

Zoning Ordinance Rewrite

Decatur, Alabama

MODULE 2

Article 25-3: Zoning Districts

Article 25-4: Use Regulations

Article 25-6: Nonconformities

Article 25-8: Definitions and Rules
of Measurement

Prepared by:

CLARION planning
NEXT



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ZONING DISTRICTS

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Article 25-3. Zoning Districts

Commentary on Article 25-3. Zoning Districts

Article 25-3: Zoning Districts, establishes the basic standards for the various base, planned development, and overlay zoning districts. The structure includes a total of 26 zoning districts. The line-up carries forward a number of the current zoning districts, modifies some current districts, and adds new districts to better align the structure to policy direction in the new comprehensive plan. It is organized into four sections.

Section 25-3.1, General Provisions, establishes the different types of zoning districts, states that compliance with district standards is required for all development, and provides an overview of the organization of the article.

Section 25-3.2, Base Districts, establishes 19 base districts. They are organized under the general headings of agricultural, residential, institutional, business, and industrial districts.

Section 25-3.3, Planned Development Districts, establishes three new planned development districts.

Section 25-3.4, Overlay Districts, establishes four overlay districts, which include the three existing districts and a new neighborhood overlay district.

This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the final adopted zoning ordinance.

SECTION 25-3.1. GENERAL PROVISIONS

Sec. 25-3.1.1. Compliance with Zoning District Standards

Compliance with the zoning district regulations of this article and all other regulations of this Ordinance is a requirement for all land development within the City's jurisdiction.

Sec. 25-3.1.2. Establishment of Zoning Districts

This Ordinance establishes the base, planned development, and overlay zoning districts identified in Table 25-3.1.2: Establishment of Zoning Districts. The boundaries of each of the zoning districts are identified on the Official Zoning Map.

TABLE 25-3.1.2: ESTABLISHMENT OF ZONING DISTRICTS

BASE DISTRICTS
AGRICULTURAL DISTRICT
Agricultural (AG) District
RESIDENTIAL DISTRICT
Residential Single-Family Estate (RS-E) District
Residential Single-Family 10 (RS-10) District
Residential Single-Family 7 (RS-7) District
Residential Single-Family 5 (RS-5) District
Residential Manufactured Housing (RMAN) District
Residential Single-Family Attached (RS-A) District

TABLE 25-3.1.2: ESTABLISHMENT OF ZONING DISTRICTS

Residential Mixed Medium-Density (RM-M) District
Residential Mixed High-Density (RM-H) District
INSTITUTIONAL DISTRICTS
Institutional (INST) District
Institutional Major Campus (INST-MC) District
BUSINESS DISTRICTS
Commercial Neighborhood (CN) District
Community Commercial (CC) District
Commercial Regional (CR) District
Central Business (CB) District
Urban Corridor Mixed-Use (UC-MX) District
Office Mixed-Use (O-MX) District
INDUSTRIAL DISTRICTS
Light Industrial (LI) District
Industrial (I) District
PLANNED DEVELOPMENT DISTRICTS
Residential Planned Development (R-PD) District
Major Employment Center Planned Development (MEC-PD) District
Traditional Neighborhood Planned Development (TN-PD) District
OVERLAY DISTRICTS
Historic Overlay (H-O) District
Sidewalk Café Overlay (SC-O) District
Arts and Entertainment Overlay (AE-O) District
Neighborhood Conservation Overlay (NC-O) District

Sec. 25-3.1.3. Organization of Zoning Districts⁶⁵

(a) Base Zoning Districts

- (1) Base zoning districts include Agricultural, Residential, Institutional, Business, and Industrial districts, as established in Table 25-3.1.2: Establishment of Zoning Districts. Base districts are established initially by the City’s adoption of this Ordinance, and subsequently by a zoning map amendment (see Sec. 25-2.4.2, Zoning Map Amendment).
- (2) The general intent and standards of each base zoning district are set forth in Section 25-3.2, Base Districts.
- (3) For each base zoning district, the regulations set out the district’s purpose, the intensity and dimensional standards, an illustrative image of development form and the application of the dimensional standards, and references to other standards in this Ordinance that are generally applicable to development in the district.⁶⁶ If there is a

⁶⁵ This new section explains the organization of the base zoning districts.

⁶⁶ These cross reference tables in each district inform the user that there are other standards in the Ordinance that apply to development in the district.

conflict between the illustrations and the text or tables, the text and tables control (see Sec. 25-8.1.2, Headings, Illustrations and Text).

(b) Planned Development (PD) Zoning Districts

- (1) The general purpose of the planned development (PD) districts is set forth in Sec. 25-3.3.1(a), General Purpose of Planned Development Districts.
- (2) PD districts are adopted by the City Council as amendments to the Official Zoning District Map in accordance with Sec. 25-2.4.3, Planned Development District. The name and location of the specific PD District is shown on the Official Zoning Map and recorded, as appropriate.
- (3) PD districts are subject to an approved PD Plan and PD Agreement, which establishes a plan for development, and specific rules and conditions of approval for individual PD Districts. As provided in Sec. 25-2.4.3, Planned Development District, the PD Plan and PD Agreement are included with the adopting ordinance, and recorded, as appropriate.

(c) Overlay Zoning Districts

- (1) Overlay zoning districts as shown in Table 25-3.1.2: Establishment of Zoning Districts, are established initially by the City's adoption of this Ordinance, and subsequently by approval of a zoning map amendment (see Sec. 25-2.4.2, Zoning Map Amendment).
- (2) Standards governing development in an overlay zoning district shall apply in addition to, or instead of, the standards governing development in the underlying base zoning district or PD District. If the regulations governing an overlay district expressly conflict with those governing an underlying base zoning district, the regulations governing the overlay district shall control. If land is classified into multiple overlay districts and the regulations governing one overlay district expressly conflict with those governing another overlay district, the more restrictive regulations control.

Sec. 25-3.1.4. Superseding Dimensional Standards

Dimensional standards for each zoning district are in tabular format in this article. Notes within each table provide additional details where necessary, and rules for measuring dimensional standards are in Section 25-8.2, Rules of Measurement. The dimensional standards in the article apply generally, but may be superseded by other standards in this Ordinance, including but not limited to the standards established or referenced in this section below.

(a) Neighborhood Compatibility Standards

Sec. 25-5.8.3, Neighborhood Compatibility Standards, establishes height and setback requirements that apply to specific types of uses within a certain proximity to specific zoning districts and uses.

(b) Use-Specific Standards

Dimensional standards are established for some uses in Article 25-4: Use Regulations.

(c) Corner Lot Minimum Front Setback⁶⁷

In any Residential district, on a corner lot that is too narrow to allow for a dwelling to face one of the abutting streets, the front setback from the street the dwelling cannot face shall be 15 feet.

(d) Minimum Front Setback for a Dwelling⁶⁸

The minimum front setback for a dwelling in any Residential district shall be the minimum front setback established for district or the average of the actual front yard depth of existing dwellings facing the same street within one hundred 100 feet on each side of the dwelling, whichever is less.

SECTION 25-3.2. BASE DISTRICTS

Base districts are organized into the following groups: Agricultural, Residential, Institutional, Business, and Industrial. Where standards in this Ordinance refer to one of these groups, the standard is applicable to all zoning districts within the group.

Sec. 25-3.2.1. Agricultural District

The AG District is the only Agricultural district established by this Ordinance. Its purpose is set forth in Sec. 25-3.2.1(a), Agricultural (AG) District, below.

⁶⁷ This provision is carried forward from Sec. 25-14 of the current zoning ordinance.

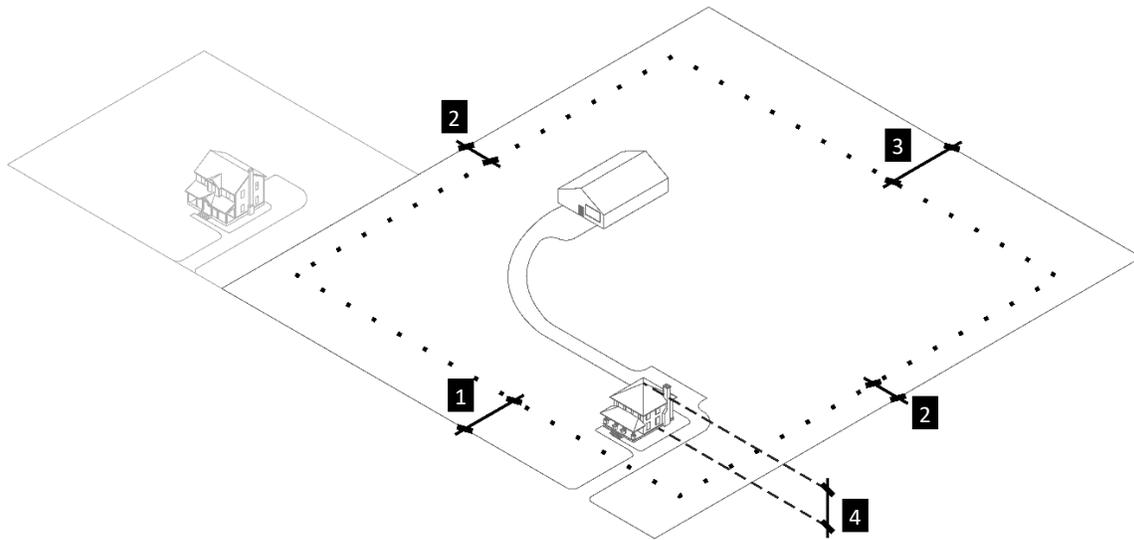
⁶⁸ The provision is carried forward from Sec. 25-14 of the current zoning ordinance, modified for clarity and to apply in Residential districts only.

(a) AGRICULTURAL (AG) DISTRICT⁶⁹

(1) Purpose

The purpose of the Agricultural (AG) District is to provide lands that accommodate agricultural and agricultural supporting uses, as well as low density single-family detached dwellings. The district includes significant areas of open space and is intended to discourage development that substantially interferes with agricultural production or the general rural character of the district.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min. (acres)	1
Lot width, min. (ft.)	100
1 Front setback, min. (ft.) [1]	50
2 Side setback, min. (ft.) [1]	20
3 Rear setback, min. (ft.) [1]	60
4 Building height, max.	lesser of 50 ft. or 2.5 stories

NOTES:

[1] The minimum setback for structures used for housing livestock is 100 feet from all land classified in a district other than the AG District.

(3) Reference to Other Standards

Development in the AG District shall comply with the use and development standards in this Ordinance, including but not limited to:

- Article 25-4 Use Regulations**
- Sec. 25-5.6 Exterior Lighting Standards**

⁶⁹ The AG district consolidates the AG-1 and AG-2 districts from Sec. 25-12.1 of the current zoning ordinance. The two existing districts have the same basic dimensional standards, which are modified to: 1) increase the minimum lot size from 15,000 square feet to one acre, 2) increase the front setback from 20 to 50 feet, 3) increase the side setback from 15 to 20 feet, 4) increase the rear setback from 45 to 60 feet, and 5) increase the maximum building height from 35 feet or 2.5 stories to 50 feet or 2.5 stories.

Section 25-3.2, Base Districts
 Sec. 25-3.2.1, Agricultural District

Article 25-5	Development Standards	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

Sec. 25-3.2.2. Residential Districts

(a) General Purpose of Residential Districts

The general purpose of the residential districts is to primarily accommodate lands for residential development, both single-family and more moderate and higher density residential development, along with appropriately located and scaled public or civic uses.

(b) Established Residential Zoning Districts

The residential zoning districts established by this Ordinance are identified in Table 25-3.2.2: Established Residential Districts.

TABLE 25-3.2.2: ESTABLISHED RESIDENTIAL DISTRICTS

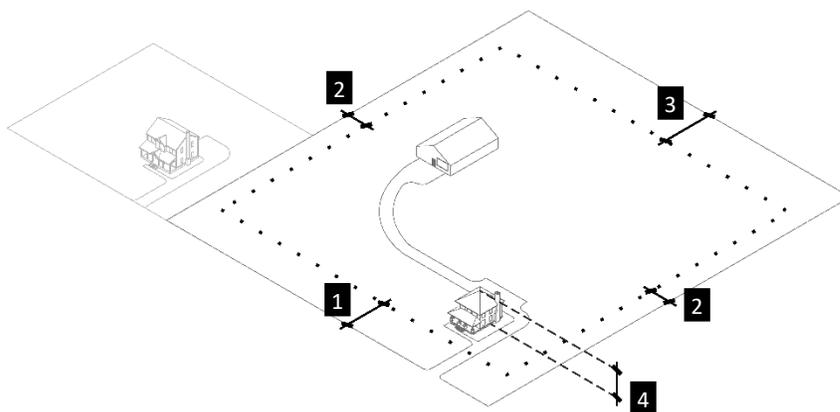
Residential Single-Family Estate (RS-E) District
Residential Single-Family 10 (RS-10) District
Residential Single-Family 7 (RS-7) District
Residential Single-Family 5 (RS-5) District
Residential Manufactured Housing (RMAN) District
Residential Single-Family Attached (RS-A) District
Residential Mixed Medium-Density (RM-M) District
Residential Mixed High-Density (RM-H) District

(c) RESIDENTIAL SINGLE-FAMILY ESTATE (RS-E) DISTRICT⁷⁰

(1) Purpose

The purpose of the Residential Single-Family Estate (RS-E) District is to provide lands that accommodate primarily single-family detached dwellings at least one acre in area, and in a more open setting where topography, utility capacities, and/or natural amenities limit the use of the land. The district also allows uses necessary and incidental to single-family living. District regulations discourage development that substantially interferes with the quiet residential nature of the district.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min. (acres)	1
Lot width, min. (ft.)	150
1 Front setback, min. (ft.)	50
2 Side setback, min. (ft.)	25
3 Rear setback, min. (ft.)	60
4 Building height, max.	lesser of 50 ft. or 2.5 stories

(3) Reference to Other Standards

Development in the RS-E District shall also comply with the use and development standards in this Ordinance, including but not limited to:

Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

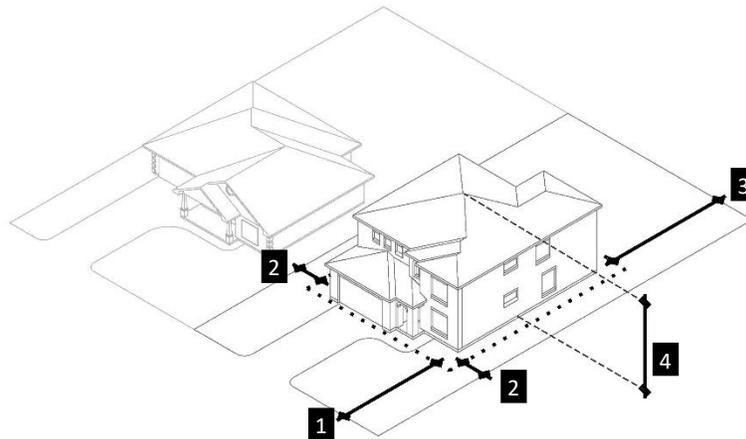
⁷⁰ The RS-E District carries forward and renames the R1-E district from Sec. 25-10.7 of the current zoning ordinance. The new name reflects the district's character as very low-density single-family district. Dimensional standards have not been modified.

(d) RESIDENTIAL SINGLE-FAMILY 10 (RS-10) DISTRICT⁷¹

(1) Purpose

The purpose of the Residential Single-Family 10 (RS-10) District is to provide lands that accommodate primarily single-family detached dwellings on lots with a minimum area of 10,000 square feet. The district also allows uses necessary and incidental to single-family living, and accommodates parks and minor utility facilities. District regulations discourage development that interferes with the quiet residential nature of the district.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min. (sq. ft.)	10,000
Lot width, min. (ft.)	70
1 Front setback, min. (ft.)	35
2 Side setback, min. (ft.)	8
3 Rear setback, min. (ft.)	40
4 Building height, max.	lesser of 35 ft. or 2.5 stories

(3) Reference to Other Standards

Development in the RS-10 District shall also comply with the use and development standards in this Ordinance, including but not limited to:

Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

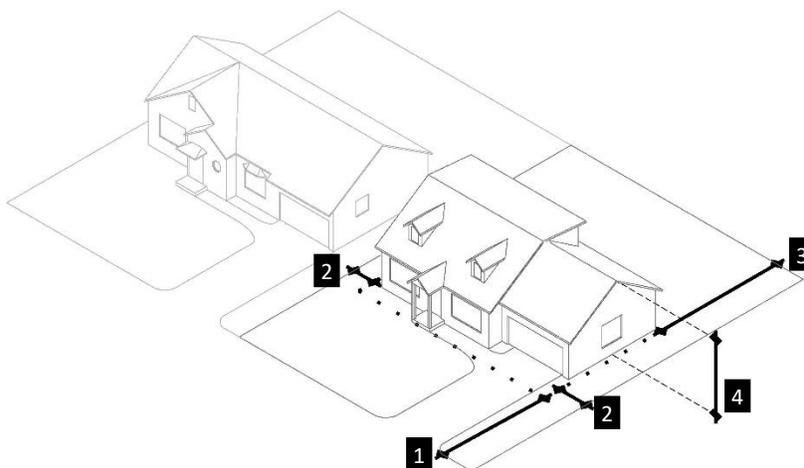
⁷¹ The RS-10 District consolidates the R-1 and R-2 districts from Sec. 25-10.8 and Sec. 25-10.9 of the current zoning ordinance, following the recommendations on page II-43 of the Assessment. It generally carries forward the dimensional standards of the current R-2 district. The name of the RS-10 district (like the RS- 7 and RS-5 districts), reflects a minimum lot size of 10,000 square feet (while the RS-7 district reflects a lot size of 7,000 square feet, and the RS-5 district reflects a lot size of 5,000 square feet)

(e) RESIDENTIAL SINGLE-FAMILY 7 (RS-7) DISTRICT⁷²

(1) Purpose

The purpose of the Residential Single-Family 7 (RS-7) District is to provide lands that accommodate primarily single-family detached dwellings on lots with a minimum area of 7,000 square feet. The district also allows uses necessary and incidental to single-family living, and accommodates parks and minor utility facilities. District regulations discourage development that interferes with the quiet residential nature of the district.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min. (sq. ft.)	7,000
Lot width, min. (ft.)	50
1 Front setback, min. (ft.)	30
2 Side setback, min. (ft.)	6 8 [1]
3 Rear setback, min. (ft.)	35
4 Building height, max.	lesser of 35 ft. or 2.5 stories

NOTES:

[1] The minimum side setback is six feet; however, at least one side setback shall be a minimum of eight feet.

(3) Reference to Other Standards

Development in the RS-7 District shall comply with the use and development standards in this Ordinance, including but not limited to:

Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management

⁷² The RS-7 District carries forward the R-3 district from Sec. 25-10.10 of the current zoning ordinance. Dimensional standards have not been modified. As noted in the previous footnote, the names of the new RS-10, RS- 7, and RS-5 districts reflect a minimum lot size of 10,000 square feet, 7,000 square feet, and 5,000 square feet, respectively.

Section 25-3.2 Base Districts
Sec. 25-3.2.2 Residential Districts

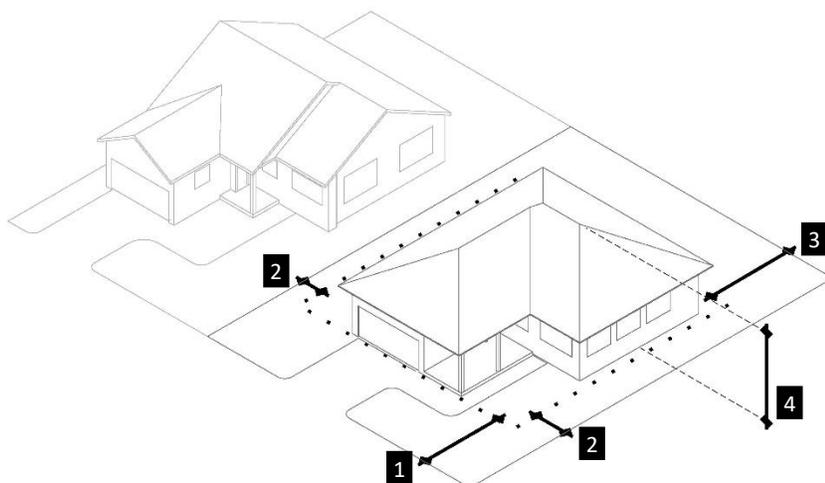
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

(f) RESIDENTIAL SINGLE-FAMILY 5 (RS-5) DISTRICT⁷³

(1) Purpose

The purpose of the Residential Single-Family 5 (RS-5) District is to provide lands that accommodate primarily single-family detached dwellings on lots with a minimum area of 5,000 square feet. The district also allows uses necessary and incidental to single-family living, and accommodates parks and minor utility facilities. District regulations discourage development that interferes with the quiet residential nature of the district.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min. (sq. ft.)	5,000
Lot width, min. (ft.)	50
1 Front setback, min. (ft.)	20
2 Side setback, min. (ft.)	5 8 [1]
3 Rear setback, min. (ft.)	20
4 Building height, max. (ft.)	35

NOTES:

[1] The minimum side setback is five feet, however, at least one side setback shall be a minimum of eight feet.

(3) Reference to Other Standards

Development in the RS-5 District shall comply with the use and development standards in this Ordinance, including but not limited to:

Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards

⁷³ The RS-5 District carries forward the R-5 district from Sec. 25-10.3 of the current zoning ordinance. Dimensional standards have not been modified. As noted in previous footnotes, the RS-10, RS- 7, and RS-5 districts reflect a minimum lot size of 10,000 square feet, 7,000 square feet, and 5,000 square feet, respectively.

Section 25-3.2 Base Districts
Sec. 25-3.2.2 Residential Districts

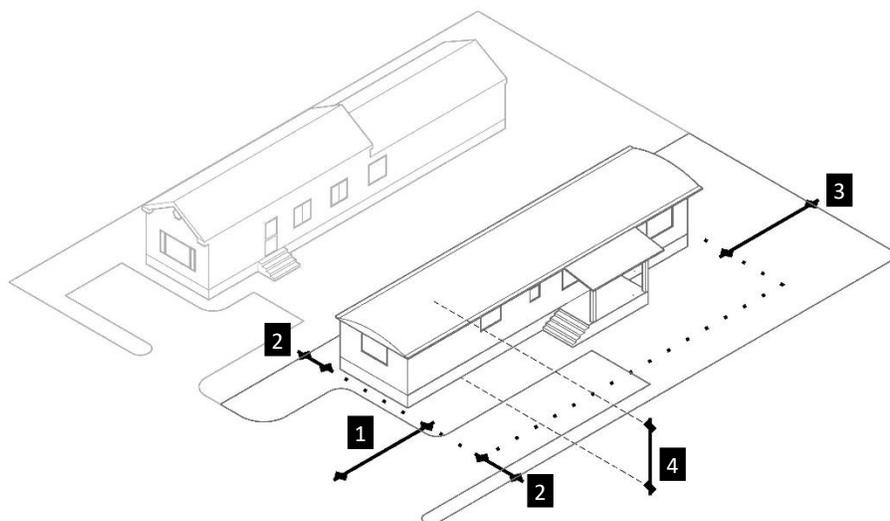
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

(g) RESIDENTIAL MANUFACTURED HOUSING (RMAN) DISTRICT⁷⁴

(1) Purpose

The purpose of the Residential Manufactured Housing (RMAN) District is to provide lands that accommodate manufactured homes. The district also accommodates related support and recreational facilities when the manufactured homes are located within a manufactured home park, as well as parks and minor utility facilities. District regulations discourage development that interferes with the residential nature of the district.

(2) Intensity and Dimensional Standards



Standard	All Development
Maximum density (dwelling units per acre)	7
Lot area, min. (sq. ft.)	5,000
Lot width, min. (ft.)	50
1 Front setback, min. (ft.)	20 [1][2]
2 Side setback, min. (ft.)	5 8 [1][2][3]
3 Rear setback, min. (ft.)	20 [1]
4 Building height, max. (ft.)	35

NOTES:

- [1] A minimum separation of 13 feet is required between structures on separate lots.
- [2] On lots adjoining a major thoroughfare, an additional setback of 20 feet shall be added to the minimum setback.
- [3] The minimum side setback is five feet; however, at least one side setback shall be a minimum of eight feet.

(3) Reference to Other Standards

Development in the RMAN District shall comply with the use and development standards in this Ordinance, including but not limited to:

Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form And Design Standards

⁷⁴ The RMAN District carries forward the R-MH district from Sec. 25-10.4 of the current zoning ordinance. Dimensional standards have not been modified.

Section 25-3.2 Base Districts
Sec. 25-3.2.2 Residential Districts

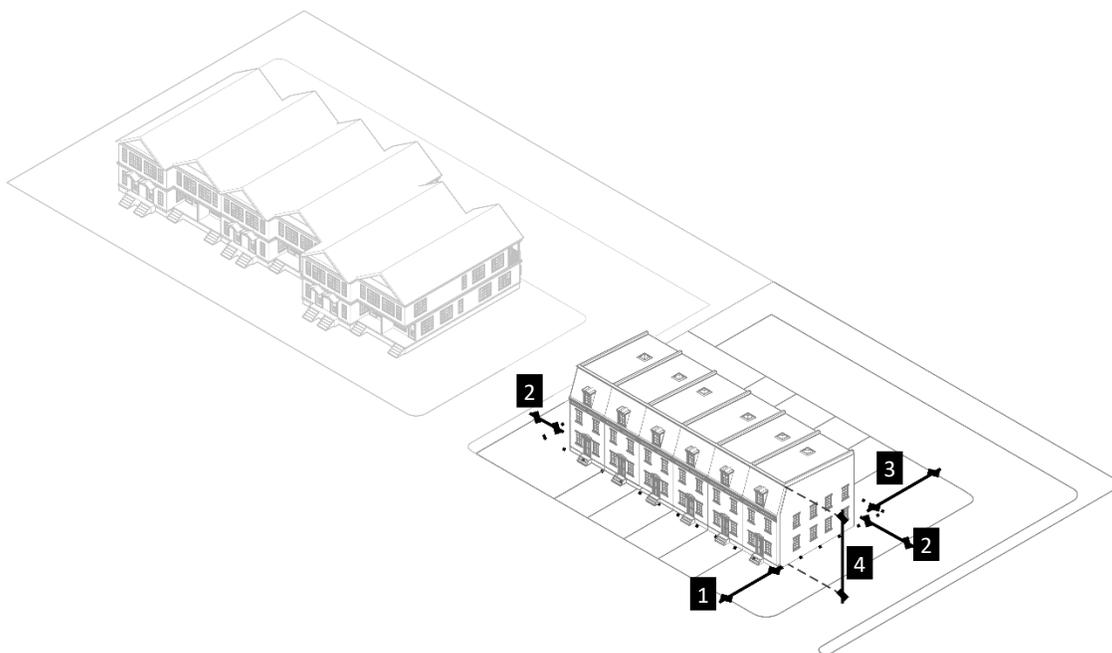
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

(h) RESIDENTIAL SINGLE-FAMILY ATTACHED (RS-A) DISTRICT⁷⁵

(1) Purpose

The purpose of the Residential Single-Family Attached (RS-A) District is to provide lands that accommodate primarily single-family attached and townhouse dwellings, with a maximum base density of 12 dwelling units per acre. The district also allows parks and minor utility facilities.

(2) Intensity and Dimensional Standards



Standard		All Development
	Density, max. (dwelling units per acre)	12
	Lot width, min. (ft.)	20
1	Front setback, min. (ft.)	20
2	Side setback, min. (ft.)	10 12 [1]
3	Rear setback, min. (ft.)	20
4	Building height, max.	lesser of 40 ft. or 3 stories
	Number of contiguous attached units, max.	8

NOTES:

[1] This standard applies only on unattached sides of end units. The minimum side setback is ten feet for one-story structures and 12 feet for two-story structures.

(3) Reference to Other Standards

Development in the RS-A District shall comply with the use and development standards in this Ordinance, including but not limited to:

- Article 25-4 Use Regulations**
- Sec. 25-5.6 Exterior Lighting Standards**

⁷⁵ As discussed on page II-44 of the Assessment, the RS-A District carries forward the R-6 district from Sec. 25-10.2 of the current zoning ordinance. The proposed name from the Assessment has been changed from “residential townhouse (RT)” to “residential single-family attached (RS-A), the minimum front setback has been reduced from 25 feet to 20 feet, and the maximum building height is increased from 35 feet or 2.5 stories to 40 or 3 stories.

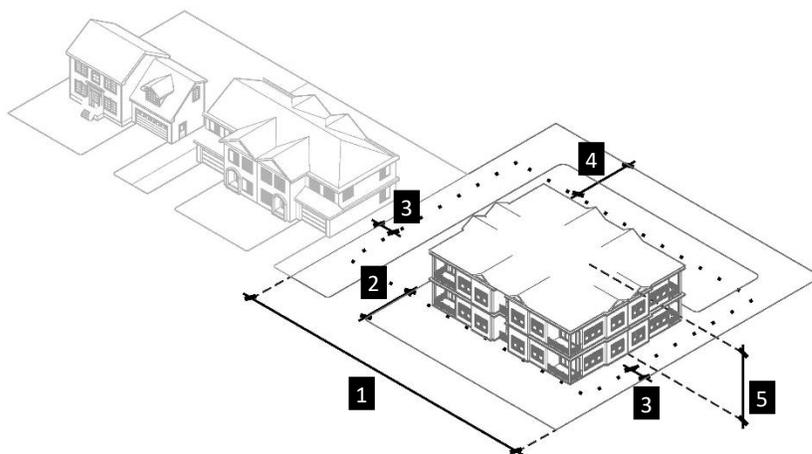
Article 25-5	Development Standards	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

(i) RESIDENTIAL MIXED MEDIUM-DENSITY (RM-M) DISTRICT⁷⁶

(1) Purpose

The purpose of the Residential Mixed Medium-Density (RM-M) District is to provide lands that accommodate single-family detached, single-family attached, duplex or triplex, and townhouse dwellings, as well as live-work dwellings and small-scale multifamily dwellings, with a maximum base density of eight dwelling units per acre. The district also accommodates parks and minor utility facilities.

(2) Intensity and Dimensional Standards



Standard	Single-Family Detached Dwelling	Duplex or Triplex Dwelling	Single-Family Attached or Townhouse Dwelling	All Other Development
Density, max. (dwelling units per acre)			8	
1 Lot width, min. (ft.)	50	50 [1]	20	50 [1]
2 Front setback, min. (ft.)			25	
3 Side setback, min. (ft.)	8 6 [2]	10 12 [3]	10 12 [3]	8
4 Rear setback, min. (ft.)			30	
5 Building height, max.			lesser of 35 ft. or 2.5 stories	

NOTES:

- [1] 50 feet plus five feet per unit after the first unit.
- [2] The minimum side setback is six feet; however, at least one side setback shall be a minimum of eight feet.
- [3] This standard applies only on unattached sides of end units. The minimum side setback is ten feet for one-story structures and 12 feet for two-story structures.

⁷⁶ As discussed on page II-44 of the Assessment, this new RM-M district accommodates a mix of residential uses . Uses include single family dwellings, two-family dwellings, triplexes, quadplexes, townhomes, and small-scale multifamily development, and limited small-scale commercial. The maximum density (and height) requirements for other than single-family dwellings ensure a consistent scale of development for the district.

(3) Reference to Other Standards

Development in the RM-M District shall comply with the use and development standards in this Ordinance, including but not limited to:

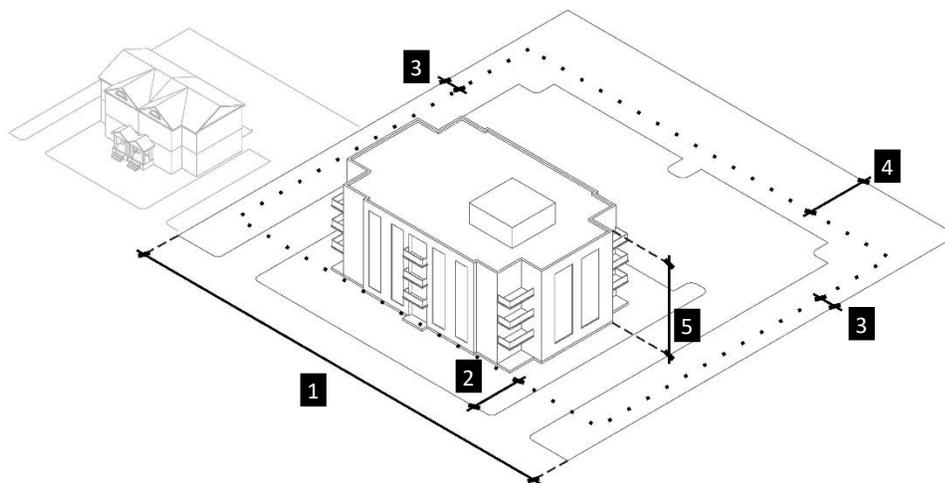
Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

(j) RESIDENTIAL MIXED HIGH DENSITY (RM-H) DISTRICT⁷⁷

(1) Purpose

The purpose of the Residential Mixed High Density (RM-H) District is to provide lands that accommodate single-family attached, duplex or triplex, townhouse, live-work, and multifamily dwellings, with a maximum base density of 18 dwelling units per acre. The district also accommodates parks and minor utility facilities, as well as small-scale retail sales and services and personal services.

(2) Intensity and Dimensional Standards



Standard	Duplex or Triplex Dwelling	Single-Family Attached or Townhouse Dwelling	Multifamily Dwelling	All Other Uses
Density, max. (dwelling units per acre)	18			N/A
1 Lot width, min. (ft.)	50 [1]	18	50 [1]	50
2 Front setback, min. (ft.)	15			
3 Side setback, min. (ft.)	8 [2]	8 [2]	8	
4 Rear setback, min. (ft.)	20			
5 Building height, max.	lesser of 55 ft. or 4 stories [3]			
Gross floor area of commercial use per building, max. (sq. ft.)	N/A		7,000	

NOTES:

- [1] 50 feet plus 5 feet per unit after the first unit.
- [2] This standard applies only on unattached sides of end units.
- [3] Additional Building Code requirements apply to buildings taller than three stories.

