeled form back to the contracting cultivator, if applicable, or to a dispensary or integrated facility where the packaged and labeled product may be offered for sale at a dispensary site to holders of a valid, unrevoked, and unexpired Medical Cannabis Card.

### Medical marijuana transporter[602]

An entity authorized to transport cannabis or medical cannabis from one licensed facility or site to another licensed facility or site, in accordance with Section 20-2A-1 *et seq.*, Code of Alabama, 1975.

### Medical or dental clinic[603]

A public or private facility that provides health services in one or more medical or dental specialty to patients who are not lodged overnight. This includes physician offices, examining rooms, and equipment

[596] New definition.
[597] New definition.
[598] Adopted from the definitions in Alabama Administrative Code Section 538-X-1-.04.
[599] Adopted from the definitions in Alabama Administrative Code Section 538-X-1-.04.
[600] Adopted from the definitions in Alabama Administrative Code Section 538-X-1-.04.
[601] Adopted from the definitions in Alabama Administrative Code Section 538-X-1-.04.
[602] Adopted from the definitions in Alabama Administrative Code Section 538-X-1-.04.
[603] New definition.

for the outpatient medical or dental care of the sick and injured, as well as facilities that provide care of chronic medical conditions and treatment services such as dialysis.

### Medical or dental laboratory[604]

Facilities and offices for performing services to provide information or materials for use in the diagnosis, prevention, or treatment of a disease or a medical or dental condition. Such services include, but are not limited to, the examination of bodily fluids or tissues and the production or repair of prosthetic dentures, bridges, or other dental appliances. Such facilities may be a part of doctor's or dentist's office.

### Model sales home[605]

A dwelling unit located in a particular residential development temporarily used for display purposes as an example of a dwelling unit to be available for sale or rental in that development. Model homes may also incorporate sales or rental offices for dwellings within the development.

## N

### Nightclub[606]

An establishment, whether public or a private club, including cocktail lounges, which serves a predominantly adult clientele, and whose primary business is the sale of alcoholic beverages for consumption on the premises in conjunction with music and performances, whether live or by a disc jockey. The purchase of food is at the option of the customers and not required by the operator.

### Nursing home[607]

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

## O

### Office, general[608]

Establishments used for conducting the affairs of various businesses, professions, services, nonprofit organizations, or government agencies—including conducting the affairs of professionals (architects, engineers, attorneys, accountants, planners, etc.), administration, business incubation, research and development, publishing (not including the printing of publications, which is categorized under "manufacturing, assembly, or fabrication, light"), employment services, record keeping, clerical work, and similar business functions, as well as offices for physicians and dentists . Accessory uses may include uses that serve the daily needs of office employees, such as cafeterias, restaurants, coffee shops, and limited retail sales intended to serve the users of the office establishment.

### Official Zoning Map amendment[609]

A procedure to amend the Official Zoning Map to a district that is not a qualified district. See Sec. 2.5.2, Official Zoning Map Amendment.

[604] New definition.
[605] New definition.
[606] New definition.
[607] New definition.
[608] New definition.
[609] New definition.

### Open space set-asides[610]

Land that is set aside and reserved for use as open space in conjunction with a development, in accordance with Section 5.5, Open Space Requirements.

### Outdoor advertising approval[611]

A procedure for the review of an application for the construction of outdoor advertising signs or structures. See Sec. 2.5.8, Outdoor Advertising Approval.

### Outdoor display of merchandise[612]

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

### Outdoor seating or activity area[613]

The provision of on-site outdoor seating or entertainment areas by an eating or drinking establishment where food or beverages are served for consumption or where outdoor entertainment takes place. The accessory use also may include outdoor seating areas on public sidewalks in front of the establishment.

### Outdoor storage area[614]

An area that provides for outdoor storage of machinery and equipment, not including vehicles.

## P

### Package store[615]

A store which sells or offers to sell liquor and other alcoholic beverages as well as other items incidental to the sale of alcoholic beverages, for off-premises consumption.

### Parking facility (as a principal or accessory use)[616]

An off-street facility that is used exclusively for the temporary storage of motor vehicles. Parking spaces may be on the surface or in a structure composed of one or more levels. A structured parking facility may be completely below grade or partially or totally above grade, with levels either being open to the sides (deck) or enclosed (garage). A parking facility as a principal use is a parking facility that is not on the same parcel or part of the same development as another principal use which utilizes the parking facility. A parking facility as an accessory use is a parking facility that is typically used to park cars for other uses on the same parcel or development as the parking facility.