⁷⁷ As discussed on page II-44 of the Assessment, the new RM-H district provides lands to accommodate mixed attached residential uses including two-family dwellings, triplexes, quadplexes, townhomes, and multifamily residential development, at a maximum density of 18 dwelling unit per acre, as well as small-scale personal services and retail sales uses. Along with the RM-M district, the RM-H district gives the City the ability to establish areas for both medium and high density, mixed residential development.

(3) Reference to Other Standards

Development in the RM-H District shall comply with the use and development standards in this Ordinance, including but not limited to:

Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form and Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

Sec. 25-3.2.3. Institutional Districts

(a) General Purpose of Institutional Districts⁷⁸

The purpose of institutional zoning districts is to:

- (1) Accommodate institutional, campus, and civic uses;
- (2) Support secondary uses within institutional and campus developments such as retail, personal services establishments, and indoor and outdoor recreation facilities; and
- (3) Ensure development in the City is in accordance with the Comprehensive Plan.

(b) Established Institutional Zoning Districts

The Institutional zoning districts established by this Ordinance are identified in Table 25-3.2.3: Institutional and Campus Base Zoning Districts.

TABLE 25-3.2.3: ESTABLISHED INSTITUTIONAL DISTRICTS

Institutional (INST) District

Institutional Major Campus (INST-MC) District

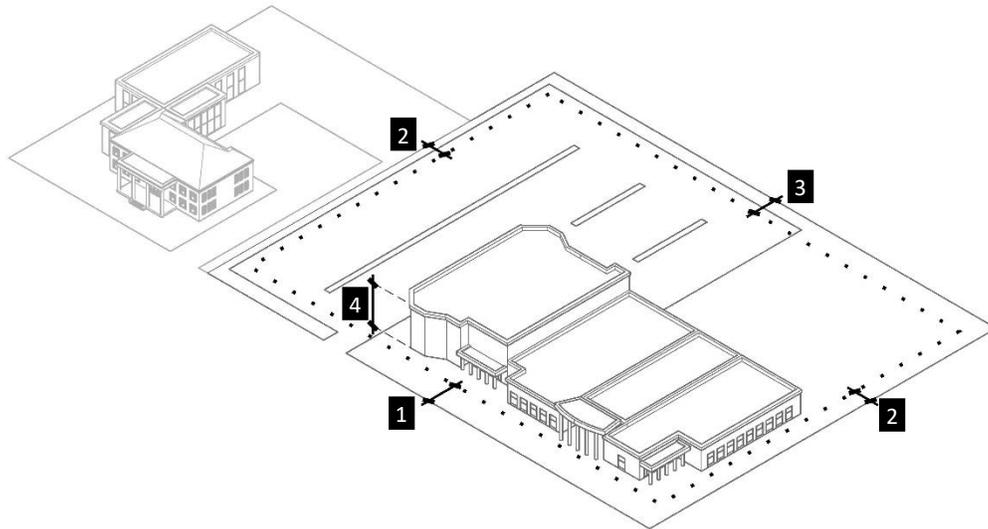
⁷⁸ This section is new. It states the purposes of the Institutional districts.

(c) INSTITUTIONAL (INST) DISTRICT⁷⁹

(1) Purpose

The purpose of the Institutional (INST) District is to provide lands that accommodate traditional institutional and civic uses such as secondary schools, government buildings, other public buildings, gardens, playgrounds, parks, auditoriums, and coliseums, but not large campus institutional uses such as hospitals, colleges, and universities. The district also accommodates support uses such as offices, eating or drinking establishments, and limited retail sales and service establishments that primarily serve principal institutional uses. Development may include the grouping of multiple institutional buildings, and inter-related public, private, and nonprofit development.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min. (sq. ft.)	[1]
1 Front setback, min. (ft.)	25
2 Side setback, min. (ft.)	15 25 [2]
3 Rear setback, min. (ft.)	20
4 Building height, max.	Lesser of 80 ft. or 6 stories [3]

NOTES:

- [1] Lots shall be of sufficient size so that the allowed institutional use can reasonably locate on the site, along with adequate parking and loading space, and any other space required for the normal operation of the allowed use.
- [2] The minimum side setback is 25 feet from any lot classified in a residential zoning district.
- [3] Additional Building Code requirements apply to buildings taller than three stories.

(3) Reference to Other Standards

Development in the INST District shall comply with the use and development standards in this Ordinance, including but not limited to:

Article 25-4 Use Regulations	Sec. 25-5.6 Exterior Lighting Standards
-------------------------------------	--

⁷⁹ The INST District carries forward the I-D district from Sec. 25-12.2 of the current zoning ordinance. Dimensional standards have been clarified and refined to fit the format of this new ordinance.

Section 25-3.2, Base Districts
 Sec. 25-3.2.3, Institutional Districts

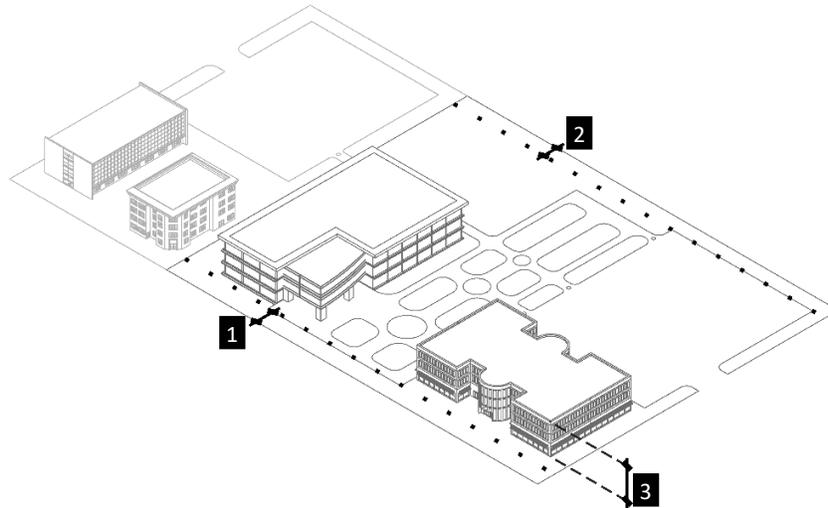
Article 25-5	Development Standards	Sec. 25-5.7	Development Form and Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

(d) INSTITUTIONAL MAJOR CAMPUS (INST-MC) DISTRICT⁸⁰

(1) Purpose

The purpose of the Institutional Major Campus (INST-MC) District is to provide lands that accommodate large institutional uses such as hospitals or medical complexes, colleges, and universities, in a campus setting. The district balances flexible requirements with approval of plan for development for the hospital, medical complex, college, or university. District-specific standards support appropriate growth and development within the district, while ensuring development impacts will not have an adverse effect on surrounding properties. This is ensured through coordinated site development and off-street parking, traffic and pedestrian circulation plans, and continuity and compatibility with surrounding development, as prescribed by an Institutional Development Plan (IDP) for the district as described below.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min. (sq. ft.)	[1]
1 Front setback, min. (ft.)	25
Side setback, min. (ft.)	None 25 [2]
2 Rear setback, min. (ft.)	20
3 Building height, max.	Lesser of 100 ft. or 8 stories [3]

NOTES:

- [1] Lots shall be of sufficient size so that the allowed institutional use can be adequately accommodated, along with adequate parking and loading space, and any additional space for the other normal operations of the allowed use.
- [2] The minimum side setback is 25 feet from any lot classified in a residential zoning district.
- [3] Additional Building Code requirements apply to buildings taller than three stories.

⁸⁰ As discussed on page I-42 of the Assessment, this new district applies to large medical complexes like hospitals, and colleges and universities. It provides a degree of flexibility in the development regulations for these types of large and more complex institutional uses, by requiring the preparation and approval of an institutional development plan. Once the plan of development is approved, the major campus can proceed with development on their own schedule, as long as the development substantially conforms with the approved plan.

(3) Institutional Development Plan (IDP)

(i) General

Prior to obtaining site plan approval or a certificate of occupancy for development in the INST-MC District, the institution and/or landowner shall prepare, and have approved in accordance with this section, an Institutional Development Plan (IDP). An IDP is intended to demonstrate how development, land uses, parking, transportation and other campus-related functions will be coordinated in the district. Development in the INST-MC District is subject to all other applicable standards in this Ordinance, unless modified by an approved IDP.

(ii) Review of Institutional Development Plan

The IDP shall be reviewed by the Technical Review Committee and approved or denied by the Planning Commission, following a public hearing on the IDP. Public notification prior to the public hearing shall be the same as required by state law for a Zoning Map Amendment. The Planning Commission shall approve an IDP on if it complies with the following standards:

- a. The form and function of proposed buildings shall be compatible with development immediately adjacent to the district, in terms of building separation, massing, scale, and proportion.
- b. An IDP will provide potential sites for construction of buildings, parking garages, parks or other green spaces and other amenities which shall include:
 1. Height and massing for new buildings;
 2. Permitted uses; and
 3. Location of parks and other outdoor green spaces and gathering spaces such as courtyards, plazas, and pocket parks. At a minimum, pedestrian amenities such as plazas, seating areas, or other gathering spaces that are visible and accessible shall be provided between buildings.
- c. An IDP shall include a parking and transportation plan that evidences that:
 1. Off-street parking facilities shall be sufficient to accommodate the employees, faculty, students, patients and/or other users of campus;
 2. Anticipated traffic generation and circulation patterns shall be compatible with internal and external street capacities and configurations; and
 3. Potential pedestrian and bicycle circulation within the district shall be properly integrated with buildings, parking areas, and open space, and all infrastructure supporting bicycle and pedestrian circulation, including facilities for bicycle storage, shall be designed and built in accordance with nationally accepted standards for such infrastructure. All vehicle parking lots and structures containing more than 50 parking spaces shall provide clearly identified pedestrian routes between parking areas and a primary pedestrian entrance(s) to the building(s) served by the parking area.
- d. An IDP shall be consistent with the Comprehensive Plan and any other plans adopted by the City.

(iii) Amendments to Approved Institutional Development Plan

- a. Major amendments to the IDP shall be made in accordance with the procedures and standards for its original approval.
- b. Subsequent applications for development approvals and permits on land subject to an IDP that include minor deviations from the approved IDP may be reviewed and decided upon, without the need to amend the IDP, if the Director determines that such deviations consist of only the following:
 - 1. A modification of design of facilities for amenities such as parks, gardens, or open spaces in areas not abutting a neighboring zoning district; or
 - 2. A deviation specifically listed in the IDP as a minor deviation not materially affecting the INST-MC district's basic concept or the designated general use of parcels of land within the district.

(iv) Effect

Development within the INST-MC District shall be in substantial compliance with:

- a. The approved IDP; and
- b. All other applicable standards and requirements of this Ordinance.

(4) Reference to Other Standards

Development in the INST-MC District shall comply with the use and development standards in this Ordinance, including but not limited to:

Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form and Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

Sec. 25-3.2.4. Business Districts

(a) General Purpose of Business Districts⁸¹

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

- (1) Strengthen the City's economic base, and provide employment opportunities close to home for City residents;
- (2) Provide appropriately located lands for a full range of business, commercial, and industrial uses needed by the City's residents, businesses, and workers, in accordance with the Comprehensive Plan and other adopted City plans;
- (3) Create suitable environments for various types of mixed-use development, where business, office, retail, and residential development is designed and integrated in compatible ways;
- (4) Encourage, support and ensure quality design in retail, office, service, employment, and related development;
- (5) Accommodate new infill development and redevelopment that is in accordance with the Comprehensive Plan and other adopted City plans;
- (6) Ensure business development is located and designed to protect and preserve the character of single-family neighborhoods; and
- (7) Create suitable environments for various types of businesses and protect them from the adverse effects of incompatible development.

(b) Established Business Zoning Districts⁸²

The Business zoning districts established by this Ordinance are identified in Table 25-3.2.4: Established Business Districts.

TABLE 25-3.2.4: ESTABLISHED BUSINESS DISTRICTS

Commercial Neighborhood (CN) District
Community Commercial (CC) District
Commercial Regional (CR) District
Central Business (CB) District
Urban Corridor Mixed-Use (UC-MX) District
Office Mixed-Use (O-MX) District

⁸¹ This section is new. It sets out the general purposes of the business districts.

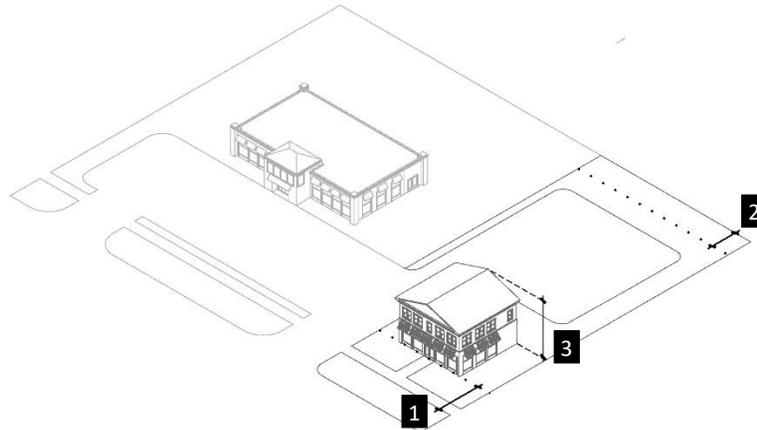
⁸² Although initially recommended in the Assessment, the Major Employment Center base district is not included in this draft. As recommended in the Assessment and drafted, the LI base zoning district implements the Flex Employment Center areas laid out in OneDecatur, as does the new Major Employment Center Planned Development District. It allows for a master planned development to establish a campus-like setting for light industrial, office, research and development, and other flex development. Without the planned development components, the Major Employment Center base district was determined to be so similar to the LI base zoning district as to be extraneous.

(c) COMMERCIAL NEIGHBORHOOD (CN) DISTRICT⁸³

(1) Purpose

The purpose of the Commercial Neighborhood (CN) District is to provide lands to accommodate low-intensity, neighborhood-serving commercial development that provide goods and services to residents of a neighborhood. District regulations are intended to ensure uses, development intensities, and development form that is consistent with a pedestrian-friendly and neighborhood scale. Development allowed in the district includes limited retail sales and services, personal services, eating or drinking establishments, and related uses. Mixed-use development is also allowed, with residential above the ground floor, at a scale and form that is consistent with district. The district is intended to be located at appropriate locations within a neighborhood, or at the edge of neighborhoods.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area (sq. ft.)	5,000
1 Front setback, min. (ft)	25
Side setback, min. (ft.)	None 15 [1]
2 Rear setback, min. (ft.)	20
3 Building height, max.	Lesser of 45 ft. or 3 stories
Individual building footprint, max. (sq. ft.)	11,000

NOTES:

[1] The minimum side setback is 15 feet from any lot classified in a residential zoning district or containing a single-family or two-family dwelling.

(3) Additional Standards

Residential uses in the CN District shall only be located above the ground floor of a multi-story building.

⁸³ The CN District carries forward the B-1 district from Sec. 25-12.2 of the current zoning ordinance. Dimensional standards have been clarified and refined to fit the format of this new ordinance, and provisions have been added to ensure that the development form in the district will be compatible with single-family development. New standards establish a minimum lot size of 5,000 square feet and limit building footprint to 11,000 square feet to ensure that development is of a neighborhood scale.

(4) Reference to Other Standards

Development in the CN District shall comply with the use and development standards in this Ordinance, including but not limited to:

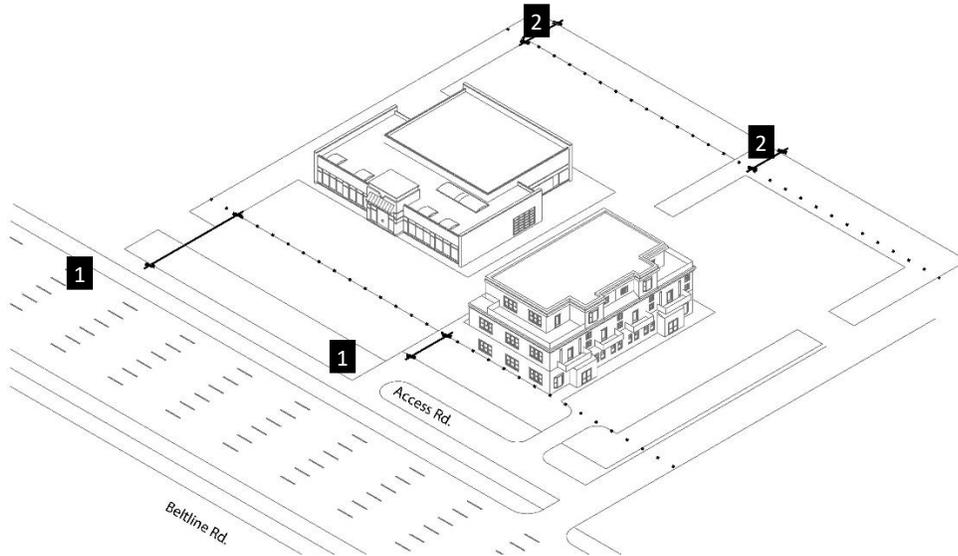
Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form and Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

(d) COMMUNITY COMMERCIAL (CC) DISTRICT⁸⁴

(1) Purpose

The purpose of the Commercial Community (CC) District is to provide lands to accommodate a range of community-serving nonresidential uses, as well as residential uses if they are designed in ways that are integrated with the nonresidential development. The district supports stand-alone general commercial, office, recreation/entertainment, and restaurant development at a moderate scale, as well as mixed-use development.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min.	[1]
1 Front setback, min. (ft.)	60 25 [2]
Side setback, min. (ft.)	None 25 [3]
2 Rear setback, min. (ft.)	20
Built area, max. (percent of lot area)	40
Building height, max.	Lesser of 45 ft. or 3 stories

NOTES:

- [1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.
- [2] The minimum front setback is 60 feet for property adjacent to Beltline Road and 25 feet otherwise.
- [3] The minimum side setback is 25 feet from any lot classified in a residential zoning district.

(3) Reference to Other Standards

Development in the CC District shall comply with the use and development standards in this Ordinance, including but not limited to:

⁸⁴ The CC District consolidates the B-2 and M-1A districts from Sec. 25-11 and Sec. 25-12 of the current zoning ordinance. Dimensional standards have been modified to reconcile the merged districts. The M-1A district has a context-dependent front setback of 60 or 35 feet; The B-2 district has a front setback of 25 feet. A setback of 60 for the Beltline or 25 feet for other road frontages is applicable within the CC District. The built area requirement of M-1A district is carried forward. A maximum building height standard of 45 feet is added, consistent with the OneDecatur guidance for Community Commercial areas.

Section 25-3.2, Base Districts
 Sec. 25-3.2.4, Business Districts

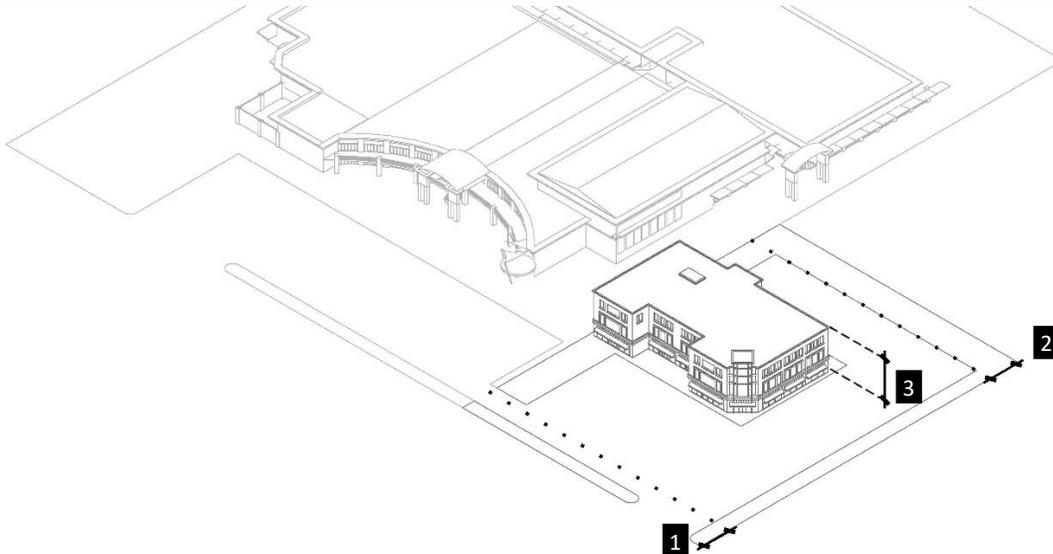
Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

(e) COMMERCIAL REGIONAL (CR) DISTRICT⁸⁵

(1) Purpose

The purpose of the Commercial Regional (CR) District is to provide lands to accommodate higher-density and intensity, region-serving commercial, office, and mixed-use development. The district permits auto-oriented uses while also encouraging more pedestrian-oriented mixed-use development. It is intended that, along with a broad range of commercial and office development, the district also accommodate high-intensity multifamily residential development, either standing alone or as part of a mixed-use development.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min.	[1]
1 Front setback, min. (ft.)	35
Side setback, min. (ft.)	None 35 [2]
2 Rear setback, min. (ft.)	35
3 Building height, max. (ft.)	Lesser of 75 feet or 6 stories [3]

NOTES:

- [1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.
- [2] The minimum side setback is 35 feet from any lot classified in a residential zoning district.
- [3] Additional Building Code requirements apply to buildings taller than three stories.

(3) Reference to Other Standards

Development in the CR District shall comply with the use and development standards in this Ordinance, including but not limited to:

Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form And Design Standards

⁸⁵ The CR District carries forward the B-4 district from Sec. 25-11 of the current zoning ordinance. Dimensional standards have been clarified and refined to fit the format of this new ordinance, and the maximum building height has been increased from 35 feet or two stories to 75 feet or six stories, consistent with OneDecatur guidance for Regional Mixed Use and Riverfront Mixed Use areas. The district is intended to allow both auto-oriented uses and more modern pedestrian-friendly mixed-use development.

Section 25-3.2, Base Districts
Sec. 25-3.2.4, Business Districts

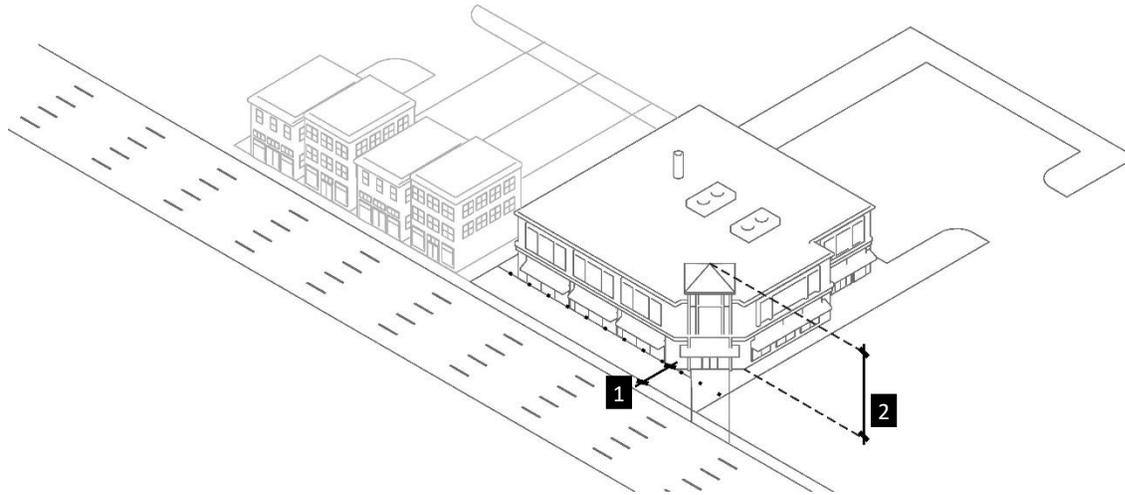
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

(f) CENTRAL BUSINESS (CB) DISTRICT⁸⁶

(1) Purpose

The purpose of the Central Business (CB) District is to provide lands that accommodate development that serves as the focal point for commerce, government, entertainment, and cultural events in the City. Development form is walkable, pedestrian-oriented, mixed-use, and among the most intense in the City. It is intended that new buildings be brought forward toward the public right-of-way, and any off-street parking be located at the side or rear of buildings. The district accommodates a broad range of commercial, office, restaurant, service distribution, higher-density residential, and mixed-use development.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min.	[1]
Front setback, min. (ft.)	0
1 Front setback, max. (ft.)	15 [2]
Side setback, min. (ft.)	None 35 [3]
Rear setback, min. (ft.)	None
2 Building height, max. (ft.)	None [4]

NOTES:

- [1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.
- [2] As an alternative to this standard, the Director may approve a front setback that is within 90 and 110 percent of the average front setback for buildings on the same block face.
- [3] The minimum side setback is 35 feet from any lot classified in a residential zoning district.
- [4] Additional Building Code requirements apply to buildings taller than three stories.

⁸⁶ The CB District carries forward the B-5 district from Sec. 25-11 of the current zoning ordinance, with modifications to support the desired character of the downtown. Dimensional standards have been clarified and refined to fit the format of this new ordinance and additional new form and connectivity standards are added, as discussed on page II-46 of the Assessment.

(3) Additional Standards

(i) Use Mixing

Residential uses in the CB District shall only be located above the ground floor of a multi-story building. The vertical mixing of residential uses with nonresidential uses within a single project or building is encouraged.

(ii) Building Entrances

- a. Where the facade of a principal building abuts or faces a street, at least one operable pedestrian entrance providing both ingress and egress shall be provided. If the facade includes multiple tenant spaces, at least one such entrance shall be provided for each street-level tenant space. These required pedestrian entrances shall open directly to the street sidewalk without requiring pedestrians to pass through a garage, parking lot, or other non-pedestrian area located between the entrance and the street.
- b. All primary pedestrian entrances into principal buildings shall be clearly defined and emphasized using changes in the wall plane or facade material, pilasters, awnings, canopies, porches, or other architectural elements.

(iii) Transparency

Any building facade that abuts or faces a street or public gathering space shall be transparent over at least 25 percent the facade area from the ground level of the street or public gathering space to eight feet above that height. Windows and door openings used to comply with this requirement shall consist of glass that is relatively clear and nonreflective to allow views of interior spaces and merchandise, in order to enhance safety and create a more inviting environment for pedestrians.

(iv) Parking

Along any street frontage, all proposed new or additional off-street parking areas shall be located to the rear or side of the development's principal building(s).

(v) Sidewalks

All new development shall provide sidewalks along the front of the building.

(4) Reference to Other Standards

Development in the CB District shall comply with the use and development standards in this Ordinance, including but not limited to:

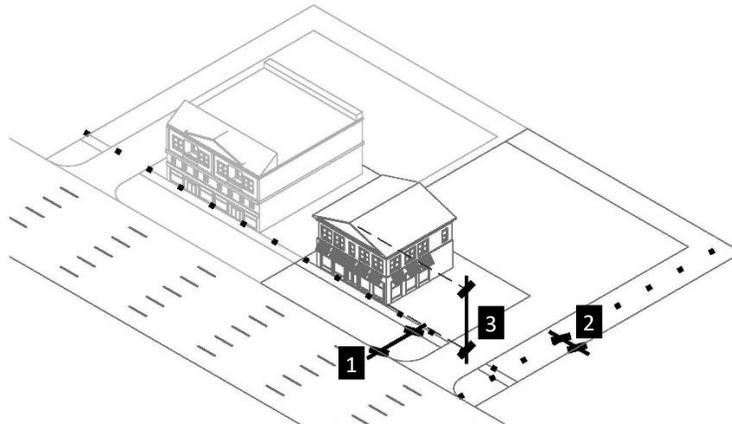
Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
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Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

(g) URBAN CORRIDOR MIXED USE (UC-MX) DISTRICT⁸⁷

(1) Purpose

The purpose of the Urban Corridor Mixed-Use (UC-MX) District is to provide lands that support redevelopment of gateway corridors leading to the downtown. It is intended to provide the flexibility and encouragement to redevelop lands in a way that results in unique destinations rather than strip development patterns, achieves high quality design, and encourages and supports mixed use, pedestrian-friendly development. Community and neighborhood commercial, office, lodging, and government uses are allowed, as well as multifamily dwellings. Mixed-use development in the form of residential and nonresidential uses within the same building is encouraged.

(2) Intensity and Dimensional Standards



	Standard	All Development
	Lot area, min.	[1]
	Front setback, min. (ft.)	5
1	Front setback, max. (ft.)	30 [2]
2	Side setback, min. (ft.)	None 8 [3]
	Rear setback, min. (ft.)	None 20 [4]
3	Building height, max.	3 stories 4 stories [5]

NOTES

- [1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.
- [2] As an alternative to this standard, the Director may approve a front setback that is within 90 and 110 percent of the average front setback for buildings on the same block face.
- [3] The minimum side setback is 8 feet from any lot classified in a residential zoning district.
- [4] The minimum rear setback is 20 feet from 7th Avenue SE between 5th Street SE and 11th Street SE.
- [5] The maximum building height for buildings that include only nonresidential uses on the ground floor and dwellings units on one or more floors above the ground floor is 4 stories. The maximum building height

⁸⁷ The UC-MX district consolidates the redevelopment districts from Sec. 25-11.2 and 25-11.3 of the current zoning ordinance with the modifications discussed on page II-47 of the Assessment. Setbacks are modified to allow new development to be brought forward toward the street, consistent with OneDecatur guidance for Urban Edge Mixed Use Areas. The standard for maximum building height has been changed from no maximum in the RD district and 2 stories in the RD-2 district to three stories, or four stories if the building includes only nonresidential uses on the ground floor and dwelling units on one or more upper floors (note that development is subject to the Neighborhood compatibility standards in Section 25-5.8, including building height limitations proximate to single-family lots). An additional standard is included to require at least half of required parking be located to the side or rear of the principal building

for all other buildings is 3 stories. Additional Building Code requirements apply to buildings taller than three stories.

(3) Additional Standards

(i) Parking

A minimum of 50 percent of required parking for new development shall be to the side or rear of the principal building.

(4) Reference to Other Standards

Development in the UC-MX District shall comply with the use and development standards in this Ordinance, including but not limited to:

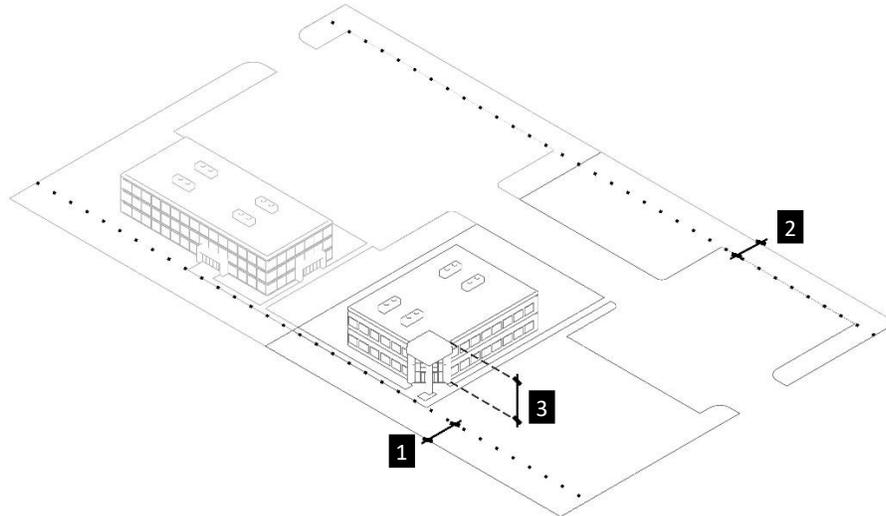
Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form and Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

(h) OFFICE MIXED-USE (O-MX) DISTRICT⁸⁸

(1) Purpose

The purpose of the Office Mixed-Use Office (O-MX) District is to provide lands to accommodate stand-alone office development, as well as mixed-use and multifamily development.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min.	[1]
1 Front setback, min. (ft.)	25
Side setback, min. (ft.)	None 8 [2]
2 Rear setback, min. (ft.)	20
3 Building height, max. (ft.)	None [3]

NOTES:

- [1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.
- [2] The minimum side setback is 8 feet from any lot classified in a residential zoning district.
- [3] Additional Building Code requirements apply to buildings taller than three stories.

(3) Additional Standards

(i) Use Mixing

Residential uses in the O-MX District shall only be located above the ground floor of a multi-story building or in a multifamily dwelling.

(ii) Building Entrances

All primary pedestrian entrances into a principal building shall be clearly defined and emphasized using changes in the wall plane or facade material, pilasters, awnings, canopies, porches, or other architectural elements. Where the facade of

⁸⁸ The O-MX District carries forward the B-6 district from Sec. 25-11 of the current zoning ordinance, with modifications. Dimensional standards have been clarified and refined to fit the format of this new ordinance. A new maximum building height of 45 feet or three stories has been added, consistent with OneDecatur guidance for Flex Employment Center areas. Additional standards have also been added to ensure a minimum quality of development.

a principal building abuts or faces a street, at least one operable pedestrian entrance providing both ingress and egress shall be provided. If the facade includes multiple tenant spaces, at least one such entrance shall be provided for each street-level tenant space. These required pedestrian entrances shall open directly to the street sidewalk without requiring pedestrians to pass through a garage, parking lot, or other non-pedestrian area located between the entrance and the street.

(iii) Transparency

Any building facade that abuts or faces a street or public gathering space shall be transparent over at least 35 percent the facade area from the ground level of the street or public gathering space to eight feet above that height. Windows and door openings used to comply with this requirement shall consist of glass that is relatively clear and nonreflective to allow views of interior spaces and merchandise, in order to enhance safety and create a more inviting environment for pedestrians.