### Parking and Loading Plan[617]

A document that accurately designate the number and location of required vehicular parking spaces, delivery/pick-up/rideshare spaces, access aisles, driveways, bicycle parking spaces, and loading facilities, as applicable, for a proposed development and complies with the standards of this Ordinance, in accordance with Section 5.2, Off-Street Parking and Loading Standards.

### Parking Study[618]

A report prepared by a licensed professional that calculates the amount of vehicular off-street parking that is proposed to be required for a particular use, in accordance with Sec. 5.2.5(G)(2), Parking Study.

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[610] New definition.
[611] New definition.
[612] New definition.
[613] New definition.
[614] New definition.
[615] New definition.
[616] New definition.
[617] New definition.
[618] New definition.

### Patio-Garden Home

See "Dwelling, Patio-Garden."

### Passenger terminal, surface transportation[619]

Any structure or transit facility that is primarily used for the purpose of loading, unloading, or transferring of passengers or accommodating the movement of passengers from one mode of transportation to another. This use does not include bus stops and bus shelters, which are considered to be minor utility uses.

### Performing arts center[620]

One or more adjoining structures housing theaters or performance space for dramatic, dance, or musical productions; schools, training centers, or practice space for artists; or cinemas. This use includes accessory office, storage, or workplace areas that support the principal uses, and may include other accessory uses that support patrons such as eating and drinking facilities.

### Personal grooming or well-being service[621]

A facility that provides hair styling, hair coloring, nail care (including manicures and pedicures), facials, makeup, permanent makeup, and other similar salon services. A beauty salon may also include a day spa that offers massage treatment or other services related to hygiene or body care, or similar services. This use includes an establishment licensed by the Alabama Board of Massage Therapy that provides therapeutic massages.

### Personal or household goods repair[622]

An establishment primarily engaged in the provision of repair services for consumer goods such as computers and related electronics, televisions, audio equipment, bicycles and sports equipment, clocks, watches, shoes, guns, clothing, appliances, office equipment, or similar products.

### Previous surface[623]

A surface that absorbs water or allows the passage of water through it to the ground below.

### Pet care service[624]

An establishment that provides care to a household pet belonging to people not residing on the premises, that can include washing, manicuring of coat and nails, and daycare. It shall not include the breeding, training, overnight boarding, offering for sale, or the provision of medical treatment.

### Place of worship[625]

A structure, together with its accessory buildings and uses, where people regularly assemble to conduct religious worship, ceremonies, rituals, and related education. The structure and its accessory buildings and uses are maintained and controlled by a religious body. Places of worship include chapels, churches, mosques, shrines, synagogues, tabernacles, temples, and other similar religious places of assembly. Accessory uses may include administrative offices, classrooms, meeting rooms, schools, day care facilities, and cooking and eating facilities.

### Planned Development

A procedure to amend the Official Zoning Map to a Planned Development district. See Sec. 2.5.4, Planned Development, and Section 3.9, Planned Development Districts..

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[619] New definition.
[620] New definition.
[621] New definition.
[622] New definition.
[623] New definition.
[624] New definition.
[625] New definition.

### Portable storage unit[626]

A container that is designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods and that does not contain a foundation or wheels for movement. This use includes shipping containers that can be transported by mounting on a chassis, and POD-type boxes that can be transported on a flatbed or other truck.

### Post office[627]

A facility that provides mailing services, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for the United States mail.

### Public assembly, indoor[628]

Buildings or indoor facilities including banquet, assembly, and dance halls. This use includes public and semi-public auditoriums, exhibition, and convention centers, meeting, event, and conference centers, including kitchens for the preparation of food to be consumed at the premises.

### Public park, playground, or greenway[629]

An outdoor area designed and used for public recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty. This includes paved greenways, natural surface trails, open fields, arboreta, botanical gardens, sports fields, dog parks, skate parks, plazas, splash pads, playgrounds, picnic areas, and similar amenities, but does not include commercial amusement parks or commercial outdoor recreation facilities.

### Public safety facility[630]

A building used to provide police, fire, or emergency medical services to the surrounding community.