(iv) Parking

- a. All vehicle parking lots and structures containing more than 50 parking spaces shall provide clearly identified pedestrian routes between parking areas and a primary pedestrian entrance(s) to the building(s) served by the parking area.
- b. A minimum of 50 percent of all proposed new or additional surface vehicle parking shall be located to the rear or side of the development's principal building(s) or in a parking structure.
- c. Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain 50 or fewer spaces each and are visually separated by buildings or landscaped areas.

(4) Reference to Other Standards

Development in the O-MX District shall comply with the use and development standards in this Ordinance, including but not limited to:

Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form and Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

Sec. 25-3.2.5. Industrial Districts

(a) General Purpose of Industrial Districts

The purpose of the industrial zoning districts is to provide lands that accommodate a full range of industrial development opportunities. The purpose of the industrial zoning districts is to:

- (1) Provide appropriately-located lands for the full range of light industrial and industrial uses needed by the City’s residents, businesses, and workers, in accordance with the Comprehensive Plan;
- (2) Strengthen the City’s economic base, and provide employment opportunities close to home for residents of the City and surrounding communities;
- (3) Support a range of building types and uses dedicated to processing, manufacturing, assembly, warehousing, outdoor storage, and distribution of goods;
- (4) Create suitable environments for uses that have heavy freight traffic, and which may generate noise, odors, or other impacts;
- (5) Ensure industrial development is located and designed to protect and preserve the character of existing residential districts and neighborhoods;
- (6) Improve the design quality of industrial areas; and
- (7) Provide a place to locate uses that are generally incompatible with other uses in other zoning districts.

(b) Established Industrial Base Zoning Districts

The Industrial base zoning districts established by this Ordinance are identified in Table 25-3.2.5: Established Industrial Districts.

TABLE 25-3.2.5: ESTABLISHED INDUSTRIAL DISTRICTS

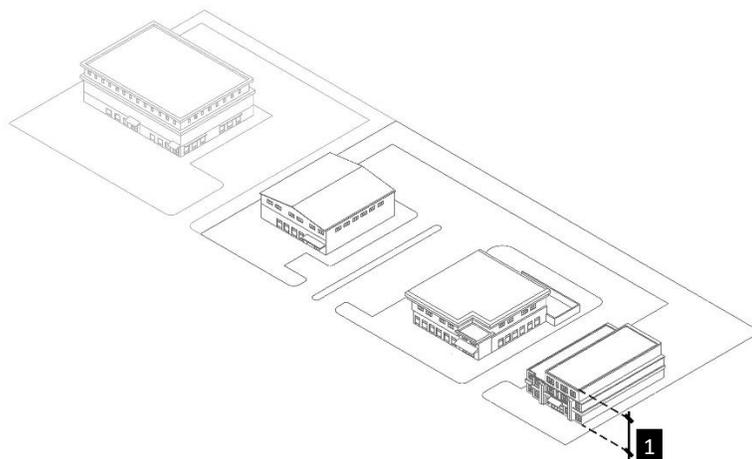
Light Industrial District (LI)
Industrial District (I)

(c) LIGHT INDUSTRIAL DISTRICT (LI)⁸⁹

(1) Purpose

The purpose of the Light Industrial (LI) District is to provide lands that accommodate light industrial and supporting development. Allowed uses include research and development, wholesaling, distribution, storage, processing, and light manufacturing. The district also accommodates supporting uses such as office and limited commercial uses that primarily serve the principal light industrial uses.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min. (sq. ft.)	[1]
Front setback, min. (ft.)	[2]
Side setback, min. (ft.)	[3]
Rear setback, min. (ft.)	[3]
1 Building height, max.	Lesser of 50 ft. or 3 stories

NOTES:

- [1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.
- [2] The minimum setback for new structures shall be the average setback of any existing structure(s) facing the same street within 100 feet of the structure; otherwise, there is no minimum front setback.
- [3] The minimum setback is 20 feet from any lot classified in a residential district.

(3) Reference to Other Standards

Development in the LI District shall comply with the use and development standards in this Ordinance, including but not limited to:

Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form And Design Standards

⁸⁹ As discussed on page II-47 of the Assessment, the LI District carries forward the M-1 district from Sec. 25-12 of the current zoning ordinance. The current dimensional standards are carried forward, except the maximum building height is set at 50 feet or three stories, consistent with OneDecatur guidance for Flex Employment Center areas.

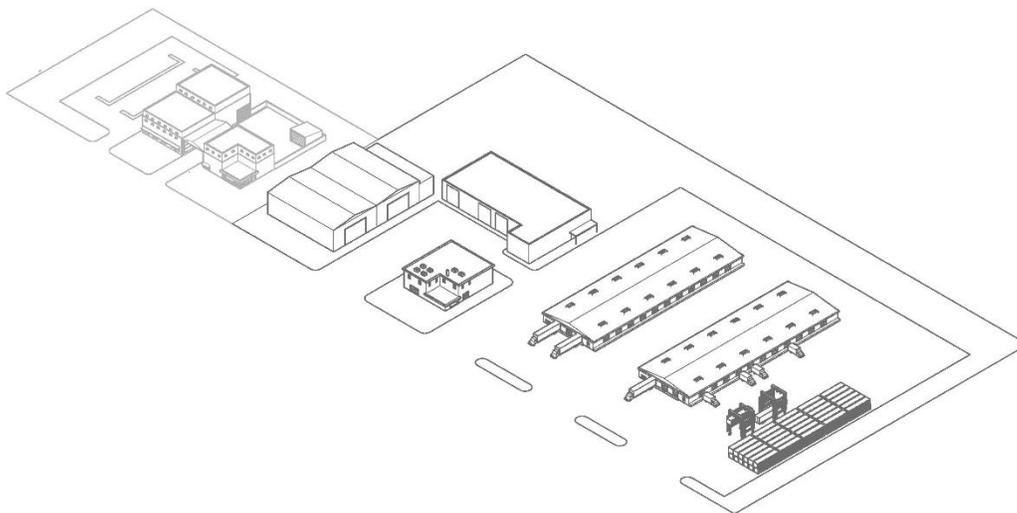
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

(d) INDUSTRIAL DISTRICT (I)⁹⁰

(1) Purpose

The purpose of the Industrial (I) District is to provide lands that accommodate industrial development that generally requires large sites, and is important to the City’s economic growth but may impact adjacent lands. Uses generally involve greater potential for adverse off-site impacts on the environment and surroundings (e.g. from dust, fumes, smoke, odor, noise, or vibration, or due to extensive movement of vehicles, materials, and goods.) District development is intended to include mitigation techniques to ensure heavy industrial development mitigates potential impacts to surrounding residential development.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min. (sq. ft.)	25,000 [1]
Front setback, min. (ft.)	[2]
Side setback, min. (ft.)	[2]
Rear setback, min. (ft.)	[2]
Building height, max.	None [3]

NOTES:

- [1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.
- [2] The minimum setback is 100 feet from any lot classified in a residential district.
- [3] Additional Building Code requirements apply to buildings taller than three stories.

(3) Reference to Other Standards

Development in the I District shall comply with the use and development standards in this Ordinance, including but not limited to:

Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form And Design Standards

⁹⁰ As discussed on page II-48 of the Assessment, The I District carries forward the M-2 district from Sec. 25-12 of the current ordinance, modified to include a new minimum lot area of 25,000 square feet and a minimum setback of 100 feet from residential lots.

Section 25-3.2 Base Districts
Sec. 25-3.2.5 Industrial Districts

Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

SECTION 25-3.3. PLANNED DEVELOPMENT DISTRICTS⁹¹

Sec. 25-3.3.1. General Provisions

(a) General Purpose of Planned Development Districts

The purpose of planned development (PD) districts is to encourage innovative and efficient land planning and physical design concepts. Planned development districts are intended to:

- (1) Achieve a high quality of development, environmental sensitivity, energy efficiency, and provision of public services;
- (2) Reduce the inflexibility of zoning district standards that sometimes results from strict application of the base district regulations and development standards established in this Ordinance;
- (3) Provide greater freedom and flexibility in selecting:
 - (i) The form and design of development;
 - (ii) The ways by which pedestrians and vehicular traffic circulate;
 - (iii) How the development will be located and designed to respect the natural features of the land and protect the environment;
 - (iv) The location and integration of open space and civic space into the development; and
 - (v) Design amenities.
- (4) Allow greater freedom in providing a well-integrated mix of nonresidential development, residential development, lot sizes, and densities and intensities within the same development;
- (5) Allow more efficient use of land, with coordinated and right-sized networks of streets and utilities;
- (6) Provide pedestrian connections within the same development, and to the public right-of way;
- (7) Encourage the provision of centrally-located open space amenities within the development;
- (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 man-made features, such as rivers, lakes, wetlands, floodplains, trees, and historic resources.

(b) Classification of Land Within a Planned Development District

Land shall be classified to a PD district only in accordance with the procedure and standards in Sec. 25-2.4.3, Planned Development District.

⁹¹ This is a new set of districts that replace the eight seldom-used PRD districts in the existing ordinance. As described on page II-48 of the Assessment, the districts offer flexibility to modify the zoning district regulations and development standards in return for innovative design, greater development quality, and in some instances community benefits.

(c) General Requirements

The standards in this section apply to all planned development districts, in addition to the specific standards that apply to each type of planned development in Sec. 25-3.3.2(a) through Sec. 25-3.3.2(c) below.

(1) Planned Development (PD) Plan

As set forth in Sec. 25-2.4.3, Planned Development District, a Planned Development (PD) Plan is a required component in the establishment of a planned development district. A PD Plan shall identify the following, in accordance with the purposes and requirements of the specific type of planned development district:

- (i)** The planning and development goals for the planned development district;
- (ii)** The principal, accessory, and temporary uses permitted in the planned development district and any standards that apply to specific uses in the district, in accordance with Sec. 25-4.2.2(e), Principal Use Table;
- (iii)** The general location of each development area in the planned development 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;
- (iv)** The dimensional standards that apply in the planned development district;
- (v)** Where relevant, the standards and requirements that ensure development on the perimeter of the planned development 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;
- (vi)** The general location, amount, and type (whether designated for active or passive recreation) of open space;
- (vii)** 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;
- (viii)** The on-site pedestrian circulation system and how it will connect to off-site pedestrian systems, consistent with the requirements of this Ordinance;
- (ix)** 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;
- (x)** The general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned City and regional systems, consistent with the requirements of this Ordinance;
- (xi)** 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;

- (xii) 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;
- (xiii) The ways in which transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development; and
- (xiv) Any modifications to the development standards in Article 25-5. Development Standards, that will be applied to planned development, in accordance with Table 25-3.3.1(c): Development Standards that May Be Modified, below. 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 25-3.3.1(C): DEVELOPMENT STANDARDS THAT MAY BE MODIFIED

STANDARD	MEANS TO MODIFY
Section 25-5.1, Mobility, Circulation, and Connectivity Standards	PD Plan and PD Agreement
Section 25-5.2, Off-Street Parking and Loading Standards	PD Plan and PD Agreement
Section 25-5.3, Landscaping and Buffer Standards	PD Plan and PD Agreement
Section 25-5.4 Open Space Set-Aside Standards	Modification Prohibited
Section 25-5.5 Fence and Wall Standards	PD Plan and PD Agreement
Section 25-5.6 Exterior Lighting Standards	PD Plan and PD Agreement
Section 25-5.7 Development Form and Design Standards	PD Plan and PD Agreement
Section 25-5.8 Neighborhood Compatibility Standards	PD Plan and PD Agreement, except modification is prohibited at the periphery of the district
Section 25-5.9, Sign Standards	PD Plan and PD Agreement
Section 25-5.10, Floodplain Management	Modification Prohibited
Section 25-5.11, Stormwater Management Standards	Modification Prohibited
Section 25-5.12, Green Building Incentives	PD Plan and PD Agreement

- (xv) If development in a planned development district is proposed to be phased, the PD Plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), 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.

(xvi) The PD Plan may include a conversion schedule that identifies the extent to which one type of use may be converted to another type of use.⁹²

(2) Planned Development (PD) Agreement

- (i) As set forth in Sec. 25-2.4.3, Planned Development District, a Planned Development (PD) Agreement is a required component in the establishment of a planned development district. A PD Agreement shall include but not be limited to:
 - a. Conditions related to approval of the application for the individual planned development district classification;
 - b. Conditions related to the approval of the PD Plan, including any conditions related to the form and design of development shown in the PD Plan;
 - c. Provisions addressing how public facilities (transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development. This shall include but not be limited to:
 - 1. Recognition that the applicant/landowner will be responsible to design and construct or install required and proposed on-site public facilities in compliance with applicable City, state, and federal regulations; and
 - 2. The responsibility of the applicant/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable City, state, and federal regulations;
 - d. Provisions related to environmental protection and monitoring (e.g., restoration or mitigation measures, annual inspection reports);
 - e. Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the individual planned development district; and
 - f. Any other provisions the City Council determines is relevant and necessary to the development of the planned development.
- (ii) All conditions shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

Sec. 25-3.3.2. Planned Development District Types

All planned developments shall be one of the types established in this section.

⁹² The existence of a conversion schedule which may, for example, allow a certain number of duplexes to replace single family homes or a certain amount of retail to be replaced by office on the initial PD Plan, can provide flexibility that prevents continuous amendments that need to be approved by City Council.

(a) RESIDENTIAL PLANNED DEVELOPMENT (R-PD) DISTRICT ⁹³

(1) Purpose

The purpose of the Residential Planned Development (R-PD) District is to provide landowners a development option to increase residential density while maintaining consistency with the policies of the comprehensive plan. The principal types of development allowed in the R-PD District are residential dwelling units, along with limited commercial development that primarily serves the residents of the R-PD.

(2) Use Standards

Allowed uses and use-specific standards for principal, accessory and temporary uses are identified in Article 25-4: Use Regulations, but only those uses identified as permitted in the PD Plan are permitted in the district (see Sec. 25-3.3.1(c)(1), Planned Development (PD) Plan).

(3) Dimensional Standards

District Standards	
Contiguous district area, min.	5 acres
District density, max.	To be established in PD Plan and PD Agreement
Individual Development Standards	
Lot area	To be established in PD Plan and PD Agreement
Lot width	
Front setback	
Side setback	
Rear setback	
Building height	

(4) Development Standards

Each individual R-PD district shall comply with the following standards.

(i) Nonresidential Uses

- a. An R-PD shall contain at least 200 residential dwelling units if it also includes nonresidential uses. The nonresidential uses shall be of the scale and type to serve the development in the R-PD and the surrounding neighborhood.
- b. At least 50 percent of the residential dwelling units in the district shall be completed or under construction before nonresidential uses are constructed, except where the specific site has been exempted from this requirement in the PD Plan and PD Agreement.

(ii) Variety of housing types

A R-PD is encouraged to include a variety of housing types and sizes to contribute to the City’s diversity of housing stock.

(iii) Mobility, Circulation, and Connectivity

- a. At minimum, sidewalks and other pedestrian amenities shall be provided as required by Section 25-5.1, Mobility, Circulation, and Connectivity Standards.
- b. The pedestrian circulation system and its related walkways shall include paths through park or open space that are independent of the vehicular street

⁹³ This is a new district. The existing ordinance includes a PRD that has a similar purpose but has rarely been used.

system. This is in addition to the street-adjacent sidewalks. Proposed pedestrian circulation within the district shall be properly integrated with buildings, common areas, parking areas, and open space.

- c. The R-PD district shall have access to streets capable of accommodating projected traffic needs of the proposed development and shall not substantially reduce the level of service on streets external to the R-PD district.
- d. Any proposed streets, alleys, and driveways within the R-PD district shall be adequate to serve the residents, occupants, visitors, and other anticipated traffic associated with the R-PD.

(iv) Open Space Set-Asides

- a. Open space set-asides should include both formal areas, such as squares, greens, common areas, or other park-like settings, and informal areas such as walking paths, greenways, and preserved natural features.
- b. Clustering of development in some areas of an R-PD in order to create larger open spaces elsewhere is encouraged.

(b) MAJOR EMPLOYMENT CENTER PLANNED DEVELOPMENT (MEC-PD) DISTRICT⁹⁴

(1) Purpose

The Major Employment Center Planned Development (MEC-PD) District is intended to allow flexibility in development that will result in high-quality, master planned employment uses, such as offices, and light industrial uses in a campus-like setting. It also may include institutional uses that provide major employment opportunities. The district should use innovative design to integrate core employment uses with supporting commercial, institutional, and residential uses while protecting the larger community, nearby neighborhoods, and the environment from impacts arising from the district development.

(2) Use Standards

Allowed uses and use-specific standards for principal, accessory and temporary uses are identified in Article 25-4: Use Regulations, but only those uses identified as permitted in the PD Plan are permitted in the district (see Sec. 25-3.3.1(c)(1), Planned Development (PD) Plan).

(3) Dimensional Standards

District Standards	
Contiguous district area, min.	5 acres
District density, max.	To be established in PD Plan and PD Agreement
Individual Development Standards	
Lot area	To be established in PD Plan and PD Agreement
Lot width	
Front setback	
Side setback	
Rear setback	
Building height	

(4) Development Standards

Each individual MEC-PD district shall comply with the following standards.

- (i) Mobility, Circulation, and Connectivity**
 - a. At minimum, sidewalks and other pedestrian amenities shall be provided as required by Section 25-5.1, Mobility, Circulation, and Connectivity Standards.
 - b. The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. Proposed pedestrian circulation within the district shall be properly integrated with buildings, parking areas, and open space.
 - c. The vehicular circulation system shall separate as completely as possible movement of employees, residents, and visitors from the movement of goods and materials related to manufacturing, warehousing, or other industrial activities in the district.

⁹⁴ This is a new district added to meet the specific needs of and provide flexibility for developing master planned major employment centers. It is intended to allow for development that is consistent with OneDecatur guidance for Regional Mixed Use areas and Flex Employment Center areas.

- d. The MEC-PD district shall have access to streets capable of accommodating projected traffic needs of the proposed development and shall not substantially reduce the level of service on streets external to the MEC-PD district.
- e. Any proposed streets, alleys, and driveways inside the MEC-PD district shall be adequate to serve the residents, occupants, visitors, and other anticipated traffic associated with the proposed development.

(ii) Parking

Off-street parking facilities shall be sufficient to accommodate the district's employees, residents, and visitors.

(iii) Design

- a. The form and function of proposed buildings shall be compatible with development immediately adjacent to the district, in terms of building separation, massing, scale, and proportion.
- b. Standards for consistency in building materials and design, landscaping, exterior lighting, and signage shall be established in the PD Plan for the district.
- c. The MEC-PD district shall include an integrated system of vegetated areas that performs multiple functions, such as recreation and open space, pedestrian movement, stormwater management, and buffering of incompatible uses. Natural buffers shall be provided between the district and adjacent development.

(c) TRADITIONAL NEIGHBORHOOD PLANNED DEVELOPMENT DISTRICT (TN-PD)⁹⁵

(1) Purpose

The purpose of the Traditional Neighborhood Planned Development (TN-PD) 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 space and recreational opportunities, mixed-use development, 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 zoning 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.

(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are identified in Article 25-4: Use Regulations, but only those uses identified as permitted in the PD Plan are permitted in the district (see Sec. 25-3.3.1(c)(1), Planned Development (PD) Plan).

(3) Dimensional Standards

District Standards	
Contiguous district area, min.	10 acres
District density, max.	To be established in PD Plan and PD Agreement
Individual Development Standards	
Lot area	To be established in PD Plan and PD Agreement
Lot width	
Front setback	
Side setback	
Rear setback	
Building height	

(4) Development Standards

Each individual TN-PD district shall comply with the following standards.

(i) Centers and Sub-Centers

A TN-PD district shall be designed with a neighborhood center and may also be served by one or more sub-centers (other neighborhood 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.

(ii) Walking Distance

At least 80 percent of all residential dwelling units in a TN-PD should be within an eight-minute walk (approximately 1,850 feet) of the neighborhood center or a sub-center.

⁹⁵ This is a new district, added to support the requirements and flexibility associated with developing a traditional neighborhood with a compact form, a neighborhood center, a mix of uses, and strong public realm.

(iii) Use Mixing

A TN-PD district shall be designed to provide a mix of residential and nonresidential uses such as single-family dwellings, two-family dwellings, triplex dwellings, multi-family dwellings, retail sales and service uses, office uses, and civic and recreational uses. One of the primary purposes of integrating residential and nonresidential uses is to allow residents to meet more of their daily needs within the development. In addition, provision of a variety of housing options is required to allow greater diversity of residents within the neighborhood.

(iv) Open Space Set-Asides

a. Location, Configuration, and Improvements

1. The location, shape, size, and character of the common open space set-asides shall be suitable for the planned development.
2. Common open space set-asides shall be improved except that areas containing natural features worthy of preservation shall be left unimproved. The buildings, structures, and improvements located in each set-aside shall be appropriate to the uses which are authorized for it and shall conserve and enhance the amenities of the set-aside based on its topography and unimproved condition.

b. Open Space Design

1. Open space set-asides should be designed in a hierarchy of formal and informal areas used to enhance community activity, identity, and civic pride.
2. Formal areas consist of squares, greens, common areas, or other park-like settings where residents of the neighborhood may gather. Such areas are bounded by streets and/or buildings.
3. Informal areas (typically located throughout the development), take the form of walking paths, greenways, pocket parks, active or passive recreation areas, and areas set-aside for retention of vegetation and other natural features.

c. Establishment, Ownership, and Operation

1. A TN-PD district shall include formal open space set-aside areas for recreation and community gathering.
2. Common open space set-asides and recreational facilities shall not be operated as a for-profit enterprise.
3. All required common open space set-asides shall be conveyed to a homeowners association created for the development.
4. All land represented as common open space set-asides on the approved PD Plan shall be conveyed to a homeowners association or similar group organized for the purpose, among others, of owning and maintaining common buildings, area, and land within the planned development.
5. Any conveyance to a homeowners association shall be subject to restrictive covenants and easements, reviewed for compliance with PD Plan by the Director, and filed at the time the subdivision plat for the project area is recorded. The covenants and easements shall provide for the

establishment of a homeowners association before any homes are sold, where membership is mandatory for each home buyer and any successive buyer, that the association is responsible for liability insurance and local taxes for the common areas, and that the association will be able to adjust the assessment to meet changing needs. The covenants and easements shall also prohibit future development of any common open space and shall provide for continued maintenance of any common open space set-asides and recreational facilities.

6. Building permits for any phase of the approved PD Plan shall not be issued unless and until the open space set-aside which is part of that phase has been dedicated and improved as specified on the approved PD Plan.
7. No portion of the planned development shall be conveyed or dedicated for public use by the developer or any other person to any public body or homeowner's association unless the character and quality of the land conveyed makes it suitable for the purposes for which it is intended, taking into consideration the size and character of the dwellings to be constructed within the planned development; the topography and existing trees, ground cover, and other natural features; the manner in which the open space is to be improved and maintained for recreational or amenity purposes; and the existence of public parks or other public recreational facilities in the vicinity.

d. Landscaping

1. Landscaped buffers shall not be required between uses internal to a TN-PD district, but shall be provided along the perimeter of the district.
2. Where a PD Plan requires streetscape landscaping, the design should ensure a transition from the roadway to the sidewalk that enhances aesthetics and pedestrian safety.

e. Building Configuration

1. Public Building Location

- i. Public buildings and uses (for example government or cultural facilities, public assembly uses, or schools) that serve as focal points and landmarks are encouraged.
- ii. Public buildings and uses should be located on prominent sites, such as terminal vistas at the end of streets and on prominent street corners as noted on the PD Plan.
- iii. When possible, public buildings and uses shall be located on, or adjacent to, a square, plaza, or village green.

2. Street Edge

Buildings should have a consistent, narrow setback alignment along the street frontage so that the pattern of buildings along the street helps define the street edge, and clearly distinguishes the public realm of the street from the private space of individual lots.

3. General Character

Buildings in a TN-PD district should be built on a human scale and designed with a common and harmonious design and landscape. The intent should not be to create a uniform appearance, but rather a distinct sense of place.

f. Subdivision

The following standards modify the Subdivision Regulations:

1. The entire area of the TN-PD district shall be divided into blocks, streets, alleys, open space and natural areas, to the maximum extent practicable.
2. The development should be laid out in a grid pattern with blocks, to the maximum extent practicable. Exceptions are allowed due to unusual topographical, environmental, or physical conditions.
3. Sidewalks shall be located on both sides of every street. They shall be a minimum of five feet wide.
4. A five foot wide planting strip shall be located between the street and the sidewalk. Street trees shall be planted in the planting strip, and spaced approximately 40 feet on center, on average.

g. Street Standards

1. Streets shall be organized according to a hierarchy based on function, capacity, and design speed.
2. Streets shall terminate at other streets within the development and connect to existing and projected through streets outside the development. Street stubs shall be provided to adjacent open land to provide for future connections. Permanent cul-de-sacs and T-turnarounds are discouraged.
3. Major and minor thoroughfares are not permitted to penetrate the development.
4. Gated streets are prohibited.
5. There shall be a network of alleys to the rear of the lots, where appropriate, with a minimum of 50 percent of the residential single-family dwellings served by alleys.
6. Direct vehicular access from a lot to an alley is preferred.
7. The right-of-way area of private alleys shall be a common area maintained by a homeowners association.
8. No building lot lines shall extend into, or to the center of, the private alley rights-of-way.

SECTION 25-3.4. OVERLAY DISTRICTS

Sec. 25-3.4.1. Historic Overlay (H-O) District⁹⁶

(a) Purpose

The Historic Overlay (H-O) District protects historic property, structures, sites, objects, and works of art within the Historic District.

(b) General Requirements

All new construction, all alterations and demolition to existing structures and buildings, and any material changes in the exterior appearance of an historic property, structures, site, objects, or work of art within the H-O District, shall require a Certificate of Appropriateness in conformity with Sec. 25-2.4.12, Certificate of Appropriateness, and comply with the requirements of Chapter 18, Article II of the City Code.

Sec. 25-3.4.2. Sidewalk Café Overlay (SC-O) District⁹⁷

(a) Purpose

The Sidewalk Café Overlay (SC-O) District provides the ability for businesses to operate sidewalk café areas on the public sidewalk outside the business, under limited circumstances.

⁹⁶ This section states the purpose of the Historic Overlay District and references the Certificate of Appropriateness procedure in Article 2 and the historic preservation provisions in Chapter 18 of the City's Code of Ordinances.

⁹⁷ This carries forward Article VIII of the current zoning ordinance that establishes the Sidewalk Café Overlay (SC-O) District, which allows businesses to operate sidewalk café areas on the public sidewalk outside the business, under limited circumstances. We recommend recording the boundaries of the overlay district on the Official Zoning Map in the new code. The current ordinance uses the following description:

(a) Beginning at the point where the centerline of Jackson Street SE intersects with the centerline of 4th Avenue SE. Said point being the true point of beginning; thence run north along the centerline of said 4th Avenue SE 1,252 feet more or less to a point on the centerline of a twenty-five-foot alley if extended, said alley centerline is 112.3 feet south of the southern right-of-way margin of Holly Street NE; thence in a westerly direction along the centerline of said twenty-five-foot alley a distance of 190 feet more or less to a point; thence run in a northerly direction 152.5 feet more or less to a point on the centerline of Holly Street NE; thence in a westerly direction along the centerline of Holly Street NE 570 feet more or less to a point on the centerline of 2nd Ave NE; thence in a northerly direction along the centerline of 2nd Avenue NE to a point at the intersection of said 2nd Avenue and Lee Street NE; thence in a northwesterly direction along the centerline of Lee Street NE to a point at the intersection of said Lee Street NE and 1st Avenue NE; thence south along the centerline of 1st Avenue NE to a point at the intersection of said 1st Avenue SE and Gordon Drive SE; thence in a southeasterly direction along the centerline of said Gordon Drive SE to a point at the intersection of 2nd Avenue SE; thence east along the centerline of Jackson Street SE 740 feet more or less to a point at the intersection of 4th Avenue SE and said Jackson Street SE, said point being the true point of beginning. And

(b) Beginning at a point where the centerline of Wilson Street NE intersects the centerline of Canal Street NE. Said point being the true point of beginning; thence from the true point of beginning northwesterly along the centerline of Wilson Street NE to its intersection with the centerline of Railroad Street NW; thence southwesterly along the centerline of Railroad Street NW 800 feet more or less to a point; thence in a southeasterly direction along the centerline of an alley 150 feet more or less to a point; thence in a southwesterly direction along the centerline of an alley 25 feet more or less to a point; thence southeasterly along the centerline of an alley 112 feet more or less to the centerline of an alley that is 100 feet more or less west from the western right-of-way line of Bank Street NE; thence southwesterly along the centerline of said alley if extended a distance of 750 feet more or less to the centerline of Cherry Street NW; thence southeasterly along the said centerline of Cherry Street NW a distance of 390 feet more or less to a point; thence in a northeasterly direction 92 feet more or less to a point; thence southeasterly 12 feet more or less to a point, said point being 60 feet south of the northwest corner of Lot F of Lot 325 of the map of the Decatur Mineral & Land Company's property in Section 18, T5S, R4W, City of Decatur, Morgan County, Alabama, on file and record in Map Book 1 at Page 7 in the Office of the Judge of Probate of Morgan County Alabama; thence northeasterly 60 feet to the said northwest corner of Lot F of Lot 325; thence southeasterly along the north line of said Lot F of Lot 325 a distance of 30 feet more or less to the southeast corner of Lot F of Lot 326; thence northeasterly along the east side of said Lot F of Lot 326 a distance of 152 feet more or less to the centerline of Walnut Street NE; thence northwesterly along the centerline of Walnut Street NE 60 feet more or less to a point; thence in a northeasterly direction long the eastern line of Lots 310 and 309 of said Decatur Mineral & Land Company's property 300 feet more or less to the centerline of Vine Street NE; thence northwesterly along the centerline of Vine Street NE 15 feet more or less to a point; thence northeasterly along the westerly line of the First United Methodist Church Property, Tax Parcel No. 03 04 18 1 032 001.000 a distance of 300 feet more or less to a point on the centerline of Lafayette Street NE; thence continue in a

(b) Use of Public Sidewalks for Cafés

Any person engaged operating a licensed restaurant as defined in Section 25-8.3, Definitions, a cafeteria, or other public place where meals, food, or refreshments are prepared and/ or furnished upon premises that is licensed for such use, and that is located in the SC-O District may be permitted or licensed to use the public sidewalk contiguous to such business as a sidewalk café for its patrons, subject to the following conditions:

- (1) Operation of the sidewalk café shall be limited to an area contiguous to the restaurant. It is considered an accessory use, which may be revoked by the City for failure of the business to comply with the provisions of this section. Tables, chairs and other associated equipment and furnishings shall not extend parallel in either direction beyond the outside wall of the restaurant or lot boundary which contains the building. No portion of the sidewalk café shall extend to or include a neighboring business, residences, or empty lots.
- (2) Free passage for pedestrians along the sidewalk shall be maintained at all times, and at least a minimum sidewalk width of 60 inches net clear opening, shall remain unimpeded. Access to adjacent buildings or uses shall not be impeded.
- (3) Any relocation of utilities or public improvements that are required by the location of the sidewalk café shall be done at the licensee's expense.
- (4) All fixtures and services provided to patrons of a sidewalk café and all patron activity (.e.g. sitting, dining, waiting etc.) shall occur within the designated sidewalk café area, and shall not encroach on the required net clear opening distance of 60 inches for pedestrian passage, at any time. All fixtures and their location shall be subject to review and approval by the Building Department, the Planning Department, and the Downtown Redevelopment Authority. Fixtures shall be reviewed for installation method, appearance (considering the character and appropriateness and design including but not limited to scale, texture, materials, color and relation of sidewalk café elements to adjacent establishments), stability, and impact on existing public improvements.
- (5) The 60 inch net clear opening from the center of all sidewalk café entrance doorways shall be maintained at all times. It becomes the front door of the establishment and shall be monitored at all times.
- (6) Any required approval of the County Health Department shall be obtained and submitted to the Building Department.
- (7) A non-exclusive, revocable license shall be obtained from the City for the use of the public space. The license shall be good for the then-current privilege license year only and must be renewed annually. There shall be a re-inspection by the Building Department required of the sidewalk café area with each license renewal. This license is not to be considered a privilege license but a non-exclusive right to use the public sidewalk for the permitted purpose, subject to applicable conditions set forth in this section and the granted license. Proof of commercial general liability insurance with limits of not less than \$100,000.00 per occurrence, \$300,000.00 in the aggregate

northeasterly direction along the centerline of an alley 300 feet more or less to the centerline of Church Street NE; thence southeasterly along the centerline of Church Street NE to the intersection of Canal Street NE; thence northeasterly along the centerline of Canal Street NE to a point on intersection of Wilson Street NE, said point being the true point of beginning.

Section 25-3.4, Overlay Districts

Sec. 25-3.4.2, Sidewalk Café Overlay (SC-O) District

combined single limit, for bodily injury, personal injury and property damage liability shall be furnished at the time of application. The insurance shall provide for 30 days prior written notice to be given to the City if coverage is substantially changed, canceled, or non-renewed. The City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operations of a sidewalk café; and the licensee shall indemnify, defend, and hold the City harmless from any loss that results directly or indirectly from the permit or license issuance.