## Q

### Qualified Zone District Classification

A procedure to amend the Official Zoning Map to a district that is a qualified district. See Sec. 2.5.3, Official Zoning Map Amendment.

## R

### Recording studio[631]

An establishment for the primary purpose producing, editing, and storing audio.

### Recreation facility, indoor[632]

An establishment for indoor recreation or entertainment-oriented activities. Facilities may include amusement arcades, amusement centers, aquatic centers, health and fitness facilities, recreation courts and facilities (for all sports), climbing centers, paintball or laser tag centers, trampoline centers, bowling alleys, pool halls, skating facilities, and similar uses. Accessory uses may include snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal indoor recreation uses.

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[626] New definition.
[627] New definition.
[628] New definition.
[629] New definition.
[630] New definition.
[631] New definition.
[632] New definition.

### Recreation facility, outdoor[633]

An establishment for outdoor recreation or entertainment-oriented activities. Facilities may include archery or baseball batting cages, athletic fields, miniature golf courses, golf driving ranges, recreation courts, swimming pools, aquatics centers (including water slides), tennis and other racquet courts, and similar activities. Accessory uses may include snack bars, pro shops, and club houses, which are designed and intended primarily for the use of patrons of the outdoor recreation facility.

### Recreational vehicle (RV)[634]

A recreational vehicle (RV) includes the following:

#### Boat

A recreational vehicle designed or intended for operation on water. Boats and trailers to transport same shall be considered a recreational vehicle, and subject to the same requirements and restrictions applying to other recreational vehicles.

#### Camping trailer

A vehicular portable structure mounted on wheels, constructed with collapsible partial side walls or fabric, plastic, or other pliable material for folding compactly while being drawn by another vehicle, and when unfolded at the site or location, providing temporary living quarters; and whose primary design is for recreation, camping, or travel use.

#### Motor home

A structure built on and made an integral part of a self-propelled motor vehicle chassis other than a passenger car, primarily designed to provide temporary living quarters for recreation, camping and travel.

#### Travel trailer

A vehicular portable structure mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a stock passenger automobile; primarily designed and constructed to provide temporary living quarters for recreation, camping, or travel use.

#### Truck camper

A portable structure, designed to be loaded onto, or affixed to, the bed/or chassis of a truck, constructed to provide temporary living quarters for recreation, camping or travel use.

### Recreational vehicle (RV) park[635]

A tract of land under unified ownership that has been designed, arranged, or used for the temporary placement of recreational vehicles and includes permanent sanitary facilities and other services adequate for the number of recreational vehicle spaces available.

### Recycling collection center[636]

A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper, or clothing for recycling purposes conducted totally within an enclosed structure or container. This use does not include processing except for can banks that crush cans as they are deposited.

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[633] New definition.
[634] Carries forward the definition in Article VI, Section 11 of the current Zoning Ordinance.
[635] Carries forward, revises, and modernizes the definition of *Travel trailer park* in Article VI, Section 11 of the current Zoning Ordinance.
[636] New definition.

### Recycling processing center[637]

A building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

### Rental hall[638]

A venue no greater than 1,500 square feet in gross floor area that is is primarily used for social activities, performances, or business gatherings, including weddings, receptions, bridal showers, private parties, small social and cultural events, and community meetings.

### Restaurant, drive-in[639]

An establishment that primarily serves food and beverages to customers located in vehicles for consumption on or off premises.

### Restaurant, sit-down[640]

An establishment that serves food and beverages to customers primarily seated at tables or self-served with food consumed on the premises. Outdoor dining or drive-through service may be allowed if permitted as an accessory use in the zone district where the establishment is located. This use does not include drive-in restaurants.

### Retail sales and services, general[641]

An establishment that that engages in the sale or short-term rental of goods and merchandise to the general public for personal or household consumption. Typical uses include newsstands, food stores, hardware stores, building supply stores, garden supply stores, pet food stores, antique stores, jewelry stores, pharmacies, furniture stores, florists, bakeries, department stores, auto parts stores (without vehicular service), grocery stores, specialty food stores, equipment rental shops, wedding supply rental establishments, sports equipment stores, bicycle sales, electronic equipment stores, and bookstores. This does not include similar uses that are separately defined in this Ordinance, including those in the Retail Sales and Services Uses category in Table 4-1: Principal Use Table and Section 4.2.2(F)(7). Retail Sales and Services Uses. Small-format retail uses are uses that are intended to serve members of a neighborhood or community with day-to-day, recurring needs, including but not limited to retail uses in the CN district.