- (8)** Applications for a sidewalk café license shall be made to the Planning Director, who shall coordinate the review of the other departments and submission of the license agreement to the City Council for approval during a regularly scheduled meeting. Departments to review the application include but are not limited to the Building Department, Police Department, Public Works Department, Engineering Department, Planning Department and Downtown Redevelopment Authority. Prior to issuance of a license for a sidewalk café the Building Department shall review all completed and approved permit applications forwarded from the Planning Department for compliance with this and other ordinances of the City. After compliance has been verified the Building Department shall issue the permit. Items that shall be submitted with an application for a sidewalk café shall include but are not limited to:
- (i)** An application for a license that include a nonrefundable administrative processing fee and the following information:
 - a.** Name, business address, and telephone number of the restaurant.
 - b.** Name, address, and telephone number of the owner of the restaurant and building, if different.
 - c.** Number of tables and chairs to be permitted in the sidewalk cafe.
 - d.** Design and scaled site layout of the chairs, tables, and accessories including screens, along with a depiction of materials to be used and the method of installation.
 - e.** An operations plan of services, sanitation, monitoring schedule, and responsibilities.
 - f.** Any other information the City determines is appropriate to describe the planned operation.
 - g.** The required net clear opening.
- (9)** All licenses issued for sidewalk cafes shall be subject to revocation, in whole or in part, by the Building Department Director or Police Chief if:
- (i)** It is determined necessary or advisable that the area on which the sidewalk café is located, or any portion thereof, be vacated in order for the site to be used for a public purpose in the event of a public emergency, or for construction or maintenance on, above, or below such sidewalk.
 - (ii)** It is found that a licensee has failed to comply with any of the provisions specified in this section or this Ordinance.
 - (iii)** It is found that there is a danger to the public health, safety, or welfare as a result of the sidewalk cafe

- (10)** No alcoholic beverages are to be served or consumed on a public sidewalk café area unless the establishment complies with any applicable laws of the City and the state, including but not limited to regulations of the Alabama Alcoholic Beverage Control Board governing the display of alcoholic beverages and their service on sidewalk cafés contiguous to the licensed premises. There shall be no printed advertising permitted on any outside furniture or associated equipment (e.g. containers, tables, chairs, umbrellas etc.) in the designated sidewalk café area.
- (11)** Sidewalk café permit holders shall be exempt from the restrictions on open containers if such establishment is otherwise licensed to sell alcoholic beverages under the state alcoholic beverage control rules and regulations and the laws of the City. Any dispensing and/or serving or consuming of alcoholic beverages in the sidewalk area shall be strictly in accordance with all applicable laws, ordinances, and regulations, of the Alabama Alcoholic Beverage Control Board. To the extent that any such license has been issued and alcoholic beverages may be served, then the same may not be taken outside of the permitted area of the sidewalk café; and, except for restaurant liquor licenses, shall be served in plastic containers.
- (12)** A sidewalk café permitted in accordance with the requirements of this SC00 District regulations shall not operate between the hours of 1:00 a.m. to 6:00 a.m. any day of the week, unless the hours are extended on specific days by the City Council.
- (13)** No smoking is permitted in the delineated area of a sidewalk café.
- (14)** No signs shall be allowed on any portion of the public sidewalks inside or outside of the delineated area.
- (15)** Sidewalk cafés shall be prohibited from playing amplified music, whether live or recorded. No speakers, microphones, televisions, or other audio or video devices shall be permitted at a sidewalk café.
- (16)** There shall be no open flames permitted on the sidewalk. Heating apparatus shall be approved by the Building Department and Fire Department prior to installation or use. Possible lighting sources include enclosed table top candles or low wattage battery operated fixtures. Lighting shall not cause glare to passing pedestrians or vehicles.
- (17)** No food preparation shall be permitted in the delineated area of a sidewalk café.
- (18)** The portion of the sidewalk allotted for outside seating shall be delineated by a railing or other method of delineating the space that is not affixed to any portion of the sidewalk or other public property. It shall be approved by the Building Department with concurrence of the Downtown Redevelopment Authority and the Planning Department.
- (19)** During hours when the establishment is closed for business, sidewalk café equipment (tables, chairs, umbrellas etc.) shall be removed from the sidewalk, or, if explicitly authorized by the approved sidewalk café license to remain in place outside of business hours, secured to prevent its use while the business is closed.

Sec. 25-3.4.3. Arts and Entertainment Overlay District (AE-O)^{98 99}

(a) Purpose and Authority

In accordance with the authority in Section 28-3A-17.1 of the Code of Alabama 1975, an Arts and Entertainment Overlay (AE-O) District is established where outside consumption of alcoholic beverages is permitted and regulated.

(b) AE-O District Regulations

The following regulations apply in the AE-O District:

(1) One Drink On-street Limit

Any establishment, within the boundaries of the AE-O District, licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic container, or other container other than a can, bottle, or glass, for removal from the premises; provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.

⁹⁸ As discussed on page II-48 of the Assessment, the Arts and Entertainment District Overlay District is carried forward without substantive change to implement the specific authority from the Code of Alabama allowing for outside consumption of alcoholic beverages in an arts district.

⁹⁹ We recommend recording the boundaries of the overlay district on the Official Zoning Map in the new code. The current ordinance uses the following description:

Beginning at the intersection of Gordon Drive SE with 4th Avenue SE, said intersection being the True Point of Beginning and shall be known as the Arts and Entertainment District; thence from the True Point of Beginning run in a northwesterly direction along the centerline of Gordon Drive SE to the centerline of 1st Avenue SE; thence north along the centerline of 1st Avenue SE to the intersection with Moulton Street East; thence west 90 feet to a point said point being in the center of Moulton Street East, thence north 180 feet to an unnamed alley that point being the NW corner of Morgan County Alabama Tax Parcel No. 03 04 18 4 036 007.000, thence east a distance of 90 feet to a point in the center of First AV NE, thence continue north along the centerline of 1st Avenue NE a distance of 670 feet more or less to a point; thence in a northwesterly direction along the northerly ROW margin of an unnamed alley a distance of 525 feet more or less to a point; Said point being the SE corner of Morgan County Alabama Tax Parcel No. 03 04 18 4 029 002.000; thence N 42° 05' 18" E a distance of 155.13 feet to a point; thence in a northwesterly direction 100 feet from and parallel with Lee Street NE a distance of 200 feet more or less to a point; thence N 42° 05' 18" E a distance of 100 feet more or less to the south right of way line of Lee Street NE; thence in a northerly direction along said south right of way line of Lee Street NE to the point of intersection with the west ROW line of Bank Street NW; thence in a northeasterly direction along said west ROW line of Bank Street NW to the centerline of Cain Street NW; thence northwesterly along the centerline of Cain Street NW a distance of 115 feet to a point; thence in a northeasterly direction parallel and at a maximum of 115 feet from the west ROW line of Bank Street NW, a lesser distance shall be applied and adjusted to the back wall of existing buildings where applicable, said line shall extend to the centerline of Lafayette Street NW; thence in a northwesterly direction along the said centerline of Lafayette Street NW to the centerline of Railroad St. NW; thence in a northeasterly direction along said centerline of Railroad Street NW to centerline of Wilson Street NW; thence in a southeasterly direction along said centerline of Wilson Street NW to the centerline of Canal Street NE; thence in a southwesterly direction along said centerline of Canal Street NE to the north ROW line of Church Street NE; thence in a northwesterly direction along said north ROW line of Church Street NE a distance of 200 feet to a point on said north ROW line of Church Street NE; thence southeasterly a distance of 99 feet to a point on the south ROW line of Church Street NE, said point being S 47° 07' E 131 feet from the east ROW line of Bank Street NE, said point also being the NW corner of a public alley as shown on a subdivision plat Bank Street Plaza area, a plat of a portion of the Plan of Decatur (Old Town) Decatur Alabama recorded at Book 7, Pages 5 & 6 Morgan, County Probate Judges Office; thence in a southwesterly direction parallel and at maximum of 131 feet from the east ROW line of Bank Street NE, a lesser distance shall be applied and adjusted to the back wall of existing buildings where applicable, said line shall extend to the south ROW line of Vine Street NE; thence northwesterly along said south ROW line of Vine Street NE a distance of 15 feet more or less to a point; thence in a southwesterly direction parallel and at a maximum of 116 feet from the east ROW line of Bank Street NE, a lesser distance shall be applied and adjusted to the back wall of existing buildings where applicable, said line shall extend to the north ROW line of Lee Street NE; thence in a southeasterly direction along the north ROW line of said Lee Street NE to the east ROW line of 2nd Avenue NE if extended; thence south along the east ROW line of 2nd Avenue NE to the centerline of Holly Street NE; thence east along the centerline of Holly Street NE a distance of 570 feet more or less to a point; thence south 130 feet more or less to the centerline of an alley; thence east 310 feet more or less along said alley to the centerline of 4th Avenue NE; thence south along 4th Avenue NE to the centerline of East Moulton Street; thence continue south along the centerline of 4th Avenue SE to the centerline of an alley if extended, said alley located 190 feet more or less, south of the centerline of Johnston Street SE; thence west along said alley 345 feet more or less to the east property line of a City of Decatur parking lot, Tax Parcel No. 03 04 19 1 009 012.000; thence south along said east line to the centerline of Grant Street SE; thence east along the centerline of said Grant Street SE a distance of 80 feet more or less to a point; thence south along the west line of Tax Parcel No. 03 04 19 1 012 002.000 to the centerline of an alley; thence east along centerline of said alley 125 feet more or less to a point; thence north along the east line of said parcel No. 03 04 19 1 012 002.000 to the centerline of Grant Street SE; thence east along the centerline of Grant Street SE to the centerline of 4th Avenue SE; thence south along the centerline of 4th Avenue SE to the centerline of Gordon Drive SE and the True Point of Beginning.

(2) Beverages Outside Premises

Patrons, guests, or members of licensed premises may exit the licensed premises with one alcoholic beverage and consume with certain restrictions such alcoholic beverage anywhere within the confines of the AE-O District, but may not enter or re-enter a licensed premises or any public place with an alcoholic beverage acquired elsewhere.

(3) All Applicable Laws in Effect

A licensee who is within the AE-O District shall comply with all laws, rules and regulations which govern its license type.

(4) Size Limited to 16 Ounces

No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall be in possession of any above prescribed alcoholic beverage container which exceeds 16 fluid ounces in size on the streets and sidewalks, in parks, or in other public places within the defined AE-O District area.

(5) Drinking from Can, Bottle, or Glass Prohibited

It shall be unlawful for any person within the confines of the AE-O District to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private; other than as duly licensed by the State of Alabama and the City.

(6) Open Container Laws Applicable

Open container laws of the State of Alabama and the City still govern to the extent that the respective provisions are not strictly modified by either Section 28-3A-17.1 of the Code of Alabama 1975, Section 28-3A-20.1 of the Code of Alabama 1975, or the provisions of this section.

(7) Hours in Effect

The above regulations notwithstanding, no person shall be in possession of an alcoholic beverage in an above prescribed container dispensed by a duly licensed establishment within the AE-O District boundaries between the hours of 1:00 a.m. to 4:00 p.m. on Monday through Thursday, and between the hours of 1:00 a.m. to 12:00 p.m. (noon) on Friday, Saturday and Sunday. Hours may be extended on specific days with City Council permission.

Sec. 25-3.4.4. Neighborhood Conservation Overlay District (NC-O)¹⁰⁰

(a) Purpose

The Neighborhood Conservation Overlay (NC-O) District is intended to protect and preserve the unique design features and character of established neighborhoods throughout the City, and to promote new construction that is compatible with the existing neighborhood character. The NC-O District is a flexible tool that may be applied to multiple

¹⁰⁰ As discussed on page II-49 of the Assessment, this new overlay district ensures desired character of a neighborhood is protected. Standards for an NC-O district would have to conform to a neighborhood plan established prior to the creation of the district.

Section 25-3.4, Overlay Districts

Sec. 25-3.4.4, Neighborhood Conservation Overlay District (NC-O)

neighborhoods, each of which will have its own unique architectural, natural, cultural, and historic attributes.

(b) Procedure for Establishing Individual Districts

- (1)** Prior to the establishment of an NC-O District for a specific neighborhood, a master plan for the neighborhood shall be completed and recommended for adoption by the Planning Commission.
- (2)** An NC-O District shall be established in accordance with Sec. 25-2.4.1, Text Amendment, and Sec. 25-2.4.2, Zoning Map Amendment.
- (3)** For each NC-O District established, a unique name shall be added to the NC-O District designation.
- (4)** Districts shall be recorded as subsections to Sec. 25-3.4.4(e), Established NC-O Districts, below.

(c) Minimum Requirements for Area and Plan

- (1)** The area proposed for an NC-O District shall comply with all the following requirements:
 - (i)** Contain a minimum of three blocks and two opposing street frontages.¹⁰¹
 - (ii)** At least 60 percent of the land area within the proposed NC-O District, not including street and other right-of-way, was developed at least 20 years prior to the initiation of the neighborhood master plan.
 - (iii)** There is ongoing or anticipated new development or redevelopment within the district.
 - (iv)** One or more of the following attributes creates a distinctive, cohesive character for the district:
 - a.** Scale or size of buildings, building elements, type of construction, or distinctive building materials;
 - b.** Lot layouts, setbacks, street layouts, alleys, or sidewalks;
 - c.** Special natural or streetscape characteristics, such as creek beds, parks, gardens, or street landscaping;
 - d.** Land use patterns, including mixed or unique uses or activities; or
 - e.** Proximity to historic districts or sites.
- (2)** The neighborhood master plan shall comply with all of the following requirements:
 - (i)** The One Decatur Comprehensive Plan and any other relevant adopted City policy;
 - (ii)** Include a map of the proposed boundaries;
 - (iii)** Describe the distinctive features, characteristics, and conditions that make the area unique and could form the basis for standards in the district; and
 - (iv)** Establish development goals for the character of the neighborhood.

¹⁰¹ This initial suggested minimum size is included for purposes of discussion.

(d) Standards for Districts

Each NC-O district shall establish standards for development and redevelopment. They may include, but are not limited to, standards addressing:

- (1) Lot size;
- (2) Lot width;
- (3) Location of proposed buildings or additions;
- (4) Minimum setbacks;
- (5) Building height;
- (6) Building size (for principal and accessory structures);
- (7) Building orientation;
- (8) Exterior building materials and colors;
- (9) Building roof line and pitch;
- (10) Garages and garage location;
- (11) Building foundation treatment;
- (12) Front porches;
- (13) Accessory dwelling units;
- (14) Landscaping and screening;
- (15) Impervious surface coverage;
- (16) Paving requirements or limitations;
- (17) Exterior lighting;
- (18) Required features on a front façade;
- (19) Uses;
- (20) Views of or from specific locations;
- (21) Riparian areas, wetland areas, or drainage patterns; and
- (22) Demolition of structures.

(e) Established NC-O Districts

The following NC-O Districts are established:

[There are no NC-O Districts yet established. This text shall be included in individual NC-O Districts, when they are approved by the City Council]

4

USE REGULATIONS

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Article 25-4. Use Regulations

Commentary on Article 25-4. Use Regulations

This new article organizes and establishes the rules governing what uses are allowed by right, and what use are allowed with approval of a special use permit. It includes 4 sections:

Section 25-4.1, Organization of This Article, outlines the article’s organization and the relationship among its sections.

Section 25-4.2, Principal Uses, includes the consolidated principal use table, classification of principal uses, and standards specific to principal uses.

Section 25-4.3, Accessory Uses and Structures, consolidates the rules governing accessory uses and structures, and includes general standards and standards that apply to specific accessory uses and structures.

Section 25-4.4, Temporary Uses and Structures, consolidates the rules governing temporary uses and structures, and includes general standards and standards that apply to specific temporary uses and structures.

This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the final adopted zoning ordinance.

SECTION 25-4.1. ORGANIZATION OF THIS ARTICLE¹⁰²

This article is organized into three sections:

- (a) Section 25-4.2, Principal Uses, sets out what land uses are allowed as principal uses, in what zoning districts the uses are allowed, whether they may be established by-right or require approval of a special exception permit, and any special standards applicable to particular principal uses.
- (b) Section 25-4.3, Accessory Uses and Structures, identifies land uses and structures allowed as accessory to principal uses and specifies in what districts they are allowed. It also establishes general standards applicable to all accessory uses and structures, and any special standards applicable to particular accessory uses and structures.
- (c) Section 25-4.4, Temporary Uses and Structures, identifies land uses and structures allowed on a temporary basis and specifies in what districts they are allowed. It also sets out general standards applicable to all temporary uses and structures, and sets out special standards that apply to particular temporary uses and structures.

SECTION 25-4.2. PRINCIPAL USES

Sec. 25-4.2.1. General¹⁰³

Table 25-4.2.2(e): Principal Use Table, identifies the principal uses and indicates whether they are allowed by right, allowed subject to approval of a special exception permit, or prohibited within each

¹⁰² This section outlines the article’s organization and the relationship among its sections.

¹⁰³ This section sets out the purpose of the Principal Use Table and outlines its organization.

zoning district. The use table also includes references to use-specific standards applicable to the specific use, which are found in Sec. 25-4.2.4, Standards Specific to Principal Uses.

Sec. 25-4.2.2. Principal Uses¹⁰⁴

(a) Organization of Principal Uses

Table 25-4.2.2(e): Principal Use Table, organizes allowable uses by use classifications, use categories, and use types as described in Sec. 25-4.2.3, Classification of Principal Uses. The use table provides a systematic basis for identifying and consolidating uses, distinguishing unidentified uses to determine whether a particular use is allowed in a particular zoning district, and adding new uses to the use table in the future.

(b) Abbreviations in Principal Use Table Cells

Table 25-4.2.2(e): Principal Use Table, uses the following abbreviations to identify whether and how a principal use is allowed in a particular zoning district.

P	<p>Permitted use. A “P” in a cell of the table in a column other than a PD district column indicates that the corresponding use category or use is allowed by right in the corresponding zoning district, subject to any use-specific standards referenced in the final column of the use table. Permitted uses are subject to all other applicable requirements of this Ordinance.</p> <p>A “P” in a cell of the table in a PD district column means that the use is allowed in the corresponding type of PD district only if so specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance unless expressly modified in the PD Plan or PD Agreement for the district (see Sec. 25-3.3.1(c)(1), Planned Development (PD) Plan, and Sec. 25-3.3.1(c)(2), Planned Development (PD) Agreement).</p>
S	<p>Special Exception Use. An “S” in a cell of the table indicates that the corresponding use category or use is allowed in the corresponding base zoning district upon approval of a special exception permit in accordance with Sec. 25-2.4.4, Special Exception Permit, subject to any use-specific standards referenced in the final column of the use table. Uses requiring a special exception permit are subject to all other applicable requirements of this Ordinance.</p>
<i>blank cell</i>	<p>Prohibited Use. A blank cell in the table indicates that the use is prohibited in the corresponding base zoning district.</p>

¹⁰⁴ This section includes a new Principal Use Table, that consolidates and standardizes the uses regulated by the Zoning Ordinance and specifies in which zoning districts they are allowed, either by-right or after receiving a special exception permit. The table is included to make the new Zoning Ordinance more user-friendly, allowing a user of the code to quickly locate the district and corresponding use in the table, and to easily compare how uses are treated in multiple districts. The zoning districts in the table reflect revisions to the lineup of zoning districts in the draft ordinance. Uses are organized in the table according to the new three-tiered use classification system for principal uses (see pages II-52 and II-53 in the Code Assessment). The principal uses identified in the current zoning ordinance—and their designation as permitted, or allowed subject to appeal (special use), or prohibited—form the basis of the table and serve as a starting point for modernizing the uses in each zoning district. The principal use table also includes new uses that do not appear in the current regulations. In addition, the final column of the principal use table contains references to applicable use-specific standards for those uses that are subject to specific regulations in addition to general development standards.

(c) Reference to Use-Specific Standards

A particular use allowed as a principal use in a zoning district may be subject to additional standards that are specific to the particular use. The applicability of such use-specific standards is noted in the last column of Table 25-4.2.2(e): Principal Use Table ("Standards for Specific Principal Uses"), through a reference to standards in Sec. 25-4.2.4, Standards Specific to Principal Uses.

(d) Unlisted Uses

The Director shall determine whether or not a use that is not listed in Table 25-4.2.2(e) is part of an existing use category or use type in accordance with Sec. 25-4.2.3(h), Interpretation of Unlisted Uses.

(e) Principal Use Table

TABLE 25-4.2.2(E): PRINCIPAL USE TABLE

P = Permitted by right, or, in R-PD, MEC-PD, or TN-PD district, permitted if specified in PD Plan
 S = Special Exception Use | *blank cell* = Prohibited

PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL								BUSINESS						INDUS-TRIAL		PLANNED DEVELOP-MENT			USE-SPECIFIC STANDARDS			
	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	INST-MC	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD		MEC-PD	TN-PD	
AGRICULTURAL/RURAL																								
ALL AGRICULTURAL/RURAL																					Sec. 25-4.2.4(b)(1)			
Agriculture ¹⁰⁵	P																							
Agritourism ¹⁰⁶	P																							
Equestrian Center ¹⁰⁷	P																							
Feedlot ¹⁰⁸	S																							
Riding and boarding stable ¹⁰⁹	P																							
Rural retreat ¹¹⁰	P																					Sec. 25-4.2.4(b)(2)		
RESIDENTIAL																								
HOUSEHOLD LIVING																								
Dwelling, Single-family detached ¹¹¹	P	P	P	P	P	P		P												P		P		
Dwelling, Single-family attached ¹¹²								P	P	P														

¹⁰⁵ Consolidates existing uses.
¹⁰⁶ This is a new use.
¹⁰⁷ This is a new use.
¹⁰⁸ This carries forward an existing use.
¹⁰⁹ Consolidates existing uses.
¹¹⁰ This is a new use.
¹¹¹ Consolidates existing uses.
¹¹² Consolidates existing uses.

TABLE 25-4.2.2(E): PRINCIPAL USE TABLE

**P = Permitted by right, or, in R-PD, MEC-PD, or TN-PD district, permitted if specified in PD Plan
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	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	INST-MC	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD		MEC-PD	TN-PD	
Dwelling, Duplex or Triplex ¹¹³							P	P	P															Sec. 25-4.2.4(c)(1)(i)
Dwelling, Live-work unit ¹¹⁴								P	P			P												Sec. 25-4.2.4(c)(1)(ii)
Dwelling, Multifamily ¹¹⁵								P	P			P	P	P	P	P	P				P	P	P	Sec. 25-4.2.4(c)(1)(iii)
Dwelling, Manufactured home ¹¹⁶							P																	Sec. 25-4.2.4(c)(1)(iv)
Dwelling, Townhouse ¹¹⁷								P	P	P														
Manufactured home park ¹¹⁸							P																	Sec. 25-4.2.4(c)(1)(v)
GROUP LIVING																								
Boarding house ¹¹⁹	S							P	P	S	S	S												Sec. 25-4.2.4(c)(2)(i)
Cooperative house ¹²⁰								P	P	P	S	S	S											
Dormitory ¹²¹										P														Sec. 25-4.2.4(c)(2)(ii)
Fraternity or sorority house										P														
Residential care home ¹²²	P	P	P	P	P	P	P	P	P	P											P	P		
Residential care facility ¹²³								S	P	P	P		P	P	P	P	P				P	P		Sec. 25-4.2.4(c)(2)(iii)
CIVIC/INSTITUTIONAL																								
COMMUNICATION																								
Broadcasting studio ¹²⁴												P	P	P	P	P	P				P	P	P	
Data center ¹²⁵																	P	P	P		P			Sec. 25-4.2.4(d)(1)(i)
Wireless telecommunications facility ¹²⁶	Regulated by Chapter 7, Article 12 of the City Code																							

¹¹³ Consolidates existing uses.
¹¹⁴ This is a new use.
¹¹⁵ Consolidates existing uses.
¹¹⁶ Consolidates existing uses.
¹¹⁷ This carries forward an existing use.
¹¹⁸ This carries forward an existing use.
¹¹⁹ This carries forward an existing use, and expands the number of districts in which it is permitted.
¹²⁰ This is a new use.
¹²¹ This is a new use.
¹²² This is a new use.
¹²³ This is a new use.
¹²⁴ This is a new use.
¹²⁵ This is a new use.
¹²⁶ This carries forward an existing use.

TABLE 25-4.2.2(E): PRINCIPAL USE TABLE

**P = Permitted by right, or, in R-PD, MEC-PD, or TN-PD district, permitted if specified in PD Plan
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PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL								BUSINESS							INDUS-TRIAL		PLANNED DEVELOP-MENT			USE-SPECIFIC STANDARDS			
	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	INST-MC	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD	MEC-PD		TN-PD		
COMMUNITY SERVICE																									
Animal shelter ¹²⁷										P	P		P	P				P							
Childcare facility ¹²⁸						S		S	S	P	P	P	P												
Civic, social, or fraternal organization ¹²⁹						S	S	S	S	P															
Community garden ¹³⁰	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P			Sec. 25-4.2.4(d)(2)(i)
Cultural facility ¹³¹	P	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P		P	P	P			
Government building ¹³²						S		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Post office ¹³³										P	P	P	P	P	P	P	P	P	P						
Public assembly, Indoor ¹³⁴						S				P	P	P	P	P	P	P	P	P	S	P	P	P			Sec. 25-4.2.4(d)(2)(ii)
Public safety facility ¹³⁵										P	P		P	P	P			P							
Recreation facility, Public or quasi-public ¹³⁶	P					S				P	P	P	P	P	P	P	P								
EDUCATION																									
College or University ¹³⁷										P						S									
School, Elementary, middle, or high ¹³⁸		S	S	S	S	S	S	S	S	P	S	S	S	S	S	S	S	S		S	S	S			
Technical or Trade School ¹³⁹										P	P	P	P	P	P	P	P	P	P	P	P	P			
FUNERAL AND MORTUARY SERVICES																									
Crematory ¹⁴⁰														P				P	P		P				
Funeral home or mortuary ¹⁴¹														P	P	P	P	P			P	P	P		

¹²⁷ This is a new use.
¹²⁸ Consolidates existing uses.
¹²⁹ Consolidates existing uses, and expands the number of districts in which it is permitted.
¹³⁰ This is a new use.
¹³¹ Consolidates existing uses.
¹³² Consolidates existing uses.
¹³³ This carries forward an existing use.
¹³⁴ Consolidates existing uses, and modifies the districts in which it is permitted.
¹³⁵ Consolidates existing uses.
¹³⁶ This carries forward an existing use, and expands the number of districts in which it is permitted.
¹³⁷ This carries forward an existing use.
¹³⁸ Consolidates existing uses.
¹³⁹ This is a new use.
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HEALTH CARE																								
Hospital ¹⁴²	P									P	P		P	P	P	S	S	S	S					Sec. 25-4.2.4(d)(3)(i)
Medical or dental laboratory ¹⁴³										P	P		P	P	P	P	P	P	P			P	P	
Medical or dental office/clinic ¹⁴⁴						S	S	S	S		P	P	P	P	P	P	P	P			P	P	P	
Nursing home ¹⁴⁵		S	S	S	S	S	S	S	P	S	P	P	P	P	P	P	P	P			P	P	P	
PARKS AND OPEN SPACE																								
Arboretum or botanical garden ¹⁴⁶	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Cemetery ¹⁴⁷	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 25-4.2.4(d)(5)(i)
Park or greenway ¹⁴⁸	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
TRANSPORTATION																								
Airport ¹⁴⁹	S	S																			P			
Parking (as principal use) ¹⁵⁰													P	P	S	S	S	S	P					
Passenger terminal, surface transportation ¹⁵¹													P	P	P	P	P	P			P			
Rail transportation support facility ¹⁵²													P	P	P	P	P	P						
UTILITIES																								
Solar energy collection system, Large scale ¹⁵³	P									P									P	P				Sec. 25-4.2.4(d)(6)(i)
Utility facility, Major ¹⁵⁴	S	S	S	S	S	S	S	S	S	P	P	S	S	S	S	S	S	P	P	P	P	P	P	
Utility facility, Minor ¹⁵⁵	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.2.4(d)(6)(ii)

¹⁴² This carries forward an existing use, and reduces the number of districts in which the use is allowed.
¹⁴³ This is a new use.
¹⁴⁴ Consolidates existing uses, and expands the number of districts in which it is permitted.
¹⁴⁵ Consolidates existing uses, and expands the number of districts in which it is permitted.
¹⁴⁶ This is a new use.
¹⁴⁷ This carries forward an existing use, and expands the number of districts in which it is permitted.
¹⁴⁸ Consolidates existing uses.
¹⁴⁹ Consolidates existing uses.
¹⁵⁰ Consolidates existing uses.
¹⁵¹ This is a new use.
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COMMERCIAL																						
ANIMAL CARE																					Sec. 25-4.2.4(e)(1)(i)	
Kennel ¹⁵⁶	P												P	P		P		P			P	P
Pet care service ¹⁵⁷												P	P	P	P	P	P	P			P	P
Veterinary hospital or clinic ¹⁵⁸	P											P	P	P	P	P	P	P			P	P
BUSINESS SERVICE																					Sec. 25-4.2.4(e)(1)(ii)	
Business service center ¹⁵⁹													P	P	P	P	P	P		P	P	P
Catering service									S	P	P	P	P	P	P	P	P	P	P	P	P	P
Conference, training, or events center ¹⁶⁰	S											P	P	P	P	P	P	P		P	P	P
EATING OR DRINKING ESTABLISHMENTS																					Sec. 25-4.2.4(e)(3)(i)	
Bar ¹⁶¹												S	P	P	P	P	P			P	P	P
Brewpub ¹⁶²												P		P	P	P	P	P		P	P	P
Nightclub ¹⁶³														S		S	S					
Restaurant ¹⁶⁴												P	P	P	P	P	P			P	P	P
OFFICE																					Sec. 25-4.2.4(e)(3)(iii)	
Office, Contractor ¹⁶⁵													P	P				P	P			
Office, General business and professional ¹⁶⁶									S	P	S	P	P	P	P	P	P	P		P	P	P
PERSONAL SERVICES																					Sec. 25-4.2.4(e)(3)(iii)	
Dry-cleaning service ¹⁶⁷									P			P	P	P	P	P	P	P		P	P	P
Laundry, Self-service ¹⁶⁸						P		P	P	P	P	P	P	P	P	P	P			P	P	P

¹⁵⁶ This carries forward an existing use, and expands the number of districts in which it is permitted.

¹⁵⁷ This is a new use.

¹⁵⁸ This carries forward an existing use, and expands the number of districts in which it is permitted.

¹⁵⁹ This is a new use.

¹⁶⁰ This is a new use that subsumes existing use “event venue”.

¹⁶¹ Consolidates existing uses.

¹⁶² This carries forward an existing use, and expands the number of districts in which it is permitted.

¹⁶³ This is a new use.

¹⁶⁴ Consolidates existing uses, and modifies the districts in which it is permitted.

¹⁶⁵ This is a new use.

¹⁶⁶ Consolidates existing uses, and expands the number of districts in which it is permitted.

¹⁶⁷ Consolidates existing uses, and expands the number of districts in which it is permitted.

¹⁶⁸ Consolidates existing uses, and expands the number of districts in which it is permitted.

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**P = Permitted by right, or, in R-PD, MEC-PD, or TN-PD district, permitted if specified in PD Plan
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Personal grooming or well-being service ¹⁶⁹						S			S			P	P	P	P	P	P			P	P	P	
Personal or household goods repair ¹⁷⁰						S			S			P	P	P	P	P	P	P		P	P	P	
Studio ¹⁷¹						S	S		P		P	P	P	P	P	P	P	P		P	P	P	
RECREATION/ENTERTAINMENT																							
Art gallery ¹⁷²						S			S	P	P	P	P	P	P	P	P	P		P	P	P	
Country club ¹⁷³	S	P																		P	P	P	
Golf course ¹⁷⁴	S	S	S	S	S							S	S				S	S	S	P			
Performing arts center ¹⁷⁵									P	P	P	P	P	P	P	P	P				P	P	
Recreation facility, Indoor ¹⁷⁶									S	P	P	P	P	P	P	P	P				P	P	
Recreation facility, Outdoor ¹⁷⁷	S								P	P	S	P	P		P					P	P	P	
Sexually-oriented business ¹⁷⁸	Regulated by Chapter 2.6 of the City Code																						
Stadium, arena, or amphitheater ¹⁷⁹									S	S		S	S	S	S	S							
RETAIL SALES AND SERVICES																							
Sec. 25-4.2.4(e)(4)(i)																							
ABC store ¹⁸⁰												P	P	P	P	P					P	P	
Bank or financial institution ¹⁸¹						S		S			P	P	P	P	P	P	S			P	P	P	
Consumer goods establishment ¹⁸²						S					P	P	P	P	P	P				P	P	P	
Pawnshop ¹⁸³												P											
Self-service storage ¹⁸⁴												S	P					P					
Sec. 25-4.2.4(e)(4)(ii)																							

¹⁶⁹ Consolidates existing uses, and expands the number of districts in which it is permitted.
¹⁷⁰ This is a new use.
¹⁷¹ Consolidates existing uses, and expands the number of districts in which it is permitted.
¹⁷² This is a new use.
¹⁷³ This carries forward an existing use.
¹⁷⁴ This is a new use.
¹⁷⁵ Consolidates existing uses.
¹⁷⁶ Consolidates existing uses, and expands the number of districts in which it is permitted.
¹⁷⁷ Consolidates existing uses, and expands the number of districts in which it is permitted.
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TABLE 25-4.2.2(E): PRINCIPAL USE TABLE

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	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	INST-MC	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD		MEC-PD	TN-PD
Manufacturing, assembly, or processing, Light ¹⁹⁸													S		S	P		P			P		
Manufacturing, assembly, or processing, General ¹⁹⁹																		P	P				
Manufacturing, assembly, or processing, Heavy ²⁰⁰																			P				
Slaughterhouse ²⁰¹																			P				
WAREHOUSING, FREIGHT MOVEMENT, AND WHOLESALE SALES																							
Motor freight terminal ²⁰²																			P				Sec. 25-4.2.4(f)(3)(i)
Warehousing, General ²⁰³													P	P	P		P	P	P		P		Sec. 25-4.2.4(f)(3)(ii)
Warehousing, Hazardous materials																			P				Sec. 25-4.2.4(f)(3)(iii)
Wholesale sales ²⁰⁴													P	P				P	P				
WASTE-RELATED USES																							
Composting facility ²⁰⁵																			P				Sec. 25-4.2.4(f)(4)(i)
Junk/salvage yard ²⁰⁶																			P				Sec. 25-4.2.4(f)(4)(ii)
Recycling plant ²⁰⁷																			P				Sec. 25-4.2.4(f)(4)(iii)
Solid waste collection and disposal ²⁰⁸																			P				

¹⁹⁸ Consolidates existing uses, and expands the number of districts in which it is permitted.