### Riparian buffer[642]

The area of natural or planted vegetation adjacent to a natural watercourse as measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams, rivers, lakes, ponds, or wetlands which is intended to remain undisturbed.

### Roadside agriculture stand[643]

A structure used for the display and sale of agricultural products or wares with no space for customers within the structure itself. This structure may be unenclosed and designed and constructed so it can be easily moved. It may be a principal use or accessory to a primary residential use or agricultural use.

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[637] New definition.
[638] Definition adapted from definition in Section 6-4 of the City Code, adopted as part of Ord. 43-2024.
[639] Carries forward, revises, and modernizes the definition in Article VI, Section 11 of the current Zoning Ordinance.
[640] New definition.
[641] New definition.
[642] New definition.
[643] Carries forward, revises, and modernizes the definition in Article VI, Section 11 of the current Zoning Ordinance.

### Rooming or boarding house[644]

A building or portion of a building that contains three to nine guest rooms which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation. The compensation may include money, services, or other things of value. Lodging may or may not include the serving of meals to the lodgers, while facilities for lodgers may include sleeping or living quarters or rooms (with or without individual bathrooms) but cannot include individual cooking facilities.

## S

### Satellite dish, accessory[645]

A parabolic antenna designed to receive electromagnetic transmissions from extraterrestrial sources such as a satellite.

### School, private or parochial[646]

An educational institution operated by an entity other than a public school district that offers a program of education for grades pre-kindergarten through 12th grade meeting state requirements for a school. Accessory uses may include classrooms, laboratories, auditoriums, libraries, cafeterias, after-school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

### School, public

An educational institution operated by a public school district, or a public charter school, that offers a program of education for grades pre-kindergarten through 12th grade meeting state requirements for a school. Accessory uses may include classrooms, laboratories, auditoriums, libraries, cafeterias, after-school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

### Self-storage[647]

An enclosed permanent facility that leases storage space to the general public and may provide indoor or outdoor space to store larger items such as cars, boats, and recreational vehicles. No business or service may be allowed to operate out of a rented storage space.

### Semi-public use[648]

A service or facility offered by a not-for-profit organization that is generally made available to the general public for no charge or a nominal fee.

### Shooting range, indoor[649]

A facility for practice or competition with firearms occurring entirely within a building.

### Shooting range, outdoor[650]

A facility for practice or competition with firearms not occurring entirely within a building.

### Shoreline structure[651]

A water-related structure which is required to be located at the water's edge to fulfill its basic purpose. Examples include boat ramps, docks, floats, marine railways, piers, kayak launches, and bulkheads/sea walls. This use does not include marinas or boat houses.

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[644] Carries forward, revises, and modernizes the definition in Article VI, Section 11 of the current Zoning Ordinance
[645] New definition.
[646] New definition.
[647] New definition.
[648] New definition.
[649] New definition.
[650] New definition.
[651] New definition.

### Shrub[652]

A woody plant that is usually greater than three feet but less than twenty feet in height that generally exhibits spreading stems and a bushy appearance.

### Sight triangle[653]

The triangular shaped area located at intersections of two streets, railroads, a street and a railroad, or a street and a driveway, measured twenty feet from the intersection, and which is required to remain unobstructed between three and one-half (3.5) feet and 15 feet above the ground, subject to the Department of Traffic Engineering.

### Small format commercial[654]

See "Retail sales and services, general."

### Solar energy collection facility, large scale[655]

A facility consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, and storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in water heating or space heating and cooling, or that collects solar energy and converts it into electricity. As a principal use, a solar energy collection system is designed to meet demands for a large area and is typically mounted on the ground.

### Solar energy collection facility, small scale[656]

Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roof(s) of principal or accessory structures but may be mounted on other parts of structures or on the ground.

### Special event

A temporary commercial or festive activity or promotion at a specific location that is planned or reasonably expected to attract large assemblies of persons. Temporary special events include, but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, equestrian shows and events, corporate receptions, and weddings. This use does not include events on public property included within the definition in Sec. 26-201 of the City Code.

### Special exception

A procedure to review and make a decision on a proposed use that may be appropriate in a particular zone district but that requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings because of its nature, extent, and external effects. See Sec. 2.5.5, Special Exception.

### Stadium, arena, or amphitheater

A building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, and maintenance areas.

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[652] New definition.
[653] This is a new definition based off the sight triangle standard in Art. VI, Sec. 8.6.1(g) of the current Zoning Ordinance.
[654] New definition.
[655] Carries forward the definition in Section 1 of Article XI of the current Zoning Ordinance.
[656] Carries forward the definition in Section 1 of Article XI of the current Zoning Ordinance.

### Storage building[657]

A building accessory to the principal building on the site that is used primarily for the storage of nonhazardous material.

### Street[658]

Any public right-of-way used or intended to be used for motor vehicles, non-motorized vehicles, and pedestrians. If the public right-of-way existed before the adoption of the City's Zoning Ordinance on September 17, 1963, it is a street if it is at least 21 feet in width. If dedicated after September 1, 1963, the public-right-of-way is a street if it is at least 40 feet in width.

### Street, Alley[659]

A local street used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

### Street, Arterial[660]

A street used primarily for fast or heavy traffic.

### Street, Collector[661]

A street used to carry traffic from minor or neighborhood streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

### Street, Local[662]

A street used primarily for access to abutting properties.

### Street, Marginal Access[663]

A local street which is parallel to, and adjacent to, arterial streets and highways, and which provides access to abutting properties and protection from through traffic.

### Stream[664]

A body of water running or flowing on the earth's surface, or channel in which such flow occurs. A stream may be perennial or intermittent.

### Stream, Intermittent[665]

A well-defined channel that contains water for only part of the year, particularly during major storm events.

### Stream, Perennial[666]

A well-defined channel that contains water year-round during a year of normal rainfall.

### Supportive housing[667]

Any premises which provides shelter, food, personal assistance, or supervision for individuals who do not have developmental disabilities or mental illness but who require medical, correctional, or other mandated

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[657] New definition.
[658] Revises and modernizes the definition in Article VI, Section 11 of the current Zoning Ordinance.
[659] Carries forward and updates the definition in Section IX of the current Subdivision Ordinance.
[660] Carries forward and updates the definition in Section IX of the current Subdivision Ordinance.
[661] Carries forward and updates the definition in Section IX of the current Subdivision Ordinance.
[662] Carries forward and updates the definition in Section IX of the current Subdivision Ordinance for “minor street.”
[663] Carries forward and updates the definition in Section IX of the current Subdivision Ordinance.
[664] New definition.
[665] New definition.
[666] New definition.
[667] New definition that is based on the “halfway house” use that is permitted in institutional districts, along with prisons or jails, and includes other types of living arrangements that City staff seek to regulate.

supervision, and whose joint residence does not meet the definition of another use in this Ordinance. This use includes a halfway house that assists residents in transitional from more restrictive custodial confinement back into society, a shelter for persons experiencing homelessness, a group home for persons recovering from drug or alcohol addiction, and a domestic violence shelter. This use shall house not more than eight persons, including staff and clients.

### Swimming pool[668]

A man-made pool at least three feet deep at the deep end that is filled with water and used for wading or swimming, and that is operated for profit.

## T

### Temporary dwelling[669]

A temporary dwelling, including a manufactured or tiny home or recreational vehicle, used for a limited period such as during the reconstruction of a damaged or destroyed dwelling or for the care of a person living in the principal dwelling on the site.

### Temporary use or structure[670]

A use structure established for a temporary period of time with the intent to discontinue such use or remove such structure on the expiration of the time period.

### Temporary use approval[671]

A procedure for review and approval of a temporary use on land within the City. See Sec. 2.5.9, Temporary Use Approval.

### Tiny house[672]

A single-family dwelling unit containing less than 750 square feet of gross floor area, that is installed on an engineered permanent foundation and complies with either the City's adopted building code or is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., as amended.

### Tiny house community[673]

A lot or parcel of land held under single ownership or unified control upon which two or more tiny houses, occupied for residential purposes, are located and for which a which a charge is made for such accommodations, and including any structures used or intended for use as a part of such park to provide amenities or services to its residents.