¹⁹⁹ Consolidates existing uses.

²⁰⁰ Consolidates existing uses.

²⁰¹ This carries forward an existing use.

²⁰² This is a new use.

²⁰³ This carries forward an existing use. Permissions have been expanded, with additional standards that limit the size of the use in business districts.

²⁰⁴ This is a new use.

²⁰⁵ This is a new use.

²⁰⁶ Consolidates existing uses.

²⁰⁷ This is a new use.

²⁰⁸ This is a new use.

Sec. 25-4.2.3. Classification of Principal Uses²⁰⁹

(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 25-4.2.2(e): Principal Use Table, or is subject to other use-specific provisions in this Ordinance.

(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 listed in Table 25-4.2.2(e): Principal Use Table, and the use-specific standards set out in Sec. 25-4.2.4, Standards Specific to Principal Uses.

(1) Use Classifications

Use Classifications are very broad and general (e.g., Residential Uses, Civic/Institutional Uses, Commercial Uses, and Industrial Uses).

(2) Use Categories

(i) 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 use classification is divided into multiple use categories, like Retail Sales and Services and Eating or Drinking Establishments.

(ii) Each use category is described in terms of the common characteristics of included uses (including common or typical accessory uses), examples of common use types included in the category, and, for a number of use categories, exceptions—i.e., those uses that might appear to fall within the use category, but are included in another use category.

(3) Use Types

Use Types identify specific principal land uses whose characteristics are considered to fall within the various use categories. For example, self-service laundry and personal grooming or well-being service are use types within the Personal Services Use Category. Each use type is defined in this section. While the Residential and Civic/Institutional use classifications tend to include relatively specific and well-defined use types, the Commercial and Industrial use classifications tend to include broader

²⁰⁹ Use classifications, the broadest category, organize land uses and activities into general use classifications such as “Residential Uses,” “Civic and Institutional Uses,” “Commercial Uses,” and “Industrial Uses.” Use categories, the second level or tier in the system, is composed of groups of individual types of uses with common characteristics, such as “Household Living” and “Group Living” (under Residential Uses). Use categories are further divided into specific uses based on common functional, product, or physical characteristics, such as the type and amount of activity, how goods or services are sold or delivered, and site conditions. All uses identified in the Principal Use Table are defined in Article 25-8: Definitions and Rules of Measurement. This three-tiered system of use classifications, use categories, and uses provides a systematic basis for assigning present and future land uses into zoning districts.

use types, reflecting the wide variety of commercial and industrial uses existing in the City.

(c) Agricultural/Rural Uses

The Agriculture/Rural use classification includes one category: All Agricultural/Rural Uses. This classification/category includes use types related to the production of field crops, fruits, vegetables, ornamental and flowering plants, and timber, and the breeding, raising, or keeping of livestock, bees, or other animals for food or other marketable products. This use category also includes use types that provide support and services to agricultural and rural economic uses, or are otherwise closely related to agricultural production in their form and function. 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 categorized in the Manufacturing, Assembly, and Processing use category. Accessory uses may include offices, storage areas, barns, irrigation systems, and repair facilities related to the agricultural and forestry activities.

(d) Residential Uses

(1) Household Living Uses

The Household Living use category includes use types providing for the residential occupancy of a dwelling unit by a single family. Tenancy is generally arranged on a month-to-month or longer basis. Use types include single-family detached dwellings, single-family attached dwellings, duplex or triplex dwellings, live-work unit dwellings, multifamily dwellings, manufactured home dwellings, and townhouse dwellings. 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., residential care home), which are categorized in the Group Living use category. Accessory uses common to Household Living uses include recreational activities, raising of domestic pets, gardens, swimming pools, and parking of the occupants' vehicles. Some accessory uses (e.g., accessory dwelling units, home occupations) are subject to additional regulations (see Section 25-4.3, 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 people who sometimes (but not always) do not constitute a single family or housekeeping unit and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities (even though some do have such facilities), but unlike a hotel or motel or tourist home, are generally occupied on a monthly or longer basis. Use types include boarding houses, cooperative houses, dormitories, fraternity or sorority houses, residential care homes, residential care facilities, and similar uses. Although residential care homes and facilities include household living uses (e.g., dwellings) and health care uses, they are categorized as a group living use because of their focus on the present or future provision of personal care to people and their integration of various uses as single cohesive development. This use category does not include use types where persons generally occupy living units for periods of less than 30 days, which are categorized in the Visitor Accommodations use category. Except for a residential care homes and facilities, it also does not include use types

where residents or inpatients are routinely provided more than modest health care services (e.g., nursing homes), which are categorized in the Health Care use category. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

(e) Civic/Institutional Uses

(1) Communications Uses

The Communication use category includes uses and facilities providing regional or community-wide communications services, such as radio and television broadcasting, data centers, wireless communications, and similar service. Services may be publicly or privately provided and may include on-site personnel. Use types include broadcasting studios, data centers, wireless telecommunications facilities, and similar uses. Accessory uses may include offices, monitoring, storage areas, and data transmission equipment.

(2) Community Service Uses

The Community Service use category includes use types primarily of a public, nonprofit, or charitable nature providing a local service (e.g., child care, cultural, recreational, counseling, training, or religious) to people in the community and visitors to the City. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. Use types include animal shelters, childcare facilities; civic, social, or fraternal organizations; community gardens; cultural facilities; government buildings; post offices; indoor public assembly; public safety facilities, and public or quasi-public recreation facilities. This use category does not include private or commercial health clubs or recreational facilities (categorized in the Recreation/Entertainment use category). Accessory uses may include offices, meeting areas, food preparation and dining areas, health and therapy areas, and indoor and outdoor recreational facilities.

(3) Education Uses

The Education 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 education meeting state requirements for curriculum, instruction, and assessment. This use category also includes university uses, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification, and research facilities (operated by government or an educational institution). Accessory uses at schools may include offices, play areas, recreational and sport facilities, cafeterias, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities may include offices, dormitories, food service, laboratories, health care facilities, recreational and sports facilities, theaters, meeting areas, maintenance facilities, and supporting commercial uses (e.g., eating or drinking establishments, bookstores).

(4) Funeral and Mortuary Service Uses

The Funeral and Mortuary Services use category consists of establishments that provide services related to the death of a human being or a pet animal. Use types include crematories, funeral homes or mortuaries, and similar uses.

(5) Health Care Uses

The Health Care 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, preventative care, diagnostic and laboratory services, and physical therapy. Care may be provided on an inpatient, overnight, or outpatient basis. Use types include hospitals, medical or dental laboratories, medical or dental offices/clinics, nursing homes, and similar uses. This use category generally does not include use types that focus on providing personal care rather than medical care to residents, which are categorized in the Group Living use category. Accessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, hospices, maintenance facilities, staff residences, and limited accommodations for patients' families.

(6) Parks and Open Space

The Parks and Open Space use category includes use types focusing on open space areas largely devoted to natural landscaping and outdoor recreation, and tending to have few structures. Use types include arboretums and botanical gardens, cemeteries, parks and greenways, and similar uses. This use category does not include athletic fields (unless part of a park), golf courses, or other outdoor recreation uses (categorized in the Recreation/Entertainment use category). Accessory uses may include caretaker's quarters, clubhouses, statuary, fountains, maintenance facilities, concessions, and parking.

(7) Transportation Uses

The Transportation use category includes use types providing for parking and ground transportation. Use types include airports, parking (as a principal use), surface transportation passenger terminals, rail transportation support facilities, and similar uses. This use category does not include transit-related infrastructure such as bus stops and bus shelters (deemed minor utility facility under the Utilities use category). Accessory uses may include freight handling areas, concessions, offices, maintenance, limited storage, and minor fueling facilities.

(8) Utilities Uses

The Utilities use category includes both major utilities, which are infrastructure services that provide regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near where the service is provided. Services may be publicly or privately provided and may include on-site personnel. Use types include large scale solar energy collection systems, major utility facilities, minor utility facilities, and similar uses. Accessory uses may include offices, monitoring, or storage areas.

(f) Commercial Uses

(1) Animal Care Uses

The Animal Care use category is characterized by establishments providing veterinary services, general care, and boarding services for household pets and domestic animals. Use types include kennels, pet care services, veterinary hospitals and clinics, and similar uses.

(2) Business Service Uses

The Business Service use category includes use types primarily providing routine business service functions for the day-to-day operations of other businesses and households. Use types include business service centers, catering services, conference or training centers, and similar uses.

(3) Eating or Drinking Establishments Uses

The Eating or Drinking Establishments 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, brewpubs, nightclubs, restaurants, and similar uses. Accessory uses may include areas for outdoor seating, facilities for live entertainment, and valet parking services. Drive-through facilities are subject to additional standards in Section 25-4.3, Accessory Uses and Structures.

(4) Office Uses

The Office use category includes office buildings housing 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., lawyers, accountants, planners, engineers, architects, government employees), or financial services (e.g., lenders, brokerage houses, tax preparers). Use types include general business and professional offices, contractor offices, and similar uses. This use category does not include offices that are a component of or accessory to a principal use in another use category, medical/dental offices (categorized in the Health Care Uses category), or banks or other financial institutions (categorized in the Retail Sales and Service Uses category). Accessory uses may include cafeterias, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees within a business or office park.

(5) Personal Service Uses

The Personal Services use category consists of establishments primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Use types include dry-cleaning services, self-service laundry, personal grooming or well-being services, personal or household goods repair, studios, and similar uses.

(6) Recreation/Entertainment Uses

The Recreational/Entertainment use category includes use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include art galleries; country clubs; golf courses; performing arts centers; indoor recreation facilities; outdoor recreation facilities; sexually-oriented businesses; stadiums, arenas, and amphitheaters; and similar uses. This use category does not include recreational facilities that are accessory to parks and greenways (categorized in the Open Space use category), or that are reserved for use by a particular residential development's residents and their guests (e.g., accessory community swimming pools and other recreation facilities). 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, or in the provision of

Section 25-4.2, Principal Uses

Sec. 25-4.2.3, Classification of Principal Uses

commercial services, that are generally delivered or provided on the premises to a consumer. Use types include ABC stores, banks or other financial institutions, consumer goods establishments, pawnshops, self-service storage, small loan establishments, and similar uses. This use category does not include sales or service establishments related to vehicles (categorized in the Vehicle Sales and Services use category); establishments primarily selling supplies to contractors, institutions, 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); uses that provide personal services (categorized in the Personal Services use category), or uses involving the sales, distribution, or presentation of materials or activities featuring specific sexual activities or nudity (defined as sexually-oriented businesses in the Recreation/Entertainment category). Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display of merchandise.

(8) Vehicle Sales and Services Uses

The Vehicle Sales and Services use category includes establishments primarily engaged in the direct sales and servicing of motor vehicles (including automobiles, trucks, motorcycles, and recreational vehicles, as well as specialized commercial vehicles), whether for personal transport, commerce, or recreation. Use types include commercial fuel depots, commercial vehicle sales and rentals, commercial vehicle service and repair, personal vehicle sales and rentals, personal vehicle services and repairs, vehicle fueling stations, and similar uses. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display of merchandise, and vehicle storage.

(9) Visitor Accommodation Uses

The Visitor Accommodation Uses category includes use types providing lodging units or rooms to paying customers for short-term stays of typically less than 30 days. Use types include campgrounds, hotels and motels, tourist homes, and similar uses. This use category does not include boarding or rooming houses, which are generally occupied for tenancies of a month or longer, and thus categorized in the Group Living use category. Accessory uses may include pools and other recreational facilities, restaurants, bars, limited storage, laundry facilities, gift shops, supporting commercial activities, meeting rooms, and offices.

(g) Industrial Uses Classification

(1) Industrial Services Uses

The Industrial Service use category includes use types involving the repair or servicing of industrial, business, scientific, or consumer machinery equipment, products, or by-products. Unlike personal or household goods repair, firms that service consumer goods do so by mainly providing a centralized source of services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers visit the site. The category also includes use types involving the storage or movement of goods. Use types include general industrial

services, research laboratories, and similar uses. Accessory activities may include limited retail or wholesale sales, offices, parking, and storage.

(2) Manufacturing, Assembly, and Processing Uses

The Manufacturing, Assembly, and Processing use category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, made for transfer to other plants, or made to order for firms or consumers. This use category includes light, general, and heavy manufacturing use types, based on the extent of outdoor storage and the general extent of off-site impacts. It also includes lumber yards or mills and slaughterhouses. Goods are generally not displayed or sold on-site, and relatively few customers come to the site. Accessory uses may include limited retail sales and wholesale sales, offices, eating or drinking establishments, employee recreational facilities, warehouses, storage areas, repair facilities, truck fleets, and security and caretaker's quarters.

(3) Warehousing, Freight Movement, and Wholesale Sales Uses

The Warehousing, Freight Movement, and Wholesale Sales use category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the ultimate consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Use types include motor freight terminals, general warehousing, hazardous materials warehousing, wholesale sales, and similar uses. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas.

(4) Waste-Related Uses

The Waste-Related Uses category includes facilities 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 facilities that receive hazardous wastes from other sites. Use types include composting facilities, junk/salvage yards, recycling plants, solid waste collection and disposal, and similar uses. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.

(h) Interpretation of Unlisted Uses²¹⁰

(1) Purpose

This section is intended to guide interpretations of how a particular unlisted use should be categorized and to address future additions to the use table.

(2) Procedure for Interpreting Unlisted Uses

The Director shall interpret a particular principal use or accessory use or structure not expressly listed in the use tables, as allowable in a particular zoning district, as a

²¹⁰ This section provides procedures and standards to guide how to interpret uses not specifically named and defined in this zoning ordinance. The Director is authorized to make this interpretation.

permitted or special exception use, in accordance with the procedures in Sec. 25-2.4.17, Interpretation, based on the standards in this section.

(3) Standards for Allowing Unlisted Principal Uses

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

- (i) Actual or projected characteristics of each activity likely to occur as part of the unlisted use;
- (ii) The type, size, orientation, and nature of buildings, and structures devoted to each activity;
- (iii) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
- (iv) Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;
- (v) 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;
- (vi) Relative amounts of sales from each activity;
- (vii) 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;
- (viii) Customer type for each activity;
- (ix) How the use is advertised, including signage;
- (x) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
- (xi) 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
- (xii) 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) Standards for Allowing Unlisted Accessory Uses

The Director shall interpret an unlisted use or structure as an allowable accessory use or structure to a principal use allowed in a particular zoning district only after finding that:

- (i) The use or structure is accessory to the principal use, in accordance with the definitions of “accessory structure” and “accessory use” in Section 25-8.3, Definitions, and the example accessory uses listed in the definition of the principal use or the description of relevant use category in this section;
- (ii) The nature, function, and potential impacts of the use or structure are so similar to those of uses or structures that are accessory to the principal use, or of accessory uses or structures allowable in the zoning district, that the unlisted use or structure should be deemed allowable in the same manner as the similar accessory uses or structures;
- (iii) The use or structure is compatible with the character of principal and accessory uses allowable in the zoning district; and
- (iv) Allowing the use or structure as an accessory use or structure is consistent with the purpose and intent statements in this Ordinance concerning the zoning district.

(5) Effect of Allowing Unlisted Uses or Structures

On interpreting a use or structure not expressly listed as allowed in a zoning district, and finding that the use or structure is likely to be common or would lead to confusion if it remains not expressly listed, the Director may initiate an application for a text amendment to this Ordinance in accordance with Sec. 25-2.4.1, Text Amendment, to expressly list the use as a permitted or special exception principal use or as a permitted accessory use or structure, and define the use, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Director shall be binding and shall be maintained in the record of interpretations.

(6) Interpretations Made Available to Public

The Director shall maintain a record of formal written interpretations rendered in accordance with this section, and shall make the record available to the public in accordance with Sec. 25-2.4.17(c)(3), Post-Decision Action.

Sec. 25-4.2.4. Standards Specific to Principal Uses²¹¹

(a) General

This section sets forth the standards specific to principal uses, which are referenced in the “Standards Specific to Principal Uses” column of Table 25-4.2.2(e): 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.

²¹¹ This subsection sets out standards that always apply to certain principal uses (or if appropriate, apply to certain principal uses in particular zoning districts). If there are exceptions to the use-specific standards, they are identified. Special attention is paid to standards for new principal uses, new standards for carried-forward principal uses, and improving the use-specific standards scattered throughout the current zoning ordinance.

(b) Agricultural/Rural Uses

(1) All Agriculture/Rural Uses²¹²

The keeping of horses or other livestock shall comply with the following standards:

- (i) The minimum lot area shall be five acres.
- (ii) Areas where livestock are kept shall be set back a minimum of 100 feet from lands classified in any district other than the AG District.

(2) Rural retreat²¹³

- (i) The minimum lot area shall be 50 acres.
- (ii) The maximum floor area ratio (FAR) shall be 0.04.
- (iii) Principal buildings for the retreat shall be set back a minimum of 150 feet from property lines.
- (iv) No products shall be sold on-site except those clearly incidental and integral to the purpose and program of the retreat.
- (v) On-site recreation facilities may be used only by employees and those lodged at the retreat.

(c) Residential Uses

(1) Household Living

(i) Dwelling, Duplex or Triplex²¹⁴

- a. Except for circular driveways, no more than one driveway serving the triplex or fourplex shall be located on the same block face.
- b. Ground based, roof-based, and wall-mounted electrical equipment, HVAC equipment, and other utility connections shall be screened or located outside the view from public streets.

(ii) Dwelling, Live-Work Unit²¹⁵

- a. The residential portion of the building shall occupy at least 50 percent of the gross floor area.
- b. Employees shall be limited to occupants of the residential portion of the building plus up to two persons not residing in the residential portion.
- c. Drive-through facilities are prohibited.

(iii) Dwelling, Multifamily²¹⁶

Multifamily residential dwellings are permitted in the CN and CC districts only in mixed-use buildings where the ground-level floor is occupied by nonresidential uses.

²¹² This is a new standard

²¹³ These are new standards.

²¹⁴ These are new standards.

²¹⁵ These are new standards.

²¹⁶ These are new standards, consistent with the discussion on page II-46 of the Assessment. Form and design standards for multi-family development were drafted in Module 1 (see Sec. 25-5.7.3, Multifamily Design Standards).

(iv) Dwelling, Manufactured Home²¹⁷

- a. Manufactured home dwellings shall only be located in a manufactured home park.
- b. A manufactured home dwelling shall have minimum width of 24 feet and a maximum length of four times its width. The length of a manufactured home dwelling shall be measured along its longest axis, and its width shall be measured at the narrowest part of other horizontal axis. These measurements shall include only the enclosed living area and shall not include garages, carports, decks, or storage areas.
- c. Manufactured home dwellings shall be installed in accordance with the Alabama Manufactured Housing Commission Administrative Code. All towing devices, wheels, axles, hitches, and license plates shall be removed and the dwelling shall be attached to a permanent masonry underpinned foundation which extends from the ground to the bottom of the exterior wall and around the entire perimeter of the dwelling. The underpinned foundation shall be brick, block, rock, masonry painted the same color as the building, or a similar material approved by the Director.
- d. All manufactured home dwellings shall have permanent steps, porches or decks on all outside doorways, the supports for which shall be permanently anchored in the ground.

(v) Manufactured Home Park²¹⁸

No manufactured home dwelling or lot shall have direct vehicular access to an existing collector or higher classified street as defined by the comprehensive plan or to a major thoroughfare as defined by future plans adopted by the Planning Commission.

(2) Group Living

(i) Boarding House²¹⁹

- a. All guest rooms shall be located within the principal structure.
- b. Receptions, private parties, and similar activities are prohibited unless expressly approved as part of a special exception permit.
- c. Any serving of meals on site shall be limited to residents and their guests.

(ii) Dormitory²²⁰

The facility shall be owned and operated by an educational institution providing secondary or postsecondary education.

²¹⁷ Carries forward Sec. 25-18 and provisions from Sec. 25-10.4 of the current zoning ordinance, except the following requirement is deleted:

“All manufactured homes shall have at least a nominal 3:12 roof pitch and the roof shall have a surface of wood shake shingles, asphalt composition shingles, fiberglass shingles, or metal tiles.”

²¹⁸ This provision is carried forward from Sec. 25-10.4 of the current zoning ordinance.

²¹⁹ These are new standards.

²²⁰ These are new standards.

(iii) Residential Care Facility²²¹

Residential care facilities shall not exceed 10,000 square feet of building area in residential districts.

(d) Civic/Institutional

(1) Communication Uses

(i) Data Center²²²

In districts other than the I District, a data center shall comply with the following standards:

- a. The gross floor area shall not exceed 10,000 square feet; and
- b. All equipment necessary for cooling, ventilating, or otherwise operating the facility, and any emergency power generators and emergency power supply equipment, shall be contained within an enclosed building where the use is located.

(2) Community Service Uses

(i) Community Garden²²³

- a. Accessory buildings shall be limited to sheds for the storage of tools, greenhouses, and seasonal farm stands. The combined area of all buildings and other structures shall not exceed 150 square feet.
- b. Areas used for composting shall be limited to ten percent of the area of the lot.

(ii) Public Assembly, Indoor²²⁴

- a. The minimum setback requirement is 1.5 times the applicable zoning district setback requirement when abutting residential property.
- b. In Residential districts, assembly areas shall be limited to no more than 350 seats.

(3) Health Care Uses

(i) Hospital²²⁵

A hospital shall have direct vehicular access onto an arterial street. If the hospital has an emergency room, the hospital shall have vehicular access, circulation systems, and exterior signage designed to provide safe and separate emergency vehicle access, with minimal conflicts with other vehicular or pedestrian traffic in the area.

(4) Education

(i) School, Elementary, Middle, or High

In Residential districts, notwithstanding Section 25-5.9, Sign Standards, a maximum of one detached sign with up to two sign faces, arranged back-to-back and having a maximum sign area of 25 square feet per sign face, is permitted.

²²¹ These are new standards.

²²² These are new standards.

²²³ These are new standards.

²²⁴ These are new standards.

²²⁵ These are new standards.

(5) Parks and Open Space

(i) Cemetery

- a. The minimum lot area shall be five acres.
- b. Access to the cemetery shall be from a street having a collector or higher classification.

(6) Utility Uses

(i) Solar Energy Collection System, Large-Scale²²⁶

- a. The lot on which the system is located shall have an area of at least one acre.
- b. The system shall not create glare or shadows on adjacent land.
- c. The property owner shall be responsible for establishing any solar easements from property owners in the vicinity.
- d. The application shall include a decommissioning plan that describes the timeline and manner in which the system will be decommissioned and the site restored to a condition similar to its condition prior to the establishment of the facility.

(ii) Utility Facility, Minor²²⁷

Outdoor storage of materials is prohibited.

(e) Commercial

(1) Animal Care Uses

(i) All Animal Care Uses²²⁸

Any open exercise runs or pens shall be set back at least 50 feet from any property line.

(ii) Veterinary Hospital or Clinic²²⁹

Buildings in which animals are kept or treated shall be insulated and soundproofed.

(2) Business Service Uses

(i) Conference, Training, or Events Center²³⁰

- a. No products shall be sold on-site except those that are clearly incidental and integral to training programs and seminars conducted in the center (e.g., food items, shirts, glasses and mugs, pens and pencils, and similar items bearing the logo of conference or seminar sponsors or participants).
- b. A designated onsite manager or the owner shall be present during events.
- c. If alcohol is served, the center shall be duly licensed as a special retail licensee and shall comply with all ABC (alcoholic beverage control board) requirements.

²²⁶ These are new standards.

²²⁷ These are new standards.

²²⁸ These are new standards.

²²⁹ These are new standards.

²³⁰ These standards build on standards for the use "event venue" in the current zoning ordinance.

(3) Eating or Drinking Establishments

(i) All Eating or Drinking Establishments²³¹

- a. Drive-through facilities and outdoor seating/activity areas are allowed only in the zoning districts specified in Section 25-4.3, Accessory Uses and Structures, in accordance with the standards in that section.
- b. Loading and distribution activities shall not occur within 100 feet of a residential use between the hours of 9:00 p.m. and 7:00 a.m.
- c. All establishments that sell alcoholic beverages shall comply with Chapter 2.5 of the City Code.

(ii) Brewpub²³²

A brewpub shall comply with Section 28-4A of the Code of Alabama, 1975.

(iii) Nightclub²³³

- a. Nightclubs shall be located a minimum of 300 feet from any land classified in the RSF-E, RSF-10, RSF-7, RSF-5, RMFD, RT, or RM-M zoning district.
- b. Doors to the establishment which open onto or face a public right-of-way shall not be propped open during any time that entertainment is ongoing.

(4) Retail Sales and Services

(i) All Retail Sales Uses

Sale of alcoholic beverages shall comply with Chapter 2.5 of the City Code.

(ii) Self-Service Storage²³⁴

- a. Except as otherwise provided in this section, all property stored on the premises shall be enclosed entirely within enclosed buildings.
- b. Use of the site shall be limited to the rental of storage space and the pickup and deposit of goods or property in dead storage, and may include caretaker quarters and accessory sales or rental of storage-related equipment and supplies, such as boxes, labels, packing tape, and padlocks. Manufacturing, fabrication, and processing of goods; vehicle service or repair; personal goods repair; garage sales; retail sales (except of storage-related supplies); and other similar on-site industrial or commercial activities are prohibited.
- c. No more than one security or caretaker quarters may be developed on the site. If established, such quarters shall be integrated into the principal building's design.
- d. Perimeter walls and building exterior walls visible from abutting residential or commercial uses or from streets having an arterial or higher classification shall not include metal as a primary material.
- e. Buildings that provide drive-up access to storage bays shall comply with the following standards:

²³¹ These are new standards.

²³² These are new standards.

²³³ These are new standards.

²³⁴ These are new standards.

1. Aisleways shall be provided adjacent to the storage bays and shall be designed to provide for efficient circulation and temporary customer parking while accessing storage bays. The minimum width of each aisleway shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.
 2. The one- or two-way traffic flow patterns in aisleways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.
 3. Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aisleways.
 4. All access ways shall be paved with asphalt, concrete, or comparable paving materials.
 5. Doors serving individual storage bays shall be completely screened from view from adjacent rights-of-way.
- f. Open storage shall be limited to recreational vehicles, travel trailers, and utility trailers, as well as dry storage of pleasure boats of the type customarily maintained by persons for their personal use. Such storage shall comply with the following standards:
1. Open storage shall occur only within a designated area, which shall be clearly delineated by signage, pavement markings, fences or walls, or similar features.
 2. The area used for open storage shall not exceed 25 percent of the buildable area of the site.
 3. Outdoor storage areas shall be located to the rear of the principal structure and outside of all required setbacks.
- g. If the establishment is adjacent to a Residential district or existing residential development, access to storage areas shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.

(iii) Small Loan Establishment²³⁵

- a. Daily hours of operation shall be limited to between 9:00 a.m. and 8:00 p.m.
- b. A schedule of fees/charges shall be prominently posted where they are immediately visible to persons entering the business.
- c. The establishment shall not share floor space with any other business.
- d. Security lighting and cameras shall be provided on all open sides of the building to provide surveillance of the area within 20 feet of the building's exterior.
- e. At least one security employee (with no other duties) shall be on the premises when the business is open.

²³⁵ These are new standards.

(5) Vehicle Sales and Services Uses

(i) Commercial vehicle service and repair²³⁶

- a. All service and repair activities shall be conducted within a building that is located at least 200 feet from all lands classified in a Residential district, Residential uses, schools, and childcare facilities.
- b. The demolition or junking of commercial vehicles is prohibited. Commercial vehicles shall not be parked or stored as a source of parts or for the purpose of sale or lease/rent.

(ii) Personal vehicle sales and rental²³⁷

- a. No materials for sale or rent other than vehicles shall be displayed in the front yard.
- b. All areas where vehicles are displayed shall comply with the surfacing requirements for parking spaces in Sec. 25-5.2.4(a)(3), Surfacing.
- c. All sales occurring on the premises, and any service and repair activities, shall be conducted within a building.

(iii) Personal vehicle service and repair²³⁸

- a. All service and repair activities shall be conducted within a building.
- b. Vehicle storage areas shall be used exclusively for storage of vehicles in operable condition. The sale of parts from vehicles stored on-site at wholesale or retail is prohibited.
- c. All tires, parts, or merchandise for sale shall be screened from view from the right-of-way.

(iv) Vehicle Fueling Station²³⁹

- a. All equipment for dispensing fuel shall be set back a minimum of 25 feet from the public right-of-way and a minimum of ten feet from all property lines.
- b. All canopies over fuel dispensing areas shall be set back a minimum of ten feet from the public right-of-way and all property lines, and shall have a maximum clearance height of 15 feet above grade except where state or federal law requires higher clearance.
- c. All utility lines on the site shall be installed underground.
- d. All sales and installation operations shall be conducted in a wholly enclosed building. The maximum area of leasable enclosed store space in all zoning districts except the GC district shall be 4,500 square feet.
- e. Any accessory uses shall be designed to ensure proper functioning of the site as it relates to vehicle stacking, circulation, and turning movements.
- f. Outdoor storage of goods and materials is prohibited.

²³⁶ These are new standards.

²³⁷ These are new standards.

²³⁸ These are new standards.

²³⁹ These are new standards.

(6) Visitor Accommodation

(i) Campground²⁴⁰

- a. The minimum lot area shall be five acres.
- b. Access to the campground shall be from a street having a collector or higher classification and not through a residential neighborhood.
- c. Campsites and active recreational areas shall be set back a minimum of 50 feet from all property lines.
- d. Camping trailers shall be parked only on designated campsites, which shall be at least 30 feet wide and have a minimum area of 1,600 square feet.
- e. Accessory uses may include retail, service, and commercial recreational activities to serve the customary needs of campers, if the uses:
 1. Are secondary to the campground;
 2. Are internally oriented;
 3. Do not have separate direct access to a public street; and
 4. Do not display signs separate from signs for the campground that are visible from a street.
- f. Camping trailers shall not be left on a campsite for more than 179 consecutive days.

(ii) Tourist home²⁴¹

- a. The owner or operator shall ensure that all refuse is stored in appropriate containers and set out for collection on the proper collection day, and the carts removed from the street or alley on the scheduled collection day.
- b. The maximum number of guest bedrooms shall be five, unless the applicant can demonstrate that the original floor plan of the structure included a larger number of bedrooms, in which case the original number of bedrooms may be approved as allowable guest lodging.

(f) Industrial Uses Classification

(1) All Industrial Uses²⁴²

No industrial uses shall be permitted for a hazardous waste facility unless the applicant demonstrates compliance in all respects to state regulations.

(2) Industrial Services Uses

(i) Research Laboratories²⁴³

Except in the I District, the use shall not include any of the following:

- a. The use of explosives classified as being in Division 1.1, 1.2, or 1.3 of the U.S. Department of Transportation Hazard Classification System; or

²⁴⁰ These are new standards.

²⁴¹ These are new standards.

²⁴² These are new standards.

²⁴³ These are new standards.

- b. Activities that would be considered Biosafety level 4 under the United States Centers for Disease Control and Prevention regulations.

(3) Warehousing, Freight Movement, and Wholesale Sales Uses

(i) Motor Freight Terminal²⁴⁴

- a. The terminal shall be designed to accommodate stacking, circulation, and turning movements of freight vehicles in a manner that does not impede vehicular movement external to the site or block access to any required parking spaces located on the site.
- b. The terminal shall have direct access onto an arterial or higher classification street.

(ii) Warehousing, General²⁴⁵

- a. In districts other than the LI and I districts, a general warehouse shall comply with the following standards:
 - 1. The maximum floor area shall be 10,000 square feet;
 - 2. Loading and unloading shall be limited to the side or rear of the building and shall not occur before 7:00 a.m. or after 9:00 p.m.; and
 - 3. Delivery of products, supplies, and equipment to and from the premises using tractor trailers shall not exceed 10 trips per day.
- b. Retail sales to the general public are allowed only as an accessory use. A maximum of 10 percent of the gross floor area of the establishment or 1,000 square feet, whichever is smaller, may be accessible to the general public for retail sales.

(iii) Warehousing, Hazardous Materials²⁴⁶

- a. The use shall comply with applicable federal, state, and local regulations.
- b. The use shall not be located within 600 feet of any residential use.

(4) Waste-Related Uses

(i) All Waste-Related Uses²⁴⁷

Waste-related uses shall comply with applicable federal, state, and local regulations

(ii) Junkyard/salvage yard²⁴⁸

- a. Storage and salvage activities are prohibited within required setbacks.
- b. Junk, parts, or other salvage materials shall be completely screened from view from off the premises.
- c. Garbage or other putrescent waste likely to attract vermin shall not be kept on the premises.

²⁴⁴ These are new standards.

²⁴⁵ These are new standards.

²⁴⁶ These are new standards.

²⁴⁷ These are new standards.

²⁴⁸ These are new standards.

(iii) Recycling Plant²⁴⁹

Storage of materials or equipment outside of a building or covered bin is prohibited in the front yard and shall be set back a minimum of 25 feet from abutting commercial or residential uses.

SECTION 25-4.3. ACCESSORY USES AND STRUCTURES²⁵⁰

Sec. 25-4.3.1. General

(a) Purpose

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

(b) Organization of This Section

Sec. 25-4.3.2, Accessory Uses and Structures Table, identifies the zoning districts in which specific accessory uses and structures are allowed. Sec. 25-4.3.3, General Standards for All Accessory Uses and Structures, sets out general standards applicable to all accessory uses and structures. Sec. 25-4.3.4, Specific Standards for Accessory Uses and Structures, sets out additional specific standards applicable to particular accessory uses and structures.