### Tobacco and vape products store[674]

An establishment primarily engaged in the retail sale of cigarettes, cigars, tobacco, other smokers' supplies, or vape products.

### Tree, canopy[675]

A tree that typically reaches a mature height of at least 40 feet.

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[668] New definition for a new use.
[669] New definition.
[670] New definition.
[671] New definition.
[672] New definition for a new dwelling type. The maximum size of a tiny house varies by community, but is generally within 400 and 600 square feet.
[673] New definition for a new use.
[674] New definition for a use that communities use to limit the places where these particular retail uses take place.
[675] Carries forward and updates the definition in Art. VI Sec. 8.2 of the current Zoning Ordinance.

### Tree, DBH (Diameter at breast height)

See "DBH (Diameter at breast height)."

### Tree, understory[676]

A tree that typically reaches a mature height of 30 feet or less.

### Truck or freight terminal[677]

An area or building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis, or where semitrailers, including tractors or trailer units, are parked or stored. This use includes facilities commonly referred to as "freight logistics."

## U

### Understory tree

See "Tree, understory."

### Utility, major[678]

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility facilities include private potable water treatment plants, water towers, wastewater treatment plants, solid waste facilities, gas compressor stations, and electrical substations. This use does not include communication towers or equipment, package plants that treat wastewater for a single residential subdivision, or septic systems.

### Utility, minor[679]

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

## V

### Variance[680]

A grant of relief from the requirements, or a relaxation of the strict application of the terms of this Ordinance that permits development in a manner that would otherwise be prohibited by this Ordinance. See Sec. 2.5.12, Variance, This definition shall not be construed to permit a use in any zone district in which the use is prohibited.

### Vehicle towing and wrecker service[681]

An establishment providing the service of transporting individual motor vehicles and providing temporary storage of the vehicles, whether operable or temporarily inoperable, in an impound yard or storage area. This does not include junk, salvage, scrap, or wrecking yards.

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[676] Carries forward and updates the definition in Art. VI Sec. 8.2 of the current Zoning Ordinance.
[677] New definition.
[678] New definition.
[679] New definition.
[680] New definition.
[681] New definition.

### Vending license

A procedure to obtain a license to operate a vending business in a vending district in the City. See Sec. 2.5.10, Vending License.

### Veterinary hospital or clinic[682]

A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals. Accessory uses may include animal grooming services, short-term boarding that is incidental to medical care or treatment, and limited retail sales of pet-related merchandise.

## W

### Waste composting facility[683]

A facility where organic matter derived primarily from off-site is processed by composting or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

### Waste transfer facility[684]

An establishment that receives solid or liquid waste from others for transfer to another location for disposal or other processing.

### Wholesale, heavy or hazardous materials[685]

A facility for the storage, distribution, and handling of flammable, hazardous, or noxious materials and equipment offered for wholesale distribution, and not for direct sale to the general public.

### Wholesale, florist and nursery supply[686]

A facility for the storage, distribution, and handling of garden plants, shrubs, trees, or vines for wholesale trade, and not for direct sale to the general public.

### Wholesale sales[687]

Establishments or places of business primarily engaged in selling to retail, industrial, commercial, institutional, or professional business users or to other wholesalers, but not to the public at-large, merchandise, including but not limited to drugs and chemicals, dry goods and apparel, electrical goods, farm products, food, grocery products, hardware, plumbing, heating equipment, machinery, motor vehicles, and automobile equipment, but not including goods included in the “Wholesale, heavy or hazardous materials” or “Wholesale, florist and nursery supply” uses. Such use generally includes facilities for storage and distribution of goods and may include display areas.

### Wind energy facility, small[688]

A facility that converts the kinetic energy in wind into mechanical energy, with a rated capacity of less than one megawatt or that uses wind energy turbines that do not exceed 200 feet in height.

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[682] New definition.
[683] New definition.
[684] New definition.
[685] New definition.
[686] New definition.
[687] New definition.
[688] New definition.

# Z

### Zoning Ordinance text amendment

A procedure to amend the text of the Zoning Ordinance. See Sec. 2.5.1, Zoning Ordinance Text Amendment.

### Zoo[689]

A facility, indoor or outdoor, where animals are kept for viewing by the public. Accessory uses may include office, retail, and other commercial uses commonly established in such facilities.

[689] New definition.