Sec. 25-4.3.2. Accessory Uses and Structures Table

(a) Table Organization

Table 25-4.3.2(c): Accessory Uses and Structures, is organized as follows:

- (1)** The left-most column in the table identifies accessory uses and structures in alphabetical order.
- (2)** The right-most column references any additional standards in Sec. 25-4.3.4, Specific Standards for Accessory Uses and Structures, that are specific to a particular accessory use or structure.
- (3)** The cells in the table use the following abbreviations to designate whether an accessory use or structure is allowed in the zoning district identified in the column heading.

²⁴⁹ These are new standards.

²⁵⁰ As discussed on pages III-21 and III-22 of the Code Assessment, this section consolidates standards for uses or structures that are subordinate to the principal use of a building or land, located on the same lot as the principal use, and customarily incidental to the principal use. It includes a new accessory use table that builds on accessory uses identified in the current zoning ordinance (e.g., home occupations), addressing many common accessory uses not addressed in the current ordinance. It also consolidates and builds on existing standards that apply generally to accessory uses and structures, and it carries forward and adds to standards that apply to particular accessory uses and structures.

Section 25-4.3, Accessory Uses and Structures
 Sec. 25-4.3.2, Accessory Uses and Structures Table

P	<p>Permitted use. A “P” in a cell of the table in a column other than a PD district column indicates that the corresponding accessory use or structure is allowed by right in the corresponding zoning district, subject to any use-specific standards referenced in the final column of the use table and all other applicable requirements of this Ordinance.</p> <p>A “P” in a cell of the table in a PD district column means that the accessory use or structure is allowed in the corresponding type of PD district only if so specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance unless expressly modified in the PD Plan or PD Agreement for the district (see Sec. 25-3.3.1(c)(1), Planned Development (PD) Plan, and Sec. 25-3.3.1(c)(2), Planned Development (PD) Agreement).</p>
S	<p>Special Exception Use. An “S” in a cell of the table indicates that the corresponding accessory use or structure is allowed in the corresponding zoning district upon approval of a special exception permit, subject to any use-specific standards referenced in the final column of the use table and all other applicable requirements of this Ordinance.</p>
<i>blank cell</i>	<p>Prohibited Use. A blank cell in the table indicates that the use is prohibited in the corresponding base zoning district.</p>

(b) Unlisted Accessory Uses

The Director shall determine whether or not a use that is not listed in Table 25-4.3.2(c) is allowed as an accessory use in accordance with Sec. 25-4.2.3(h), Interpretation of Unlisted Uses.

(c) Accessory Uses and Structures Table

TABLE 25-4.3.2(c): ACCESSORY USES AND STRUCTURES

ACCESSORY USE OR STRUCTURE	AG	RESIDENTIAL								BUSINESS							INDUS-TRIAL	PLANNED DEVELOP-MENT			USE-SPECIFIC STANDARDS		
	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	INST-MC	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD		MEC-PD	TN-PD
Accessory dwelling unit	P	P	P	P	P	P		P												P		P	Sec. 25-4.3.4(a)
Automated teller machine (ATM)						P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.3.4(b)
Beekeeping	P	P	P	P	P	P												P		P		P	Sec. 25-4.3.4(c)
Bike rack	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Bike share station								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Community garden	P	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.3.4(d)
Composting (small-scale)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Drive-through facility									P	P	P	P	P		P	P	P				P	P	Sec. 25-4.3.4(d)
Electric vehicle (EV) level 1 or 2 charging station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.3.4(f)
Electric vehicle (EV) level 3 charging station	P							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.3.4(f)
Garage or carport	P	P	P	P	P	P	P	P	P											P	P	P	
Greenhouse	P	P	P	P	P	P	P	P															
Home garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	

TABLE 25-4.3.2(c): ACCESSORY USES AND STRUCTURES

ACCESSORY USE OR STRUCTURE	AG	RESIDENTIAL								BUSINESS								INDUS-TRIAL		PLANNED DEVELOP-MENT			USE-SPECIFIC STANDARDS
	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	INST-MC	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD	MEC-PD	TN-PD	
Home day care facility	S	S	S	S						P										P		P	Sec. 25-4.3.4(g)
Home occupation	S	S	S	S	S	S	S	S	S							S	S			S	S	S	Sec. 25-4.3.4(h)
Homestay	S	S	S	S	S	S	S	S	S			S	S	S	S	S	S			S	S	S	Sec. 25-4.3.4(i)
Keeping of chickens (as accessory to a single-family detached dwelling or manufactured home)	P	P	P	P	P	P	P																Sec. 25-4.3.4(j)
Keeping of horses (as accessory use)	P	P																					Sec. 25-4.3.4(k)
Laundromat (as accessory use)						P	P	P	P							P	P			P	P	P	
Limited fuel/oil/gas distribution														P		P	P	P			P	P	Sec. 25-4.3.4(l)
Outdoor display of merchandise (as accessory to a consumer goods establishment)	P												P	P		P	P				P	P	
Outdoor seating/activity area (as accessory to an eating or drinking establishment use)												P	P	P	P	P	P			P	P	P	Sec. 25-4.3.4(m)
Outdoor storage area										P	P		P	P				P	P		P		Sec. 25-4.3.4(n)
Produce stand (as accessory use to a community garden)	P	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P			P	P	P	Sec. 25-4.3.4(o)
Solar energy conversion system (small-scale)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.3.4(p)
Swimming pool (accessory use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wind energy conversion system (small-scale)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.3.4(q)

Sec. 25-4.3.3. General Standards for All Accessory Uses and Structures

(a) Applicability

The standards in this section apply to all accessory uses and structures.

(b) Not Established Prior to Principal Use

Accessory uses and structures shall not be established prior to the establishment of the principal use on the lot.

(c) Location on Lot

(1) Except for fences and accessory structures identified in subsection (2) below, accessory structures shall comply with the minimum front setback requirements that

Section 25-4.3, Accessory Uses and Structures

Sec. 25-4.3.4, Specific Standards for Accessory Uses and Structures

apply to principal structures in the zoning district in which the structure is located. In Residential districts, accessory structures located in a front yard shall not exceed four feet in height, except as otherwise provided by this Ordinance.²⁵¹

- (2) Flag poles, mailboxes, basketball standards, and similar freestanding structures may be located in the minimum required front setback.²⁵²
- (3) Subject to subsections (4) and (5) below, accessory structures shall be set back a minimum of five feet from all side and rear lot lines.²⁵³
- (4) Accessory structures greater than 12 feet in height shall be set back from all side and rear lot lines a minimum distance of ten feet or the applicable minimum setback for principal structures in the district in which the structure is located, whichever is less.²⁵⁴
- (5) A carport, porte-cochere, porch, or similar structure that is attached to or situated within five feet of the principal structure on the lot shall be considered as a part of the principal structure and shall be subject to the minimum setback requirements of the district in which it is located.²⁵⁵

(d) Maximum Height

- (1) Except as otherwise provided by this Ordinance, accessory structures shall be subject to the same maximum building height standards that apply to principal structures in the district in which they are located.
- (2) In Residential districts, an accessory structure shall not be taller than the tallest structure housing a principal use on the lot.²⁵⁶

(e) Special Flood Hazard Areas

When located in special flood hazard areas, accessory structures shall comply with the requirements in Sec. 25-5.10.7(b)(5), Standards for Accessory Structures.

Sec. 25-4.3.4. Specific Standards for Accessory Uses and Structures

(a) Accessory Dwelling Unit²⁵⁷

- (1) Accessory dwelling units shall comply with the Building Code.
- (2) Accessory dwelling units shall be occupied by non-paying guests only. Accessory dwelling units shall not be rented or leased, or held in ownership by other than the owner of the principal dwelling.
- (3) Only one accessory dwelling unit shall be permitted per lot.
- (4) Accessory dwelling units are allowed only on lots on which a single-family detached dwelling is the principal use and is permitted in the zoning district in which it is located.

²⁵¹ The height limitation is new.

²⁵² This exception is new.

²⁵³ This carries forward setback requirements in Sec. 25-10(2) of the current zoning ordinance.

²⁵⁴ This standard is new.

²⁵⁵ This provision is carried forward from Sec. 25-10(1) of the current zoning ordinance.

²⁵⁶ This is a new standard. It is included to ensure that accessory structures are secondary and incidental to the primary structure in Residential districts.

²⁵⁷ These are new standards.

- (5) Either the principal dwelling or the accessory dwelling unit shall be the primary residence of the landowner.
- (6) Accessory dwelling units shall be located either within the principal building or in the rear yard.
- (7) The maximum height of detached accessory dwelling units shall not exceed the height of the principal building or 35 feet, whichever is less.
- (8) The maximum floor area of an accessory dwelling unit shall be 400 square feet where the principal dwelling has a floor area of less than 800 square feet, or, in all other cases, the lesser of 50 percent of the floor area of the primary structure or 950 square feet.
- (9) If detached from the principal structure, the structure housing the accessory dwelling unit shall have an exterior that is compatible with the principal structure in terms of color, siding, roof pitch, window detailing, roofing materials, and foundation or skirting appearance.
- (10) A minimum of one off-street parking space shall be designated on the lot and made available for use by the occupants of the accessory dwelling unit.

(b) Automated Teller Machine²⁵⁸

- (1) An automated teller machine designed for walk-up use and located in the exterior wall of a building or within a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, and between parking areas and building entrances, and obstructions to vehicular movement in front of buildings and through parking areas.
- (2) An automated teller machine designed for use by people in vehicles shall comply with the standards (including districts where permitted) that apply to drive-through facilities (see subsection (c) below).

(c) Beekeeping²⁵⁹

The following standards apply to beekeeping as an accessory use:

- (1) The minimum lot area is 15,000 square feet.
- (2) Up to two bee colonies are allowed on lots having an area between 15,000 square feet and 30,000 square feet. Two additional bee colonies are allowed per each additional 15,000 square feet of lot area above 30,000 square feet.
- (3) Hives shall be located a minimum of 25 feet from all property lines.
- (4) Hives shall be maintained to prevent uncontrolled swarming.

(d) Community Garden²⁶⁰

- (1) Accessory buildings shall be limited to sheds for the storage of tools, greenhouses, and seasonal farm stands. The combined area of all buildings and other structures shall not exceed 150 square feet.
- (2) Areas used for composting shall be limited to ten percent of the area of the lot.

²⁵⁸ These are new standards.

²⁵⁹ These are new standards.

²⁶⁰ These are new standards.

(e) Drive-Through Facility²⁶¹

- (1) Vehicular access to a drive-through facility shall be provided from a street having a collector or higher classification.
- (2) Internal traffic circulation patterns on the site shall not cause queueing vehicles to impede vehicular movement external to the site or block access to any required parking spaces located on the site.
- (3) 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.
- (4) Drive-through facilities shall not be located on the front façade of the building they serve.
- (5) Canopies or other features installed over a drive-through window shall maintain common roof lines and materials with the principal structure.
- (6) Drive-through facilities shall comply with the neighborhood compatibility standards in Sec. 25-5.8.3(a)(4), Drive-Throughs and Outdoor Dining.

(f) Electric Vehicle (EV) Level 1, 2, or 3 Charging Station²⁶²

- (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, any enforceable time limits or tow-away provisions, and contact information for reporting non-operating equipment or other problems.
- (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, or with required landscaping.

(g) Home Day Care Facility²⁶³

(1) Purpose

The purpose of this section is to establish standards for home day care facilities to ensure they are compatible with uses in the surrounding area and do not create adverse impacts, such as additional traffic or noise. Standards in this section are intended to:

- (i) Maintain the integrity of the City's residential neighborhoods; and
- (ii) Provide strict and enforceable criteria for the establishment and operation of home day care facilities in residential neighborhoods in the City.

(2) Standards

A home day care facility shall comply with the following standards:

²⁶¹ These are new standards.

²⁶² These are new standards.

²⁶³ This carries forward standards in Article IV: Home Day Care Facilities, of the current zoning ordinance.

- (i)** The facility shall be located in a single-family detached dwelling and shall be clearly incidental to the use of the premises for dwelling purposes by the caregiver.
- (ii)** Employment shall be limited to members of the family residing at the dwelling, with the exception of the substitute/alternate/assistant caregiver on record at the Alabama Department of Human Resources.
- (iii)** Except for play areas, the home day care facility use shall be carried on wholly within the principal building.
- (iv)** No structural or decorative alterations shall be made or permitted that will alter the single-family character of an existing residential structure or be incompatible with surrounding residences.
- (v)** No identification signs shall be permitted.
- (vi)** If located on a major arterial (collector street or above as defined by the City master plan), the facility shall provide an off-street drop-off/pickup area.
- (vii)** Outdoor play areas and playground equipment shall be limited to the rear or side yards only. Where such areas or equipment abut a property line shared with an abutting Residential use, the areas or equipment shall be enclosed with a minimum four-foot high fence or wall with a locking gate.
- (viii)** The facility shall comply with all state, county, and City licensing requirements, including those pertaining to building, fire, safety, and health codes.
- (ix)** In Residential districts, the following standards apply:
 - a.** The facility shall not be located closer than 500 feet from another home day care facility on the same side of the street, or closer than 300 from another home day care facility on the opposite side of the street, measured from closest property boundary to closest property boundary;
 - b.** Group nighttime homes are not allowed; and
 - c.** Hours of operation of a group day care home shall be limited to between the hours of 2:00 p.m. and 7:00 p.m.
- (x)** In the AG District, group nighttime homes are not allowed.
- (xi)** Approval of a special exception permit or modification thereof shall not be transferable to another location without prior approval of the Board of Zoning Adjustment.
- (xii)** Before the facility begins operation, the applicant shall present to the Revenue Department a copy of the state license certifying that the Alabama Department of Human Resources has granted approval of the facility. This requirement shall be a condition of approval of any application for a home day care facility approved before the applicant has presented the copy of the state license.

(h) Home Occupation²⁶⁴

(1) Purpose

The purpose of this section is to establish standards for home occupations to ensure they are compatible with uses in the surrounding area and do not create adverse impacts, such as additional traffic or noise. Standards in this section are intended to:

- (i)** Make adequate provisions to allow for home occupations in the City;
- (ii)** Maintain the integrity of the City's residential neighborhoods; and
- (iii)** Provide strict and enforceable criteria for the establishment and operation of home occupations in residential neighborhoods in the City.

(2) Standards

A home occupation shall comply with the following standards:

- (i)** The home occupation shall be conducted entirely within a dwelling unit in a principal structure. A home occupation shall not be permitted in an accessory structure.
- (ii)** Home occupation activities shall be conducted on the premises only by inhabitants of the dwelling unit housing the home occupation and up to one other employee.²⁶⁵
- (iii)** The appearance of the dwelling unit housing the home occupation shall not be altered by the home occupation. The home occupation shall not be conducted in a manner which would cause the dwelling unit to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or emission of sounds or vibrations that carry beyond the premises as regulated by the sound ordinance in Section 16-9.1 of the City Code.²⁶⁶ There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property boundaries.
- (iv)** All on-site storage of materials and equipment related to the home occupation shall be located in the rear yard and shall be fully screened from the street and from adjoining lots. No more than one trailer may be stored on-site.²⁶⁷
- (v)** The home occupation shall not involve any of the following:
 - a.** Advertising, signage, displays, storage of goods or materials, and other evidence of the home occupation visible from the exterior of the dwelling unit housing the home occupation;
 - b.** Sale of stocks of merchandise, supplies, or products to customers on the premises, except as otherwise provided in subsection (vii) below;
 - c.** Use or storage of highly explosive or combustible material;

²⁶⁴ This carries forward Article VI, Home Occupations, of the current regulations. The language is clarified, streamlined, and reorganized, and provisions for revoking home occupation permits are deleted. The general enforcement procedures and remedies and penalties (which allow for revocation of permits) apply to permits for home occupations.

²⁶⁵ The allowance of a non-resident employee is new.

²⁶⁶ This reference is updated.

²⁶⁷ This is a new provision.

- d. Outdoor parking of more than one truck or van for three or more consecutive days in any two-week period;²⁶⁸
 - e. Outdoor overnight parking of more than three vehicles;²⁶⁹
 - f. Activities that interfere with radio or television or other communicative signals in the area;
 - g. The provision of personal, medical, or dental services, such as services commonly provided at a barber or beauty shop, nail salon, spa, massage parlor, photography studio, doctor's office or clinic, or dentist's office, and other similar services;
 - h. Classes for group instruction, such as dance, martial arts, music, or similar classes;
 - i. Catering services;
 - j. Funeral or mortuary services;
 - k. Maintenance, rental, or repair of vehicles, equipment, appliances, household goods, or similar activities; or
 - l. Manufacturing or industrial activities, such as welding, carpentry, or similar activities.
- (vi) All deliveries of goods and materials related to the home occupation made to the premises shall be by commercial common carriers only. For purposes of this section, commercial common carriers are commercial delivery services which commonly deliver packages weighing 150 pounds or less to the front door of residences or small businesses.
- (vii) A maximum of one client of a home occupation is permitted on-site at any given time.²⁷⁰
- (viii) A maximum of one party, for the purchase of merchandise sales in association with a home occupation, may be conducted in any period of three successive months.
- (ix) The granting of a special exception permit for a home occupation shall not give the grantee any property right or interest in the permit. Home occupation permits are nontransferable to another location.
- (i) Homestay²⁷¹**
At least one off-street parking space shall be provided for the use of homestay renters, unless adequate on-street parking is available adjacent to the homestay. In all districts other than the AG District, if the homestay is located in a single-family detached dwelling, the total number of parking spaces on the lot shall not exceed five.

²⁶⁸ This is a new provision.

²⁶⁹ This is a new provision.

²⁷⁰ This is a new provision.

²⁷¹ These are new standards.

(j) Keeping of Chickens²⁷²

The keeping of chickens as an accessory use to a single-family detached dwelling or manufactured home shall comply with the standards in this section.

- (1) The use shall comply with Chapter 4 of the City Code.
- (2) All chickens shall be kept in an area completely enclosed by a fence or wall. The area shall be set back a minimum of 15 feet from all lot lines.
- (3) Outside the AG District:
 - (i) Roosters are prohibited; and
 - (ii) The number of chickens kept shall no more than reasonable for consumption of chicken and/or eggs by the household.

(k) Keeping of Horses²⁷³

- (1) The keeping of horses as an accessory use to a single-family detached dwelling shall comply with Chapter 4 of the City Code.
- (2) In the RS-E District, the number of horses allowed to be kept shall be two on lots of five acres or more plus one additional horse for each additional acre of lot area above five acres.

(l) Limited Fuel/Oil/Bottled Gas Distribution²⁷⁴

- (1) Limited fuel/oil/bottled gas distribution is allowed as an accessory use to consumer goods establishments, grocery stores, and vehicle fueling stations.
- (2) At least five feet of clearance for use by pedestrians shall be maintained along walkways where fuel/oil/bottled gas are stored.
- (3) Limited fuel/oil/bottled gas distribution as an accessory use is prohibited within 1,000 feet of a school or hospital.

(m) Outdoor Seating/Activity Area (As Accessory to an Eating or Drinking Establishment)²⁷⁵

Outdoor seating/activity areas are allowed as an accessory use to any eating or drinking establishment in accordance with the following standards:

- (1) Hours of operation of the outdoor seating area shall be no more than those for the eating or drinking establishment.
- (2) Food preparation shall occur only within the enclosed principal building containing the eating or drinking establishment.
- (3) An outdoor seating area may be located on a public sidewalk only in accordance with Sec. 25-3.4.2, Sidewalk Café Overlay (SC-O) District.
- (4) Outdoor seating areas shall comply with the neighborhood compatibility standards in Sec. 25-5.8.3(a)(4), Drive-Throughs and Outdoor Dining

²⁷² These are new standards.

²⁷³ This carries forward the current minimum lot size standard in the R1-E District.

²⁷⁴ These are new standards.

²⁷⁵ These are new standards. They reference standards that apply to sidewalk cafes in the SC-O District, and neighborhood compatibility standards in Article 5.

(n) Outdoor Storage or Display Areas²⁷⁶

Outdoor storage areas, other than storage areas associated with agricultural uses and outdoor display of merchandise, shall comply with the standards in this section.

- (1) In Residential districts, the following outdoor storage uses are prohibited:
 - (i) Storage of junk or salvage, including but not limited to scrap metal, used boxes or crates, used appliances, salvaged furniture or glassware, and salvaged vehicles or trailers or vehicle parts;
 - (ii) Storage in connection with a trade other than a home occupation (see Sec. 25-4.3.4(h), Home Occupation); and
 - (iii) Storage of building materials except in connection with active construction.
- (2) Outdoor storage areas are prohibited in front yards.
- (3) No materials shall be stored in required parking spaces or in areas intended for vehicular or pedestrian circulation.

(o) Produce Stand (As Accessory Use to a Community Garden) ²⁷⁷

A produce stand that is an accessory use to a community garden shall comply with the following standards:

- (1) The produce stand shall not exceed 750 square feet in area and shall not be more than 15 feet in height.
- (2) The produce stand shall be located on the lot where the community garden is located.
- (3) The produce stand shall be:
 - (i) Limited to the retail sale of vegetables, fruits, or flowers grown on the premises;
 - (ii) Located to minimize the visual impact of the structure from adjacent public streets; and
 - (iii) Situated so that adequate ingress, egress, and off-street parking areas are provided.

(p) Solar Energy Conversion System (Small-Scale)²⁷⁸

- (1) Solar energy equipment may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground. Building-mounted photovoltaic systems are permitted in all districts, subject to all necessary permit and building code requirements.
- (2) A roof-mounted system may exceed the height standards of the district in which it is located by up to five feet, or, in the case of an existing structure that exceeds the maximum height standards of the district in which it is located, the system may extend up to five feet above the roof surface.
- (3) The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the system, and for recording any such solar easement in the office of the Register of Deeds.

²⁷⁶ These are new standards for this use.

²⁷⁷ These are new standards.

²⁷⁸ These are new standards.

(q) Wind Energy Conversion System (Small-Scale)

- (1) Tower-mounted small-scale wind energy conversion systems shall not be located within a front yard or on any lot less than 10,000 square feet in area, except in the AG District.
- (2) A small-scale wind energy conversion system shall be set back a distance equal to its total extended height above the ground, regardless of whether it is mounted on a building, tower, or other structure, 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.
- (3) The maximum height of a small-scale wind energy conversion system (including the tower and extended blades) shall be the maximum height allowed in the zoning district plus 25 feet.
- (4) Sound produced by any wind turbine under normal operating conditions, as measured at the property 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 beyond the property owner's control, such as utility outages and/or severe wind storms.
- (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, 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 any small-scale wind energy conversion 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) No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration (FAA).
- (8) On a freestanding tower, any climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.
- (9) A wind generator, tower, building, or other structure associated with a small-scale wind energy conversion system shall not include any signage visible from any public street other than the signage installed by the manufacturer or signage required by federal, state, or local law.
- (10) A small-scale wind energy conversion system intended to connect to the electric utility shall not be installed until evidence has been provided to the Director that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
- (11) If use of the system is discontinued for a continuous period of one year, 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 25-4.4. TEMPORARY USES AND STRUCTURES

Sec. 25-4.4.1. General

(a) Purpose

The purpose of this section is to authorize the establishment of certain temporary uses and structures, which are uses (including special events) and structures of a limited duration. This section identifies the zoning districts in which specific temporary uses and structures are allowed, sets out general standards applicable to all temporary uses and structures, and establishes special standards applicable to particular temporary uses and structures. This section is intended to ensure that such uses and 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.

(b) Organization of This Section

Sec. 25-4.4.2, Temporary Uses and Structures Table, identifies the zoning districts in which specific temporary uses and structures are allowed. Sec. 25-4.4.3, General Standards for All Temporary Uses and Structures, establishes general standards applicable to all temporary uses and structures. Sec. 25-4.4.4, Specific Standards for Temporary Uses and Structures, sets out additional standards that apply to specific temporary uses and structures.

Sec. 25-4.4.2. Temporary Uses and Structures Table²⁷⁹

(a) Table Organization

Table 25-4.4.2(b): Temporary Uses and Structures, is organized as follows:

- (1) The left-most column in the table identifies temporary uses and structures in alphabetical order.
- (2) The right-most column identifies any additional standards in Sec. 25-4.4.4, Specific Standards for Temporary Uses and Structures, that apply to a particular temporary use or structure.
- (3) The cells in the table use the following abbreviations to designate whether temporary use or structure is allowed in the zoning district identified in the column heading.

P	Permitted use. A "P" in a cell of the table in a column other than a PD district column indicates that the corresponding temporary use or structure is allowed by right in the corresponding zoning district, subject to any use-specific standards referenced in the final column of the use table and all other applicable requirements of this Ordinance.
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²⁷⁹ This section includes a new table that identifies what temporary uses and structures are allowed in what zoning districts, and whether allowed uses are permitted or required approval of a special exception permit. The table has been updated to include common temporary uses and structures that are not identified in the current zoning ordinance.

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 Sec. 25-4.4.3, General Standards for All Temporary Uses and Structures

	A “P” in a cell of the table in a PD district column means that the temporary use or structure is allowed in the corresponding type of PD district only if so specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance unless expressly modified in the PD Plan or PD Agreement for the district (see Sec. 25-3.3.1(c)(1), Planned Development (PD) Plan, and Sec. 25-3.3.1(c)(2), Planned Development (PD) Agreement).
S	Special Exception Use. An “S” in a cell of the table indicates that the corresponding temporary use or structure is allowed in the corresponding zoning district upon approval of a special exception permit, subject to any use-specific standards referenced in the final column of the use table and all other applicable requirements of this Ordinance.
<i>blank cell</i>	Prohibited use. A blank cell in the table indicates that the use is prohibited in the corresponding base zoning district.

(b) Temporary Uses and Structures Table

TABLE 25-4.3.2(B): TEMPORARY USES AND STRUCTURES

TEMPORARY USE OR STRUCTURE	AG	RESIDENTIAL								BUSINESS							INDUS-TRIAL		PLANNED DEVELOP-MENT			USE-SPECIFIC STANDARDS		
	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	INST-MC	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD	MEC-PD		TN-PD	
Construction-related building, structure, or use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.4.4(a)
Farmers’ market, temporary	P								P	P	P	P	P	P	P	P	P			P	P	P	Sec. 25-4.4.4(b)	
Flea market, temporary											P	P	P	P	P					P	P		Sec. 25-4.4.4(c)	
Mobile food vending site	P								P	P	P	P	P	P	P	P	P	P		P	P	P	Sec. 25-4.4.4(d)	
Model sales home/unit		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.4.4(e)	
Sales, outdoor											P	P	P	P	P						P	P	Sec. 25-4.4.4(f)	
Seasonal sale									P	P	P	P	P	P	P	P					P	P	Sec. 25-4.4.4(g)	
Special event	S								S	S	S	S	S	S	S	S	S	S			S	S	Sec. 25-4.4.4(h)	
Storage in portable shipping container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.4.4(i)	
Yard Sale	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	Sec. 25-4.4.4(j)	

Sec. 25-4.4.3. General Standards for All Temporary Uses and Structures²⁸⁰

(a) Temporary Use Permit Required

- (1) Approval of a temporary use permit in accordance with Sec. 25-2.4.8, Temporary Use Permit, is required prior to conducting any temporary use allowed by this section, except the following uses do not require approval of a temporary use permit:

²⁸⁰ This new section establishes general standards for all temporary uses and structures to address potential impacts on surrounding lands and on the City.

- (i) Yard sales;
 - (ii) Storage in a portable shipping container;
 - (iii) Mobile food vending sites in City parks or in the established Public Space Usage Area in accordance with Sec. 25-4.4.4(d)(2), Applicability; and
 - (iv) Events and activities identified as exempt from the standards for special events in Sec. 25-4.4.4(h)(2), Applicability.
- (2) The temporary use permit required by subsection (1) above, shall be prominently displayed on the site.

(b) Parking, Access, and Circulation

- (1) Adequate off-street parking shall be provided to serve the use.
- (2) Except as otherwise provided by this Ordinance, the use or structure shall not occupy any required off-street parking spaces or loading areas.
- (3) The site, including entrance and exit drives, shall be designed to ensure safe movement of vehicles and pedestrians.
- (4) The use or structure shall be located and configured to accommodate associated pedestrian, parking, and traffic movement without disturbing environmentally sensitive lands or creating traffic hazards.

(c) Prohibited Activities

A temporary use or structure shall not:

- (1) Permanently alter the site;
- (2) Be located in a visibility triangle;
- (3) Interfere with the normal operations of a permanent use located on the site; or
- (4) Violate any conditions of approval that apply on the site.

Sec. 25-4.4.4. Specific Standards for Temporary Uses and Structures

(a) Construction-Related, Building, Structure, Or Use²⁸¹

- (1) The temporary building, structure, or use 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 building, structure, or use may be placed on a property adjacent to the construction site if site constraints make it infeasible to locate the structures or facilities 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 building, structure, or use shall be provided.
- (4) Construction site fencing may remain in place provided the building permit remains active and has not expired.

²⁸¹ This builds on provisions in Sec. 25-5 and Sec. 25-18 of the current zoning ordinance, which allow for temporary storage of building materials and construction offices on building sites.

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Sec. 25-4.4.4, Specific Standards for Temporary Uses and Structures

- (5) Construction waste generated on-site shall be placed in receptacles or immediately removed from the site. Construction waste receptacles shall be regularly emptied to prevent overflow of waste.
 - (6) Temporary structures, such as a construction trailer or temporary modular unit, may be used as a real estate sales office, promotion and management office in any new construction project for the sale and promotion of properties within that project and/or its future phases only. A real estate office may not contain sleeping or cooking accommodation unless located in a model sales home/unit.
 - (7) A construction trailer may be used for a contractor's office and/or for the contractor's storage of equipment and materials.
 - (8) During the active construction period of a construction project involving a non-residential use or a residential development with building permit(s) for more than 50 units at any one time, one mobile home or trailer may be allowed on the same property to be used as a temporary residence by a security guard.
 - (9) The Director shall issue the temporary use permit for an appropriate period of time not to exceed 12 months and may extend the temporary use permit for additional 12-month periods on finding that the building construction or land development is proceeding in a reasonably timely manner.
- (b) Farmers' Market, Temporary²⁸²**
- (1) The farmers' market shall operate only with written permission from the owner of the property on which it is located.
 - (2) The farmers' market shall be open only during daylight hours, unless located within a building in accordance with subsection (3) below.
 - (3) The farmers' market shall be located on the open area or parking lot of property owned by a public agency or a not-for-profit organization, except the farmers' market may operate inside a building only during the months of December through March for a period not to exceed a total of 30 days.
 - (4) The farmers' market shall provide adequate ingress, egress, and off-street parking areas. Vehicular access to the subject property shall not be by means of streets internal to subdivisions or one-family neighborhoods.
 - (5) Sales shall be limited to the retail sale of agriculture, aquaculture, and horticulture products produced by the vendor, including the sale of products made by the vendor from such products (e.g., baked goods, jams and jellies, juices, cheeses), and incidental sales of crafts or similar home-made products made by the vendor.
 - (6) Items for sale shall not be displayed or stored within customer pathways.
 - (7) The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.
 - (8) The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

²⁸² These standards are new.

(c) Flea Market, Temporary²⁸³

- (1) The market shall operate only with written permission from the owner of the property on which it is located.
- (2) The market shall operate for no more than 30 days in any one calendar year.
- (3) The market shall be open only during daylight hours.
- (4) The market shall only be located on the open area or parking lot of property owned by a public agency or a not-for-profit organization.
- (5) Market sales shall be limited to the retail sale of merchandise, collectibles, crafts, antiques, and other items, excluding automobiles, automobile parts, and non-portable household appliances.
- (6) Items for sale shall not be displayed or stored within customer pathways.
- (7) The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.
- (8) The market shall have a manager authorized to direct the operation of all participating vendors during all hours of operation.

(d) Mobile Food Vending Site²⁸⁴

(1) Purpose and Intent

The purpose of this section is to set out standards for the establishment and operation of mobile food kiosks, units, and sites in the City, to ensure they are compatible with the surrounding area. The requirements in this section are intended to:

- (i) Maintain the integrity of the City's business districts; and
- (ii) Provide clear enforceable criteria for the establishment and operation of Mobile food kiosks, units, and sites in the City.

(2) Applicability

Mobile food vending sites and mobile food vending units shall comply with the standards in this section. Mobile food vending sites may be established in any of the following locations, subject to approval of a temporary use permit, except as otherwise provided below:

- (i) On public or semipublic property not identified in subsections (ii) through (v) below, including but not limited to temporarily closed public right-of-way during special events.
- (ii) Within a City park outside of the public right-of-way, subject to approval by the Parks and Recreation Department (a temporary use permit is not required). The Parks and Recreation Department shall communicate all such requests to the Director and to the Revenue Department, the Fire Department, and the Police Department. The Director will review such requests for ease of access and impact on parking in the area.

²⁸³ These standards are new.

²⁸⁴ This carries forward Article X of the current zoning ordinance, with refinements for clarity and for consistency with the new organization and standards in the draft zoning ordinance, and to include additional standards from a preliminary draft of an ongoing text amendment.

- (iii) In the established Public Space Usage Area as established by City Council Resolution 13-338 adopted December 3, 2013, when approved by the Public Space Usage Committee (a temporary use permit is not required).
- (iv) On any lot containing a commercial use that is not classified in a Residential district, and in accordance with Sec. 25-4.4.4(d)(3), Requirements on Lot Containing Commercial Use.
- (v) In any of the special mobile food vending areas identified in Table 25-4.4.4(d): Special Mobile Food Vending Areas, subject to the corresponding maximum number of mobile food vending sites in Table 25-4.4.4(d) in accordance with Sec. 25-4.4.4(d)(4), Requirements in Special Mobile Food Vending Areas.

TABLE 25-4.4.4(D): SPECIAL MOBILE FOOD VENDING AREAS

AREA	MAXIMUM NUMBER OF MOBILE FOOD VENDING SITES
[insert area description]	[insert number]

(3) Requirements on Lot Containing Commercial Use

Mobile food vending sites established and operated in accordance with subsection (2)(iv) above, shall comply with the requirements in this section in addition to the standards in Sec. 25-4.4.4(d)(5), General Standards.

- (i) The Director shall communicate the temporary use permit application to the Building Department, the Revenue Department, the Fire Department, and the Police Department at least 48 hours before the use commences. The Director is authorized to approve temporary use permits that have a period of validity of one week or less. Temporary use permits having a period of validity of up to one year may be approved by the Director, with concurrence from the Building Department, the Revenue Department, the Fire Department, and the Police Department.
- (ii) The use shall be clearly ancillary to the principal commercial use on the lot.
- (iii) The mobile vending site shall comply with any use-specific standards (see Section 25-4.2, Principal Uses) that apply to the principal commercial use on the lot.
- (iv) The mobile food vending site shall not operate on the premises for more than four consecutive days out of seven.
- (v) The hours of operation of mobile food vending units on the premises shall not extend beyond the normal business hours of the principal commercial use.

(4) Requirements in Special Mobile Food Vending Areas

Mobile food vending sites established and operated in accordance with subsection (2)(v) above, shall comply with the requirements in this section in addition to the standards in Sec. 25-4.4.4(d)(5), General Standards.

- (i) The temporary use permit application shall include proof that all other necessary permits and licenses have been obtained. Approval of the temporary use permit is subject to concurrence from the Building Department, the Revenue Department,

the Fire Department, and the Police Department. Such approval must be obtained at least 48 hours before the operation of the mobile food vending site commences.

- (ii) The temporary use permit application shall be considered a request to reserve the specified mobile food vending site. If all sites allowed within a particular special mobile food vending area are reserved in accordance with Table 25-4.4.4(d), the applicant may request to be put on a wait list for the next available opening at that location. The maximum period of validity of temporary use permits granted within any such area shall be fourteen days (eight days of operation) per approval.
- (iii) No mobile food vending unit shall operate for more than four days out of seven.

(5) General Standards

- (i) Each mobile food unit or kiosk on the site shall obtain and prominently display a valid City of Decatur Business License.
- (ii) Mobile food vending sites shall have a site coordinator who maintains a list of licensed vendors with the City of Decatur Revenue Department.
- (iii) The site shall be located a minimum of 100 feet from all buildings housing an eating or drinking establishment.
- (iv) Hours of operation shall be limited to between the hours of 6:00 a.m. to 12:00 a.m. Monday through Sunday.
- (v) A mobile food units and kiosks shall be removed from the site each night unless during a multi-day special event where security and safety provisions are in place and on file.
- (vi) Food preparation shall be regulated by the health department of the county in which the site is located, and a written permit and proof of inspection shall be posted at each mobile food unit or kiosk at all times
- (vii) The applicant shall provide written permission from the property owner and the list of the vendors that will be located on the site to the Revenue Department. If the site is proposed to be located in a closed or barricaded public right-of-way, the applicant shall also provide a signed and approved temporary street barricade permit.
- (viii) The site shall include adequate toilet facilities in accordance with applicable health department regulations.
- (ix) Mobile food vending units and kiosks shall not be located:
 - a. In any required setback;
 - b. In any required parking space or aisle;
 - c. In any required landscaped buffer;²⁸⁵
 - d. In a visibility triangle, unless the driveway or street is closed for its normal operation;²⁸⁶

²⁸⁵ This limitation is new.

²⁸⁶ This limitation is new.

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Sec. 25-4.4.4, Specific Standards for Temporary Uses and Structures

- e. Over any public right-of-way or easement, unless part of a special event or the right-of-way is closed for its normal operation; or
- f. In a manner that impedes an exit or entrance of an operating building.
- (x) Each mobile food vending unit or kiosk shall provide a trash receptacle within three feet of the front or back of the unit or kiosk and shall keep the area within a ten-foot radius of the unit or kiosk free of trash and clean during operation and upon ceasing operation.
- (xi) Exterior lighting shall comply with Section 25-5.6, Exterior Lighting Standards.
- (xii) Any signage shall be attached to the mobile food vending unit or kiosk. Off-premise signs are prohibited.
- (xiii) No outdoor loudspeaker, public address system, music, or other form of entertainment shall be audible from a stationary mobile food vending unit, kiosk or site.
- (xiv) Any on-site preparation of food shall be performed only inside a mobile food vending unit or kiosk. The use of grills or other cooking facilities outside a mobile food vending unit or kiosk is prohibited on the site.
- (xv) All mobile food vending units and kiosks shall have a fire inspection by the Fire Marshall prior to being located in a mobile food vending site. A mobile food vending unit or kiosk shall maintain and have available current inspection and/or test records of fire suppression hood systems on the mobile food vending unit or kiosk, if applicable, and shall comply with fire and explosion safety standards if a pressurized fuel system or container is used.
- (xvi) Wastewater shall be collected and disposed of in accordance with applicable federal, state, and local requirements. Preapproval from Decatur Utilities shall be required.
- (xvii) No mobile food vendor may rent, lease, sublet, or otherwise permit other vendors to use a site or space for which the original vendor has received approval from the City.
- (xviii) Mobile food vending units approved by the City to operate in street parking along an active public right-of-way must be oriented in such a way that all business is conducted on the side of the unit facing the curb.

(e) **Model Sales Home/Unit**²⁸⁷

A single model sales home/unit may be located on a new development site and temporarily used for sales or leasing uses associated with a residential or mixed-use development with residential units, subject to the following standards:

- (1) A model sales home/unit shall be located on a lot or building site approved as part of the development or within a building approved as part of the development.
- (2) Adequate measures shall be taken to ensure the use will not adversely affect the health and safety of residents or workers in the area, and will not be detrimental to the use or development of adjacent properties or the surrounding neighborhood.

²⁸⁷ These are new standards for a common temporary use.

- (3) There shall be no more than one model sales home/unit per builder in the development.
 - (4) The building used as or containing a sales office shall comply with all dimensional standards and other development requirements.
 - (5) The building shall be aesthetically compatible with the character of the surrounding area in terms of exterior color, predominant exterior materials, and landscaping.
 - (6) A model sales home/unit may be used for temporary sales/leasing until such time as the last lot or residential unit is developed.
 - (7) 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 permanent permitted use, and any excess parking shall be removed and landscaped in accordance with the development permits and approvals for the development.
 - (8) A model sales home shall not be used for storage of building materials.
 - (9) The number of employees using the model home as an office may not exceed five.
 - (10) A temporary use permit for the use shall be issued only when actual construction on or in the immediate vicinity of the development site necessitates the model sales home/unit. The permit shall be initially valid for no more than three years. The Director may grant written extensions of this time period, however, the permit shall remain valid no longer than the time required for the construction of the development.
- (f) Sales, Outdoor²⁸⁸**
- (1) The sales activity shall be incidental to a primary use permitted in the zoning district in which it is located.
 - (2) The front yard shall remain free of permanent structures. All items related to the outdoor sales, including tables, chairs, fences, walls, cordons and accouterments, shall be removed from the front yard whenever the establishment is not open for business. The front yard shall remain open and unenclosed.
 - (3) The display area shall not extend beyond the sidewalk or concrete apron entrance of the building, nor encroach into a public right-of-way.
 - (4) If the private sidewalk or pedestrian way in front of the building is used for display of merchandise, a minimum width of four feet must remain unobstructed for pedestrian use.
 - (5) Temporary sales activities are prohibited on vacant property and from vehicles, except sales are allowed from vehicles when conducted by a commercial establishment that occupies a principal building on the lot where the sales occur.
 - (6) When outdoor sales or table service is not provided, lightweight chairs and tables may be located anywhere in the front yard provided the tables or chairs are located behind the property line and are not in the public right-of-way.
- (g) Seasonal Sales²⁸⁹**
- (1) The display/sales area shall be located at least 25 feet from an existing street line and from any adjacent lot lines.

²⁸⁸ These are new standards to address potential impacts of outdoor sales.

²⁸⁹ These are new standards.

Section 25-4.4, Temporary Uses and Structures

Sec. 25-4.4.4, Specific Standards for Temporary Uses and Structures

- (2) Adequate measures shall be taken to ensure that the use will not adversely affect the health and safety of residents or workers in the area, and will not be detrimental to the use or development of adjacent properties or the general neighborhood.
- (3) Off-street parking shall be adequate to accommodate the proposed sale of products.
- (4) Seasonal Sales shall be valid for no more than 45 consecutive days. Any building/display booth must be portable and completely removed at the end of the period.

(h) Special Event²⁹⁰

(1) Purpose

The purpose of this section is to set out standards for special events in the City, to ensure they are compatible with the surrounding area. The requirements in this section are intended to:

- (i) Maintain the integrity of the City's business districts;
- (ii) Provide clear and enforceable standards for special events in the City; and
- (iii) Make adequate provisions for the allowance of special events in the City.

(2) Applicability²⁹¹

- (i) All special events (including but not limited to cultural events, religious events, musical events, celebrations, festivals, fairs, carnivals, circuses, and communal camping) held on private property within the City shall comply with the standards in this subsection, unless exempted in accordance with section (ii) below.
- (ii) The following events or activities are exempt from the standards of this subsection and may occur without a temporary use permit for a special event. They are subject to all other applicable procedures and standards of this Ordinance:
 - a. Special events or activities occurring within, or on the grounds of, a single-family detached development;
 - b. Any event sponsored in whole or in part by the City;
 - c. Any event conducted on public property, such as school sites and public parks, and public events on private property. Special events must comply with any guidelines, regulations, and permitting process required by the authorizing agency (e.g. School District or a Parks and Recreation Department); and
 - d. Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; wedding services conducted at places of worship, reception halls, or similar facilities; and funeral services conducted at places of worship, funeral homes, or cemeteries.

²⁹⁰ This section builds on standards for temporary occupancy businesses in Article V of the current zoning ordinance. It includes several refinements, clarifications, and additions, as noted in the footnotes below.

²⁹¹ This section is new.

(3) Standards

- (i) Prior to the issuance of a special exception permit for the special event, the applicant shall submit a copy of a valid City business privilege license for the special event.
- (ii) The special event shall not create an unreasonable risk of significant:²⁹²
 - a. Damage to public or private property, beyond normal wear and tear;
 - b. Injury to persons;
 - c. Public or private disturbances or nuisances;
 - d. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
 - e. Additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; and
 - f. Other adverse effects upon the public health, safety, or welfare.
- (iii) The special event shall not be of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event.²⁹³
- (iv) The special event shall not be at a time and location that has already been permitted or reserved for other activities.²⁹⁴
- (v) Approved temporary toilet facilities shall be provided for the duration of the special event.
- (vi) Adequate off-street parking shall be provided to accommodate anticipated parking demands.²⁹⁵
- (vii) All electrical hookups shall comply with the City's Electrical Code.
- (viii) All portable storage/office buildings shall comply with the manufacturer's installation instructions and the Building Code.
- (ix) All tents shall be certified by the manufacturer to comply with applicable flame resistance standards.
- (x) Special exception permits for special events are nontransferable and shall remain valid only for the time period specified on the permit.

(4) Conditions of Approval²⁹⁶

The Board of Zoning Adjustment may include conditions of approval in its approval of a special exception permit for a special event, which may include or address, but are not limited to, the following:

- (i) Provision of temporary parking facilities, including vehicular access and egress;
- (ii) Control of nuisance factors, such as the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;

²⁹² This standard is new.

²⁹³ This standard is new

²⁹⁴ This standard is new.

²⁹⁵ The current language in Sec. 25-112(c) is: "Off-street parking shall be provided in accordance with the zoning district and occupancy classification applied for on the application." Because the draft parking standards reference individual principal uses, this more general standard is included in this draft.

²⁹⁶ This section is new.

Section 25-4.4, Temporary Uses and Structures

Sec. 25-4.4.4, Specific Standards for Temporary Uses and Structures

- (iii) Regulation of temporary buildings, structures, and facilities, including placement, height, size, location of equipment, and open spaces, including buffer areas and other yards;
 - (iv) Provision of sanitary and medical facilities;
 - (v) Provision of solid waste collection and disposal;
 - (vi) Provision of security and safety measures;
 - (vii) Use of an alternative location or date for the proposed special event;
 - (viii) Modification or elimination of certain proposed activities; and
 - (ix) Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this subsection.
- (i) **Storage in Portable Shipping Container²⁹⁷**
- (1) Storage containers shall not exceed 160 square feet in floor area or be taller than nine feet.
 - (2) Containers shall be located within a driveway, parking, or loading area. In cases where the driveway, parking, or loading area extends behind the front façade of a building, the container shall be placed behind the front façade.
 - (3) In cases where improved driveways, parking, or loading areas are not present, containers shall be located so as to minimize their visibility from streets or adjacent residential areas, to the extent practicable.
 - (4) Nothing in these standards shall limit the placement of more than one container on a lot or site, provided compliance with all other applicable standards is maintained.
 - (5) Except for storage containers located on construction sites, storage containers shall not be located on an individual parcel or site for more than 30 consecutive days per site per occurrence. This time period may be extended for a maximum period of 30 days if a written request for an extension is submitted to the Director prior to the expiration of the initial 30 days.
 - (6) Storage containers may be placed on a residential site a maximum of two occurrences per year.
 - (7) A minimum period of six months is required between the removal of a storage container from a nonresidential site and the subsequent placement of a storage container on the site.
- (j) **Yard Sale²⁹⁸**
- (1) Sales shall not be held more than five times in a calendar year.
 - (2) Each yard sale event is limited to the daylight hours.
 - (3) Sales shall not last longer than three consecutive days.
 - (4) Sales shall be prohibited on commercially developed properties and vacant lots.
 - (5) Goods intended for sale shall not be stored or displayed in the front or side yards of a dwelling except on the day of the sale.

²⁹⁷ These new standards address a common temporary use.

²⁹⁸ These are new standards to limit yard sale impacts on surrounding lands.

- (6) All signs shall comply with Section 25-5.9, Sign Standards.

6

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Article 25-6. Nonconformities

Commentary on Article 25-6. Nonconformities

This article establishes the rules pertaining to nonconforming uses, structures, lots of record, signs, and other site features. The article is organized into six sections, which are summarized below.:

Section 25-6.1, General Applicability, lays out the purpose and scope of the article, authorizes the continuation of nonconformities, states that the property owner has the burden of establishing the nonconformity, authorizes minor repairs and maintenance, and clarifies that changes in tenancy or ownership do not affect nonconformity status.

Section 25-6.2, Nonconforming Uses, establishes rules for extension, expansion or relocation of a nonconforming use, and for a change in use or discontinuance of a nonconforming use.

Section 25-6.3, Nonconforming Structures, sets out rules for nonconforming structures that address their enlargement, alteration, relocation, or reconstruction or repair after damage or destruction.

Section 25-6.4, Nonconforming Lots of Record, establishes rules for development on nonconforming lots of record.

Section 25-6.5, Nonconforming Signs, includes rules for enlargement, alteration, relocation, reconstruction, or repair of nonconforming signs.

Section 25-6.6, Nonconforming Site Features, requires nonconforming off-street parking and landscaping to be brought into additional compliance when a remodeling or expansion of an existing building on the site exceeds certain thresholds.

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

SECTION 25-6.1. GENERAL APPLICABILITY⁴⁴²

Sec. 25-6.1.1. Purpose and Scope

- (a) In this Ordinance there exist uses of land, structures, lots of record, signs, and site features that were lawfully established before the Ordinance was adopted or amended, that do not conform to its terms and requirements. It is the general policy of the City to allow such uses, structures, lots of record, signs, and site features to continue to exist. It also is the policy of the City to bring as many of these nonconformities into conformance with this Ordinance as is reasonably practicable, subject to the requirements of this article.
- (b) The purpose and intent of this article is to recognize the interests of the landowner in continuing to use the land, but to preclude the expansion of a nonconformity or reestablishment of a discontinued or substantially destroyed nonconformity unless allowing

⁴⁴² As discussed on page III-26 of the Code Assessment, this section identifies of the purpose of the nonconformity rules in this article, states that lawfully established nonconformities are allowed to continue and that routine maintenance and minor repairs are allowed, clarifies that the landowner has the burden of proving the existence of a lawful nonconformity, and states that a change in tenancy or ownership does not affect nonconformity status.

such expansion or reestablishment can serve as an incentive to achievement of even greater public benefit.

Sec. 25-6.1.2. Authority to Continue

- (a) Except as otherwise provided in subsection (b) below, all lawfully existing nonconformities are allowed to continue, and are encouraged to be maintained in accordance with Sec. 25-6.1.4, Minor Repairs and Maintenance, as a means of preserving safety and appearance.
- (b) Sale of alcoholic beverages shall not be included in the authority to continue a nonconformity set out in subsection (a) above. No permits, licenses, or other authority shall be granted for sale of alcoholic beverages where not specifically authorized by this Ordinance, regardless of any existing nonconforming use of property for purposes not including the right to sell alcoholic beverages.⁴⁴³

Sec. 25-6.1.3. Determination of Nonconforming Status

In all cases, the burden of establishing that a nonconformity lawfully exists shall be on the owner of the land on which the purported nonconformity is located.

Sec. 25-6.1.4. Minor Repairs and Maintenance

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, signs, and site features in a safe condition are permitted. For the purposes of this subsection "minor repair or normal maintenance" means any of the following:

- (a) Repairs that are necessary to maintain a nonconforming use, structure, lot of record, sign, or site feature in a safe condition;
- (b) Maintenance of land areas to protect against health hazards and promote the safety of surrounding uses; and
- (c) In the case of a nonconforming sign, any sign maintenance identified in Sec. 25-5.9.4(c)(2).

Sec. 25-6.1.5. Change of Tenancy or Ownership

No change of title or possession or right to possession of land involved shall be construed to prevent the continuance of such nonconformity.

SECTION 25-6.2. NONCONFORMING USES⁴⁴⁴

Sec. 25-6.2.1. General

Nonconforming uses are declared generally incompatible with the permitted uses in the zoning district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this section.

⁴⁴³ This carries forward an exception from Sec. 25-9.2 of the current zoning ordinance.

⁴⁴⁴ As discussed on pages III-26 and III-27 of the Code Assessment, this section builds on Sec. 25-13 to establish rules governing nonconforming uses. It modifies the current rule that prohibits changing to another nonconforming use to allow conversion to another nonconforming use in some situations.

Sec. 25-6.2.2. Extension, Expansion, or Relocation

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.

Sec. 25-6.2.3. Change in Use

- (a) Except as otherwise provided in subsection (b) below, a nonconforming use may only be changed to a use that is permitted in the zoning district in which it is located. Once a nonconforming use is converted to a conforming use, it shall not be changed back to a nonconforming use.
- (b) An existing nonconforming use may be converted to another nonconforming use, subject to approval of a special exception permit (see Sec. 25-2.4.4, Special Exception Permit) if the Board of Zoning 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.

Sec. 25-6.2.4. Discontinuance or Abandonment of Nonconforming Use

- (a) 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) Time spent renovating or repairing a structure that houses the nonconforming use is not considered a discontinuance of the use, provided:
 - (1) All appropriate development permits are obtained;
 - (2) The renovation or repair is completed within 18 months after commencement of the repair or renovation;
 - (3) The use is reestablished within one month after completion of the renovation or repairs; and
 - (4) Any discontinuance of use caused by government action without the contributing fault by the nonconforming user shall not be considered in determining the length of discontinuance.

Sec. 25-6.2.5. 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 25-6.3, Nonconforming Structures.

SECTION 25-6.3. NONCONFORMING STRUCTURES

Sec. 25-6.3.1. General

Nonconforming structures shall be subject to the standards in this section.

Sec. 25-6.3.2. Relationship to 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 25-6.2, Nonconforming Uses.

Sec. 25-6.3.3. Enlargement or Alteration

(a) General

Except as otherwise provided in subsection (b) below, 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. *(As an example, consider a hypothetical structure that is nonconforming because it has a side setback of five feet where the required minimum side setback is ten feet. That structure could not be enlarged so as to further encroach into the side setback, but could be enlarged in the rear of the structure if the enlargement complies with all applicable requirements in the zoning ordinance, including minimum rear setback requirements.)*

(b) Exception in Floodplains

- (1)** Any structure located within an area of special flood hazard that is nonconforming with regard to any provision of this Ordinance other than Section 25-5.10, Floodplain Management, may be enlarged or altered without regard to the limitations in subsection (a) above, if the enlargement or alteration:
 - (i)** Does not increase the footprint of the nonconforming part of the structure by more than 20 percent;
 - (ii)** Complies with Section 25-5.10, Floodplain Management; and
 - (iii)** Makes the structure more resilient to storm and flood damage by undertaking at least four of the resiliency measures identified in subsection (2) below, in accordance with the standards and guidelines of the National Flood Insurance Program (NFIP).
- (2)** The following are resiliency measures for purposes of subsection (1) above:
 - (i)** Elevate the structure so its lowest habitable floor is at least one foot above the base flood elevation;
 - (ii)** Dry floodproof exterior walls below the base flood elevation up to at least 75 percent of the height between ground level and the base flood elevation;
 - (iii)** Convert enclosed areas of the structure below the base flood elevation to nonhabitable space;
 - (iv)** Wet floodproof enclosed areas of the structure below the base flood elevation to allow flood waters to temporarily fill the areas to equalize hydrostatic loads and prevent buoyancy, including the elevation or floodproofing of HVAC equipment and electrical system components;
 - (v)** Install permanent storm shutters on glass windows and doors or replace glass windows and doors with shatterproof glass;

- (vi) Install flood openings in foundations and enclosed areas of the structure below the base flood elevation to allow flood waters to pass through to equalize hydrostatic loads and prevent buoyancy; or
- (vii) Secure shingle, built-up, and metal roofs against high wind damage.

Sec. 25-6.3.4. Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location on or off the lot of land on which it is located, unless the structure is made to conform to the requirements of this Ordinance.

Sec. 25-6.3.5. Reconstruction or Repair After Casualty Damage⁴⁴⁵

Except as otherwise provided in Section 25-5.10, Floodplain Management, 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 75 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 75 percent or less of its assessed value before the damage, 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 begins within one year after the damage and is diligently pursued to completion, with a valid building permit maintained until the reconstruction or repair is completed.

(b) Damage greater than 75 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 75 percent or more of its assessed value before the damage, the structure shall not be reconstructed or repaired except in conformity with the provisions of this Ordinance.

SECTION 25-6.4. NONCONFORMING LOTS OF RECORD⁴⁴⁶

Sec. 25-6.4.1. General

No development shall be established on a nonconforming lot of record except in accordance with the standards in this section.

⁴⁴⁵ This section modifies to the current rule, which addresses fire damage only and allows rebuilding so long as the damage does not exceed the structure's full value above the foundation. The new rule sets a threshold for the cost of allowed reconstruction or repairs at 75 percent of the assessed value of the structure before the damage.

⁴⁴⁶ This section establishes rules for development on nonconforming lots of record.

Sec. 25-6.4.2. Structures on Nonconforming Lots

Nonconforming structures legally established on a nonconforming lot of record before [Insert effective date] may be continued, enlarged, or redeveloped only in accordance with the standards in Section 25-6.3, Nonconforming Structures.

Sec. 25-6.4.3. Development of Nonconforming Lots⁴⁴⁷

New development shall be allowed on a vacant nonconforming lot of record in accordance with subsections (1) and (2) below, provided neither the lot nor any portion of it has been held in common ownership with any 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.
- (b) In Business 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 applicable setback and building height standards and any applicable use-specific standards.

Sec. 25-6.4.4. Governmental Acquisition of Land⁴⁴⁸

If a conforming lot is made nonconforming due to governmental acquisition of a portion of the lot for a public purpose that results in the lot no longer complying with the dimensional standards of the district in which the lot is located, the lot shall be determined conforming, if development on the lot:

- (a) Is allowed in the zoning district in which the lot is located;
- (b) Complies with the dimensional standards of the zoning district in which the lot is located, to the maximum extent practicable;
- (c) Complies with all applicable standards in Article 25-5: Development Standards, to the maximum extent practicable; and
- (d) Complies with all other standards and requirements of this Ordinance.

SECTION 25-6.5. NONCONFORMING SIGNS⁴⁴⁹

Sec. 25-6.5.1. General

- (a) Nonconforming signs shall be subject to the standards in this section.

⁴⁴⁷ This section is new. It is included to allow use of a nonconforming lot if all setback and other requirements are met, and to required consolidation where the nonconforming lot and an abutting lot are in common ownership.

⁴⁴⁸ This section is new. It addresses situations where nonconformities would otherwise be created by government acquisition of land.

⁴⁴⁹ As discussed on page III-27 of the Code Assessment, this section carries forward and refines the rules governing nonconforming signs in Sec. 25-80 and Sec. 25-81 of the current zoning ordinance, with some modifications.

- (b) Signs identified in Sec. 25-5.9.5(c), Prohibited Public Nuisance Signs, are a violation of this Ordinance and shall not be given nonconformity status.
- (c) No detached sign shall be erected on the same lot with an existing nonconforming detached sign until the nonconforming sign has been removed or made to conform to this Ordinance, unless the nonconforming sign is nonconforming only because it does not comply with the minimum spacing requirements for off-premise signs in Sec. 25-5.9.7(a)(3)(iv), Minimum Spacing and Setbacks.

Sec. 25-6.5.2. Enlargement, Alteration, or Relocation

- (a) A nonconforming sign shall not be enlarged or structurally altered in any way that increases the degree or extent of its nonconformity, including, but not limited to, an increase in the sign's extension into or bulk within a required setback or an increase in the sign's height above the maximum allowed height.⁴⁵⁰
- (b) The additional of artificial illumination to a nonconforming sign is prohibited.
- (c) Except as otherwise provided in Sec. 25-6.5.3 below, a nonconforming sign shall not be moved or replaced except to bring it into complete conformity with this Ordinance.

Sec. 25-6.5.3. Reconstruction or Repair After Damage or Destruction

- (a) Except as otherwise provided in subsection (b) or subsection (c) below, a nonconforming sign that is damaged or destroyed may be reconstructed or repaired only if the following requirements are met:
 - (1) The cost of restoring the sign to its before-damaged condition must be 50 percent or less of its replacement value before the damage, exclusive of foundations or supports;
 - (2) The reconstruction or repair shall not increase, expand, enlarge, or extend the degree of nonconformity; and
 - (3) The reconstruction or repair shall begin within one year after the damage and be diligently pursued to completion; however, if the Director provides notice to the landowner or tenant that the sign is unsafe, insecure, or a menace to the public, the conditions identified in such notice shall be remedied within 30 days of the notice.⁴⁵¹
- (b) If a nonconforming landmark sign, defined as nonconforming on-premise sign erected prior to 1960, is damaged or destroyed, it may be restored to its before-damaged condition in the same location, regardless of the cost.⁴⁵²

⁴⁵⁰ This changes the current provision, which does not allow alteration of nonconforming sign, in order to reduce the number of variances sought. Alteration is currently defined as "The replacement, enlargement, reduction, or reshaping of, or addition to, a sign, sign trim, frame, pole, brackets, or any supporting member; or any change in the number of poles supporting a sign; or, except as authorized under the definition of "maintenance" herein defined, the replacement or modification of any words, letters, numerals, symbols, or other surface features of a sign in order to create a substantially different visual effect, or to advertise a business, activity, product, or service of a different type, category, or nature than the business, activity, product, or service which it advertised before the replacement or modification." This new provision would allow for a sign to be enlarged or altered, so long as the degree or extent of nonconformity is not increased.

⁴⁵¹ The one-year requirement is new.

⁴⁵² This provision is new.

- (c) Replacement of a nonconforming off-premise sign that is removed or destroyed shall comply with Sec. 25-5.9.7(a)(3)(ii), Replacement of Removed or Destroyed Signs.

Sec. 25-6.5.4. Abandonment

If a nonconforming on-premise sign is abandoned for a period exceeding 90 days, it shall lose its nonconformity status and shall be either removed or made to comply with the standards in this Ordinance. The Director may grant extensions of this 90-day period totaling not more than nine months if the Director determines there is a valid permit for work on the sign and the work is being actively undertaken.⁴⁵³ A sign shall be considered abandoned or discontinued if its copy area is no longer readable or comprehensible, or if the sign advertises an activity or business no longer being conducted, or a service or product no longer being offered or produced, on the premises where the sign is located.

SECTION 25-6.6. NONCONFORMING SITE FEATURES⁴⁵⁴

Sec. 25-6.6.1. Purpose

The purpose of this section is to provide a means whereby the City may require certain nonconforming off-street parking and/or landscaping to be brought into greater compliance with the standards of this Ordinance as part of a remodeling or expansion of an existing building.

Sec. 25-6.6.2. Graduated Compliance Required

Nonconforming off-street parking and nonconforming landscaping on the site of a proposed remodeling or expansion of a building shall be brought into compliance with this Ordinance to the extent required by Table 25-6.6.2: Required Compliance of Nonconforming Site Features, prior to the issuance of a certificate of occupancy for the building.

TABLE 25-6.6.2: REQUIRED COMPLIANCE OF NONCONFORMING SITE FEATURES

TYPE OF REMODELING OR EXPANSION	DEFINITION [1]	ADDITIONAL COMPLIANCE REQUIRED [2]
REMODELING		
Remodeling Costing Less than 50 Percent of Building Value	Remodeling of a building in any continuous five-year period that costs 50 percent or less of the current assessed value of the building	There is no requirement for additional compliance of the nonconforming off-street parking or landscaping

⁴⁵³ This provision allowing extensions of up to months is new.

⁴⁵⁴ As discussed on page III-27 of the Code Assessment, this new section establishes a sliding scale compliance requirement for nonconforming off-street parking and landscaping when there is a remodeling or expansion on the site, based on the cost of the remodel or the size of the expansion.

TABLE 25-6.6.2: REQUIRED COMPLIANCE OF NONCONFORMING SITE FEATURES

TYPE OF REMODELING OR EXPANSION	DEFINITION [1]	ADDITIONAL COMPLIANCE REQUIRED [2]
Remodeling Costing between 50 and 75 Percent of Building Value	Remodeling of a building in any continuous five-year period that costs 50 percent, but less than 75 percent, of the current assessed value of the building	A corresponding percentage of the total required landscaping and off-street parking, as applicable, is required as additional compliance of the nonconforming landscaping and/or parking, up to achievement of 100 percent compliance. [3] <i>Example: A nonresidential site with nonconforming off-street parking (site feature) with an assessed value of \$100,000 is undergoing remodeling equaling \$60,000 (60 percent of the assessed value). If the site at the time of remodel has 6 parking spaces, but the Ordinance requires a minimum of 20 for the proposed use (14 more spaces are required for the site to be conforming), the applicant would be required to provide 60 percent of the 20 spaces – or 12 more parking spaces – bringing the total number of spaces on the site to 18 spaces.</i>
Remodeling Costing 75 Percent or more of Building Value	Remodeling of a building in any continuous five-year period that costs 75 percent or more of the current assessed value of the building	Additional compliance of the nonconforming landscaping and off-street parking, as applicable, is required to achieve 100 percent compliance with the standards of this Ordinance. [3]
EXPANSION		
Additions and Expansion Less than 25 Percent	Additions or expansions to a building in any continuous five-year period that increase the gross square footage of the building (measured at the beginning of the five-year period) by less than 25 percent	There is no requirement for additional compliance of the nonconforming off-street parking or landscaping

TABLE 25-6.6.2: REQUIRED COMPLIANCE OF NONCONFORMING SITE FEATURES

TYPE OF REMODELING OR EXPANSION	DEFINITION [1]	ADDITIONAL COMPLIANCE REQUIRED [2]
Additions and Expansions between 25 and 65 Percent	Additions or expansions to a building in any continuous five-year period that increase either the gross square footage or the maximum occupancy of the building (measured at the beginning of the five-year period) by at least 25 percent but less than 65 percent [4]	A corresponding percentage of the total required landscaping and parking, as applicable, is required as additional compliance of the nonconforming landscaping and/or parking, up to achievement of 100 percent compliance <i>Example: Under this Ordinance's minimum off-street parking space standards, an existing building, if built today, would be required to provide at least 40 parking spaces, but the site only contains 20 spaces. If the building is expanded by 30 percent of its gross floor area, the expansion project must add 12 parking spaces (30 percent x 40 required spaces), increasing compliance from 50 percent (20 of 40 required spaces) to 80 percent (32 of 40 required spaces). A subsequent addition whose size also equals 30 percent of existing building size would require the addition of another 12 spaces (30 percent x 40 required spaces); however, because only 8 spaces would be required to achieve 100 percent compliance (32 + 8 = 40 spaces), only 8 additional parking spaces would be required.</i>
Additions and Expansions 65 Percent or More	Additions or expansions to a building in any continuous five-year period that increase either the gross square footage or the maximum occupancy of the building (measured at the beginning of the five-year period) by 65 percent or more [4]	Additional compliance of the nonconforming landscaping and parking, as applicable, is required to achieve 100 percent compliance with the standards of this Ordinance

NOTES:

- [1] Remodels and expansions under this section shall not include reconstruction or repairs allowed in accordance with Sec. 25-6.3.5, Reconstruction or Repair After Casualty Damage.
- [2] Where full compliance with the requirements of this section is precluded by a lack of sufficient developable area due to the area of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, or other significant environmental constraints on development, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the Director.
- [3] If the calculation results in four or fewer additional off-street parking spaces, no additional parking spaces are required under this section.
- [4] If only outdoor operations, storage, or display areas are being added or expanded on the site, no additional landscaping is required under this section.

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Article 25-8. Definitions and Rules of Measurement

Commentary on Article 25-8. Definitions and Rules of Measurement

This article builds on, organizes, and consolidates several provisions and defined terms in the current ordinance. It includes three sections:

Section 25-8.1, General Rules for Interpretation, addresses general issues related to construction of language and the meanings and intent of words in the Zoning Ordinance.

Section 25-8.2, Rules of Measurement, establishes rules for measuring dimensional standards like height, width, setbacks, lot area, and other measurements that are required to interpret standards.

Section 25-8.3, Definitions, includes definitions of terms used in the Zoning Ordinance, listed in alphabetical order.

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

SECTION 25-8.1. GENERAL RULES FOR INTERPRETATION⁴⁶⁴

Sec. 25-8.1.1. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 25-1.3, General Purpose and Intent, and the specific purpose statements set forth throughout the Ordinance. When a specific section of the Ordinance gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term shall control.

Sec. 25-8.1.2. Headings, Illustrations and Text

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

Sec. 25-8.1.3. Lists and Examples

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

⁴⁶⁴ This section builds on and updates provisions in Sec. 25-2, Definitions, of the current zoning ordinance. Where provisions are carried forward or modified, it is noted in footnotes; otherwise, the provisions in this section are new.

Sec. 25-8.1.4. Computation of Time⁴⁶⁵

- (a) In computing any period of time prescribed or allowed, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.
- (b) The term "day" means a business day, unless a calendar day is indicated.
- (c) The term "month" means a calendar month.
- (d) The term "year" means a calendar year unless otherwise indicated.

Sec. 25-8.1.5. Relative Location⁴⁶⁶

- (a) That which is "adjacent" may be separated from each other by some intervening object.
- (b) That which is "abutting" or "adjoining" must touch each other in some part.
- (c) That which is "contiguous" must touch each other entirely on one side.

Sec. 25-8.1.6. References to other Regulations and Publications

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

Sec. 25-8.1.7. Delegation of Authority

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

Sec. 25-8.1.8. Public Officials and Agencies⁴⁶⁷

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

Sec. 25-8.1.9. Mandatory and Discretionary Terms⁴⁶⁸

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

Sec. 25-8.1.10. Conjunctions

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

- (a) "And" indicates that all connected items, conditions, provisions or events apply; and

⁴⁶⁵ This standardizes computation of time.

⁴⁶⁶ Carried forward from 25-2(34b) of the current zoning ordinance.

⁴⁶⁷ This is a new explicit convention.

⁴⁶⁸ This expands and clarifies the description of "shall" from Sec. 25-2(34b) of the current zoning ordinance.

- (b) "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

Sec. 25-8.1.11. Tenses and Plurals⁴⁶⁹

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

Sec. 25-8.1.12. Personhood⁴⁷⁰

The word "person" includes any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

Sec. 25-8.1.13. Term Not Defined

If a term used in this Ordinance is not defined in this Ordinance, the Director is authorized to interpret its meaning in accordance with Sec. 25-2.4.17, Interpretation. Such interpreted meaning shall be based upon the definitions used in accepted sources—including, but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, 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 25-8.2. RULES OF MEASUREMENT⁴⁷¹

Sec. 25-8.2.1. Buildings

(a) Building Footprint

The exterior outline of a building where it meets the earth.

(b) Building Frontage

The length of the outside building wall facing a public right-of-way.

(c) Building Height

- (1)** For single-family detached, single-family attached, and duplex or triplex dwellings, building height is measured as the vertical distance to the highest roof structure, excluding cupolas, chimneys, weather vanes, and similar appurtenances, from either 1) the top of the subfloor of the first floor, or 2) if any portion of the front foundation wall is four feet or more above the elevation of finished grade at the foundation, the lowest

⁴⁶⁹ This expands and clarifies the description of tenses and plurals from Sec. 25-2(34b) of the current zoning ordinance.

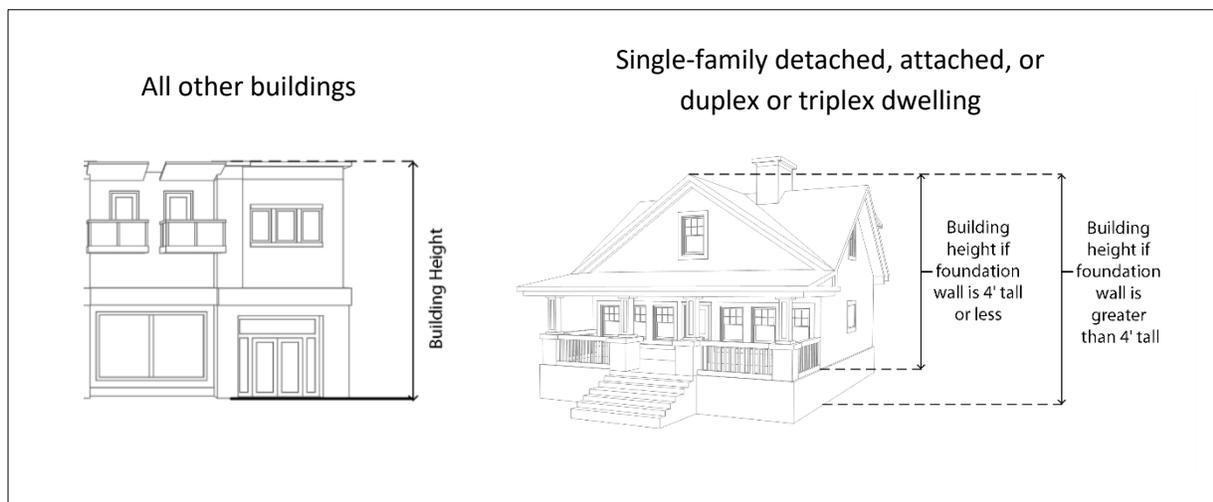
⁴⁷⁰ This definition modifies the definition of "person" in Sec. 25-2(34b) of the current zoning ordinance.

⁴⁷¹ This section builds on and updates definitions for yards, building height, and other terms related to the measurement of dimensional standards in Sec. 25-2 of the current zoning ordinance. All provisions are new unless noted otherwise in the footnotes.

elevation of finished grade at the front foundation (see Figure 25-8.2.1(c): Measuring Building Height).

- (2) For any building not identified in subsection (1) above, building height is measured as the vertical distance from the average elevation of finished grade between the lowest and highest grades along the front foundation to the highest point of the roof, excluding cupolas, chimneys, weather vanes, and similar appurtenances (see Figure 25-8.2.1(c): Measuring Building Height).

Figure 25-8.2.1(c): Measuring Building Height



(d) Gross Floor Area

The sum of the gross horizontal areas of the floor(s) of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

Sec. 25-8.2.2. Density

(a) Density or Gross Density

The total number of dwelling units divided by the total site area, but excluding lakes, natural water bodies, and other designated nonresidential productive areas, such as commercial or industrial uses.

(b) Floor Area Ratio

The gross floor area (in square feet) devoted to nonresidential development on all floors of all buildings located or proposed on a lot, divided by the lot area (in square feet).

(c) Gross Acreage

The total number of acres within the perimeter boundaries of a lot.

Sec. 25-8.2.3. Lots

(a) Built Area

The total horizontal land area (in acres or square feet) covered by all solid surfaces (hard surfaces like swimming pools, decks, patios, driveways, and buildings) on the lot, and dividing that coverage area by the lot area, and multiplying the result by 100.

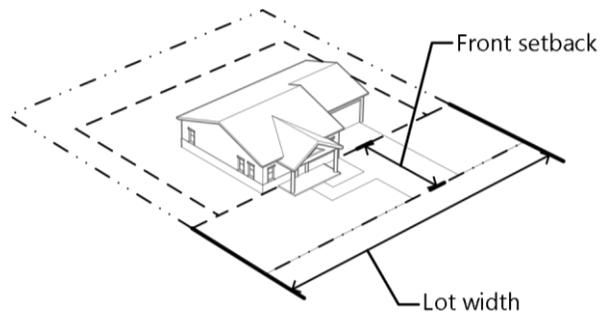
(b) Lot Area

Lot area shall be determined by measuring the total horizontal land area (in acres or square feet) within the lot lines of the lot, excluding public street rights-of-way and private street easements.

(c) Lot Width

Lot width shall be determined by measuring the distance in a straight line between side lot lines (see Section 25-8.3, Definitions) at the required minimum front setback (see Figure 25-8.2.3(c): Lot Width Measurement).

Figure 25-8.2.3(c): Lot Width Measurement



(d) Setback

The least distance by which a building or structure on a lot is separated from a lot line. Setback may be expressed as a minimum, a maximum, or a range encompassing both a minimum and a maximum. Front, side, and rear setbacks on a lot shall be determined by measuring the distance between the front, side, or rear lot line (see Section 25-8.3, Definitions), respectively, to the nearest projection of a principal structure on the lot. Setbacks shall be unobstructed from the ground to the sky except as otherwise provided in this Ordinance.

Sec. 25-8.2.4. Exceptions and Variations

(a) Exception to Maximum Structure Height⁴⁷²

(1) The maximum structure height limits established in Article 3: Zoning Districts, shall not apply to the following structures or structural elements:

- (i) Monuments, water towers, silos, granaries, utility transmission towers, derricks, cooling towers, fire towers, and other similar structures not intended for human occupancy, provided they cover not more than 25 percent of the lot area.

⁴⁷² This section builds on exceptions in Sec. 25-15 of the current zoning ordinance.

- (ii) Spires, belfries, cupolas, domes, chimneys, elevator shaft enclosures, ventilators, skylights, mechanical equipment and appurtenances, and similar rooftop structures or structural elements not intended for human occupancy, provided they:
 - a. Cover not more than 20 percent of the roof area of the structure to which they are attached;
 - b. Comply with applicable requirements for configuration and screening of mechanical equipment and appurtenances set forth in this Ordinance; and
 - c. Extend above the applicable maximum height limit by no more than 25 percent of the height limit (unless otherwise allowed in this Ordinance).
 - (iii) Ham radio antennas and roof-mounted satellite dishes, television, or radio antennas.
 - (iv) Roof-mounted small-scale solar energy conversion systems in accordance with Sec. 25-4.3.4(p), Solar Energy Conversion System (Small-Scale).
 - (v) Small-scale wind energy conversion systems, in accordance with the height standards in Sec. 25-4.3.4(q), Wind Energy Conversion System (Small-Scale).
 - (vi) Telecommunications facilities, in accordance with Chapter 7, Article 12 of the City Code.
- (2) **Allowable Encroachments into Minimum Setbacks or Right-of-Way⁴⁷³**
- (i) Every part of every minimum setback, as established by minimum front, side, or rear setbacks, shall remain open and unobstructed from the ground to the sky except as otherwise allowed in Table 25-8.2.4: Allowable Encroachments into Minimum Setbacks or Right-of-Way, or allowed or limited elsewhere in this Ordinance.
 - (ii) Encroachments into the right-of-way are allowed only where explicitly allowed in Table 25-8.2.4: Allowable Encroachments into Minimum Setbacks or Right-of-Way.
 - (iii) No encroachments are allowed in utility or drainage easements.
 - (iv) Encroachments shall maintain a minimum setback of five feet from the lot line, unless a different distance is required by the building code.

TABLE 25-8.2.4: ALLOWABLE ENCROACHMENTS INTO MINIMUM SETBACKS OR RIGHT-OF-WAY

FEATURE	EXTENT AND LIMITATIONS OF ENCROACHMENT
1. Open balconies and fire escapes	May extend up to five feet into any minimum setback
2. Unenclosed decks, porches, stoops, or exterior stairways	May extend up to five feet into any minimum setback; decks and porches on a single-family attached dwelling may extend to a rear lot line that abuts permanent open space or to within three feet of a rear lot line that abuts another single-family attached dwelling lot, provided that

⁴⁷³ This section is new, except as noted in footnotes below. It identifies allowable extensions into required yards (defined by minimum setbacks).

	any stairs leading to the deck or porch are at least three feet from the rear lot line
3. Bay windows	May extend up to three feet into any minimum setback if no more than nine feet wide
4. Chimneys or fireplaces	May extend up to three feet into any minimum setback
5. Awnings	May project over a public sidewalk a maximum of eight feet from the vertical face of the building to which they are attached but not closer than six feet to the vertical plane containing the back of the nearest curb, if a minimum eight feet of vertical clearance is provided above the sidewalk ⁴⁷⁴
6. Roof eaves and overhangs, or marquees	May extend up to three feet into any minimum setback
7. Window sills or entablatures	May extend up to 18 inches into any minimum setback
8. Patios or terraces, or walkways	May extend into or be located in any minimum setback if less than two inches high
9. Signs	May extend into a minimum setback or right-of-way in accordance with Section 25-5.9, Sign Standards
10. Accessory structures	May be located in a required front, side, or rear yard in accordance with Sec. 25-4.3.3, General Standards for All Accessory Uses and Structures.
11. Driveways and parking areas	May be located in any minimum setback unless restricted by other provisions in this Ordinance.
12. Fences or walls (including associated gates and arbors)	May be located in any minimum setback, subject to the limitations in Section 25-5.5, Fence and Wall Standards.
13. Vegetation and landscaping and minor ornamental yard or garden features such as retaining walls, fountains, ponds, birdbath, sculptures and similar landscaping features	May be located in any minimum setback

⁴⁷⁴ Carried forward from Sec. 25-77 of the current zoning ordinance.

SECTION 25-8.3. DEFINITIONS

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

A

ABC store⁴⁷⁵

A store which sells or offers to sell alcoholic beverages, as defined in state statutes.

Access way⁴⁷⁶

One or more driving lanes intended for use by vehicles entering or leaving an off-street parking area.

Accessory dwelling unit (ADU)⁴⁷⁷

A dwelling unit that is accessory, supplementary, and secondary to an existing single-family detached dwelling, and that may be constructed within the principal structure or within a detached accessory structure.

Accessory use or structure⁴⁷⁸

A use or structure that is clearly subordinate to, customarily found in association with, and directly serves a principal use. An accessory use or structure is subordinate in purpose, area, and/or extent to the principal use served and is located on the same lot as the principal use.

ADEM

Alabama Department of Environmental Management.

Administrative adjustment

See Sec. 25-2.4.13, Administrative Adjustment.

Agriculture⁴⁷⁹

Any use of land for the purposes of crops, grazing animals, orchards, trees or forest lands, and any other use pertaining to farming or agricultural research, including the raising of horses, cattle, sheep, goats, and other farm animals for use or sale, and including all the types of structures normally associated with these uses, such as storage bins, barns, sheds, tool houses, greenhouses, garages, and any other use or facility ancillary to farming or open land.

Agritourism⁴⁸⁰

A commercial enterprise that is intended to attract visitors and provide supplemental income for the owner of a working farm, and that is:

- a) Offered to the public or invited groups;

⁴⁷⁵ This is a new definition.

⁴⁷⁶ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

⁴⁷⁷ This is a new definition

⁴⁷⁸ This is a new definition.

⁴⁷⁹ This is a new definition.

⁴⁸⁰ This is a new definition.

- b) Related to agriculture or natural resources; and
- c) Incidental to the primary operation on the site.

Agritourism uses include, but are not limited to: equine activities, fishing, hunting, wildlife study, corn mazes, harvest festivals, barn dances, hayrides, roadside stands, farmer's markets, u-pick or pick-your-own operations, rent-a-tree operations, farm tours, wine tasting, educational classes related to agricultural products or skills, and accessory recreational activities provided for guests. Agritourism includes the following: picnics, equine facilities, party facilities, corporate retreats and weddings, and farm or ranch stays.

Airport⁴⁸¹

All facilities necessary or useful in rendering air transportation service, including without limitation, rights- of-way, bridges, tunnels, motor vehicles, stations, terminals, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of air transportation service.

Aisle⁴⁸²

The traveled way by which motor vehicles enter and depart parking or loading spaces.

Alabama Handbook

The Alabama Handbook for Erosion Control, Sediment Control and Storm Water Management on Construction Sites and Urban Areas.

Alcoholic beverage⁴⁸³

Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one half of one percent or more of alcohol by volume, including liquor, beer and wine, both fortified and table wine.

Alley⁴⁸⁴

A right-of-way which provides secondary and/or service access for vehicles to the side or rear of abutting properties whose principal frontage is on another street.

Alteration or Altered⁴⁸⁵

Any of the following:

- (a) Any addition to the height or depth of a building or structure;
- (b) Any change in the location of any of the exterior walls of a building or structure; and
- (c) Any increase in the interior accommodations of a building or structure.

⁴⁸¹ This is a new definition.

⁴⁸² This is a new definition.

⁴⁸³ Carried forward from Sec. 25-2 of the current zoning ordinance.

⁴⁸⁴ This is a new definition.

⁴⁸⁵ Carried forward from Sec. 25-2 of the current zoning ordinance.

Section 25-8.3, Definitions

Sec. 25-8.2.4, Exceptions and Variations

Additionally, a building or structure shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty percent of its value prior to the commencement of such repairs, renovation, remodeling or rebuilding.

Animal shelter⁴⁸⁶

A facility which is used to house or contain household pets and which is owned, operated, or maintained by 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.

Arboretum or botanical garden⁴⁸⁷

A place where trees, shrubs, or other woody plants are grown, exhibited, or labeled for scientific, education, or passive recreational purposes—but not including the harvest of plants or their produce.

Art gallery

An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

Automated teller machine⁴⁸⁸

A mechanized device operated by or on behalf of a bank or financial institution that allows customers to conduct automated banking or financial transactions. Where an automated teller machine is provided at the site of a bank or financial institution for use by customers in motor vehicles, it is considered a drive-through facility accessory use. At other locations, an automated teller machine may be considered a separate accessory use to the principal use(s) of the location.

Awning⁴⁸⁹

A framed architectural feature that is attached to and supported from the wall of a building, and that is covered with canvas fabric, or other material as its primary surface, and that shields a doorway or window from sun or precipitation. An awning shall be considered a canopy.

B

Bank or financial institution⁴⁹⁰

An establishment that provides retail banking services (banks, savings and loans institutions, credit unions, mortgage lending), or similar financial services to individuals and businesses. This use type does not include small loan establishments or bail bond brokers. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

⁴⁸⁶ This is a new definition.

⁴⁸⁷ This is a new definition.

⁴⁸⁸ New definition

⁴⁸⁹ This is a new definition.

⁴⁹⁰ This is a new definition.

Bar⁴⁹¹

An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises. Sandwiches, light meals, snacks, and/or full service meals are available for consumption on the premises but are not the principal or predominant use of the establishment.

Beekeeping⁴⁹²

The raising or producing of bees, beeswax, honey, and by-products.

Berm⁴⁹³

A planted or landscaped elevated ground area between two other areas, generally designed to restrict view and to deflect or absorb noise.

Bicycle parking area⁴⁹⁴

An area designated for the parking and storage of bicycles.

Bicycle parking space⁴⁹⁵

An area within a bicycle parking area designed to accommodate storage of one bicycle.

Bike rack⁴⁹⁶

A stationary fixture to which a bicycle can be supported upright and secured.

Bike share station⁴⁹⁷

The component of a bike share system that consists of a bike parking rack where bicycles that are available for use as part of the bike share system are parked and available for use by users.

Block⁴⁹⁸

The land lying within an area bounded on all sides by streets.

Board of Zoning Adjustment

The Board of Zoning Adjustment of the City of Decatur, Alabama. in accordance with Sec. 11-52-80, Code of Alabama.

Boarding house⁴⁹⁹

A building containing a single-family detached dwelling and three or more bedrooms that are provided for lodging, with or without meals, for compensation. "Compensation" may include money, services, or other things of value.

⁴⁹¹ This is a new definition.

⁴⁹² This is a new definition.

⁴⁹³ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance. Standards regarding berm slope have been removed from the definition.

⁴⁹⁴ This is a new definition.

⁴⁹⁵ This is a new definition.

⁴⁹⁶ This is a new definition

⁴⁹⁷ This is a new definition

⁴⁹⁸ This is a new definition.

⁴⁹⁹ This is a new definition.

Brewpub⁵⁰⁰

An establishment where beer is actively and continuously manufactured or brewed for consumption on the premises where manufactured, or for sale to any designated wholesaler licensee for resale to retail licensees, subject to the limitations and conditions in Title 28, Chapter 4A of the Code of Alabama, 1975. A brewpub must provide food for consumption on the premises and be located in a historic building and site, a registered historic district, or an economically distressed area in accordance with Section 28-4A of the Code of Alabama, 1975.

Broadcasting studio⁵⁰¹

A facility for the staging and recording of audio or television productions.

Building⁵⁰²

Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered as a separate building.

Building Code⁵⁰³

The currently adopted technical codes of the City of Decatur set forth in Chapter 7 of the City Code.

Building frontage⁵⁰⁴

For purposes of Section 25-5.9, Sign Standards, the total width of all exterior walls of a building that are parallel or nearly parallel to a street.

Building permit

See Sec. 25-2.4.9, Building Permit.

Business service center⁵⁰⁵

An establishment primarily engaged in providing a range of office support services, such as document copying and printing services, word processing, services, on-site personal computer rental, and office product sales, and the delivery of parcels (e.g., Federal Express service).

C

Caliper⁵⁰⁶

Trunk diameter of a tree used in landscaping, measured six inches above ground for trees up to four-inch caliper and 12 inches above ground for larger trees.

Campground⁵⁰⁷

An outdoor facility designed for overnight accommodation of persons in tents, rustic cabins and shelters for recreation, education, naturalist, or vacation purposes. Accessory uses may include

⁵⁰⁰ New definition based on the definition of “brewpub” in Code of Alabama, 1975 (Section 28-4A-2(b)(1)).

⁵⁰¹ This is a new definition.

⁵⁰² This is a new definition.

⁵⁰³ Carried forward from the definition of “standard building code” in Sec. 25-2 of the current zoning ordinance.

⁵⁰⁴ This is a new definition.

⁵⁰⁵ This is a new definition.

⁵⁰⁶ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

⁵⁰⁷ This is a new definition.

office, retail, and other commercial uses commonly established in such facilities and related parking facilities.

Canopy⁵⁰⁸

A roof-like cover extending over an outdoor improvement (such as a sidewalk, a gasoline pump island, or the vehicular surface abutting a "drive-in" service window) for the sole purpose of sheltering persons or structures from sun or precipitation. A canopy is either freestanding, or attached to and projecting from the wall of a building. A canopy is supported only by columns or the wall of a building, and is unenclosed on all sides, except in the case of a projecting canopy where it abuts the building wall. A canopy shall not be considered a building or structure. An awning shall be considered a canopy.

Catering service⁵⁰⁹

An establishment whose primary business is to prepare food on-site, then to transport and serve the food off-site. No business consumption of food or beverages is permitted on the premises.

CBMPP

Construction Best Management Practice Plan.

Cemetery⁵¹⁰

A place used for the permanent interment of dead human bodies (or their cremated remains) or pet animal bodies (or their cremated remains). A memorial garden located on the premises of a place of worship" where only the ashes of deceased persons or pets may be scattered or placed, is not a cemetery. A cemetery includes a burial park, for each interment; a mausoleum; and a columbarium.

Certificate of occupancy

See Sec. 25-2.4.11, Certificate of Occupancy.

Childcare facility⁵¹¹

A licensed facility with or without paid or volunteer staff which receives or arranges for care or placement of one or more children during all or part of a day or night, in accordance with state law.

City Code

The Code of Ordinances of the City of Decatur, Alabama.

City Council

The City Council of the City of Decatur, Alabama.

Civic, social, or fraternal organization⁵¹²

A facility for administrative, meeting, or social purposes for a private or nonprofit organization, primarily for use by administrative personnel, members, and guests.

⁵⁰⁸ This is a new definition.

⁵⁰⁹ This is a new definition.

⁵¹⁰ This is a new definition.

⁵¹¹ This is a new definition.

⁵¹² This is a new definition.

College or University⁵¹³

An institution offering a program of post-secondary education and instruction leading to associate, baccalaureate, or higher degrees, and that is approved by a national association of colleges and universities. It may include classrooms, offices, student book stores, performance facilities, dormitories, athletic facilities, and similar uses used to support educational activities.

Commercial fuel depot⁵¹⁴

An unattended, automated fuel dispensing facility that dispenses fuel to businesses, and organizations that maintain a fleet of vehicles. This use does not include any retail sale of gasoline to the general public and does not include any store sales, vehicle service, or vending operations.

Commercial vehicle sales and rentals⁵¹⁵

Uses that provide for the sale or rental of large trucks, mass transit vehicles, large construction or agricultural equipment, or other similar vehicles.

Commercial vehicle service and repair⁵¹⁶

Establishments, excluding vehicle paint finishing shops, that repair, install, or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, or commercial boats. Truck stops and fueling facilities are included in this commercial vehicle service and repair use category.

Community garden⁵¹⁷

A place for cultivation of vegetables, fruits, flowers, 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 persons or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Community garden (as an accessory use)⁵¹⁸

An accessory use consisting of a private or public area for cultivation of vegetables, fruits, and flowers or ornamental plants by more than one person, household, family, or non-profit organization for personal or group use, consumption, or donation.

Complete Streets⁵¹⁹

An initiative by which cities or other jurisdictions adopt policies to ensure that future roadway projects will attempt to accommodate all users who walk, bike, take transit, move goods, or drive cars; In accordance with the One Decatur comprehensive plan.

⁵¹³ This is a new definition.

⁵¹⁴ This is a new definition.

⁵¹⁵ This is a new definition.

⁵¹⁶ This is a new definition.

⁵¹⁷ This is a new definition.

⁵¹⁸ This is a new definition

⁵¹⁹ This is a new definition.

Composting (small-scale)⁵²⁰

An enclosed area at least 100 square feet in area that contains a compost tumbler or similar apparatus designed for the purpose of converting household kitchen and yard waste into fertilizer.

Composting facility⁵²¹

A facility where organic matter derived primarily off-site is processed by composting and/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.

Conference, training, or events center⁵²²

A facility designed to accommodate fewer than 2,500 persons and used for conferences, seminars, product displays, recreation activities, entertainment functions, and events, such as showers, receptions, birthday parties, fund raisers, or similar events. Accessory functions may include temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.

Construction-related building, structure, or use⁵²³

A temporary structure, facility, or space associated with the staging, management, and security of new construction—including an office building, security building, storage buildings, construction waste and recycling receptacles, temporary sanitation facilities, outdoor storage, and employee parking areas—and located on or adjacent to the construction site.

Consumer goods establishment⁵²⁴

An establishment that sells consumer goods at retail, such as apparel and accessory stores; bicycle sales, rental, service, or repair shops; convenience stores; department stores; drug stores or pharmacies; florist and gift shops; hobby and craft shops; home, building, and garden supplies stores; monument or headstone sales establishments; and similar uses.

Apparel and Accessory Store⁵²⁵

Retail stores primarily engaged in selling new clothing, shoes, hats, underwear, and related articles for personal wear and adornment. This includes custom tailors carrying stocks of materials.

Bicycle Sales, Rental, Service, or Repair Shop⁵²⁶

An establishment engaged in the sales, rental, service, or repair of bicycles.

Convenience Store⁵²⁷

A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a

⁵²⁰ This is a new definition

⁵²¹ This is a new definition.

⁵²² New definition that incorporates language from the definition of “event venue” in the current Zoning Ordinance.

⁵²³ This is a new definition

⁵²⁴ This is a new definition.

⁵²⁵ This is a new definition.

⁵²⁶ This is a new definition.

⁵²⁷ This is a new definition.

Section 25-8.3, Definitions

Sec. 25-8.2.4, Exceptions and Variations

"supermarket"). Any food service facilities will be considered as a restaurant. These stores are not permitted to sell gasoline or other motor fuels.

Department Store⁵²⁸

A general merchandizing store offering a variety of unrelated goods and services that may include clothing, housewares, furniture, body products, and specialty items.

Drug Store or Pharmacy⁵²⁹

An establishment engaged in the filling and sale of prescription drugs and the sale of medical supplies, nonprescription medicines, and related goods and services. It may also sell nonmedical goods such as cosmetics, cards, and limited food and household items.

Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

Florist and Gift Shop⁵³⁰

Establishments primarily engaged in the retail sale of flowers, plants, cards small gifts, and other similar items.

Hobby and Craft Shop⁵³¹

A retail store primarily selling craft and model supplies.

Home, Building, and Garden Supplies Store⁵³²

An establishment primarily engaged in retailing a general line of new home repair and improvement materials and supplies, such as lumber, plumbing goods, electrical goods, tools, house wares, appliances, hardware and lawn and garden supplies.

Monument or Headstone Sales Establishment⁵³³

An establishment primarily engaged in cutting, shaping, and finishing marble, granite, slate, and other stone, or engaged in buying or selling monuments or headstones for use in cemeteries of mausoleums.

Cool roof⁵³⁴

A roof designed with heightened solar reflectance that reduces solar heat transfer to a building.

Cooperative house⁵³⁵

A building used for living quarters by more than four persons sharing the costs of operation. A cooperative house is, in general, nonprofit, communal, and self-governing, with residents of the house pooling their monetary and personal resources to create a community style home with shared operation and governing of the house.

⁵²⁸ This is a new definition.

⁵²⁹ This is a new definition.

⁵³⁰ This is a new definition.

⁵³¹ This is a new definition.

⁵³² This is a new definition.

⁵³³ This is a new definition.

⁵³⁴ This is a new definition.

⁵³⁵ This is a new definition.

Country club

A chartered, nonprofit membership club catering primarily to its members, providing but not limited to one or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, club house, locker room, and pro shop.

Courtyard⁵³⁶

A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building.

Crematory

A facility containing furnaces for the reduction of dead bodies—either human or animal—to ashes by fire.

Cross-access⁵³⁷

Access between two or more contiguous sites, sometimes enabled by an easement or considered by individual transportation mode.

Crown⁵³⁸

The branches and leaves of a tree or shrub together with the associated upper trunk.

Cul-de-sac⁵³⁹

A short, dead-end street terminating in a vehicular turn-around area.

Cultural facility⁵⁴⁰

A facility for storing, using, loaning, and occasionally selling literary, historical, scientific, musical, artistic, or other reference materials (e.g., library), or for displaying or preserving objects of interest or providing facilities for one or more of the arts or sciences to the public (e.g., museum). Accessory uses include offices and storage facilities and meeting rooms.

Curb⁵⁴¹

A stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

D

Data center⁵⁴²

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

⁵³⁶ This is a new definition.

⁵³⁷ This is a new definition.

⁵³⁸ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

⁵³⁹ This is a new definition.

⁵⁴⁰ This is a new definition.

⁵⁴¹ This is a new definition.

⁵⁴² This is a new definition.

Development⁵⁴³

Unless expressly exempted by this Ordinance, any of the following activities shall be considered development subject to this Ordinance:

- a) Any construction, reconstruction, erection, installation, placement, relocation, demolition, or alteration in the size or external appearance of a structure;
- b) Any establishment, re-establishment, or change in a use of a structure or land;
- c) Any change in the intensity of the use of a structure or land, such as an increase in:
 - 1) The number of businesses, establishments, offices, dwelling units, or lodging units comprising the use;
 - 2) The number of parking spaces or amount of impervious cover; or
 - 3) The number of products or services provided by the use;
- d) Any clearing or grading of land or other alteration of the natural topography of land, such as mining, ditching, extracting earth materials, dredging, excavation, filling, or deposition of soil; and
- e) The construction or extension of any utility service line or facility.

Unless part of a more extensive activity identified as development in the paragraph above, the following activities do not constitute development subject to this Ordinance:

- a) The ordinary maintenance and repair of existing structures, where no activities identified as development in the paragraph above are involved;
- b) The inspection, maintenance or repair of an existing transportation facility (roadway, walkway, railroad tracks, bus shelter, traffic control device, etc.) or an existing utility, stormwater management, or public service facility (pipe, cable, valve, catch basin, outlet, ditch, basin, bulk refuse container pad, etc.), if no substantial engineering redesign is involved;
- c) The ordinary planting or maintenance of vegetative landscaping or gardens; and
- d) A change in the ownership or form of ownership of any land or structure that does not involve the division of land into separate lots or parcels.

Director

The Development Director of the City of Decatur.

Dormitory⁵⁴⁴

A building or part of a building operated by an academic institution and containing rooms forming one or more habitable units that are used or intended to be used by enrollees or employees of the institution for living and sleeping, but are not fully self-contained residential facilities.

⁵⁴³ This is a new definition.

⁵⁴⁴ This is a new definition.

Drive-through facility⁵⁴⁵

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

Driveway⁵⁴⁶

A private, vehicular access connecting a house, carport, parking area, garage, or other buildings with the street. A driveway is not a road, street, boulevard, highway, or parkway.

Dry-cleaning service

A business where retail customers drop off or pick up laundry or dry cleaning. Cleaning processes may not take place on-site.

Dwelling⁵⁴⁷

A building (or part of a building) used as a complete and independent living facility for only one family, which includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling⁵⁴⁸

A house or other building used primarily as an abode for one or two families except that the word "dwelling" shall not include boarding or rooming houses, tents, tourist camps, hotels, trailers, trailer camps, or other structure designed or used primarily for transient residents.

Dwelling unit⁵⁴⁹

Any portion of a building used as a separate abode for a family.

Dwelling, Duplex or Triplex⁵⁵⁰

A building located on a single lot and containing two or three dwelling units that are either (1) attached horizontally, or (2) attached vertically, with dwelling units stacked on top of the other(s).

Dwelling, Live-work unit⁵⁵¹

A building or portion of a building combining a dwelling unit for one or more persons with an integrated work space principally used by one or more of the dwelling unit residents.

Dwelling, Manufactured home⁵⁵²

A factory-built structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. This includes any structure with respect to which the manufacturer

⁵⁴⁵ This is a new definition

⁵⁴⁶ Carried forward from the current UDO.

⁵⁴⁷ This is a new definition.

⁵⁴⁸ Carried forward from Sec. 25-2 of the current zoning ordinance.

⁵⁴⁹ Carried forward from Sec. 25-2 of the current zoning ordinance, modified to delete "intended or designed".

⁵⁵⁰ This is a new definition.

⁵⁵¹ This is a new definition.

⁵⁵² This is a new definition.

Section 25-8.3, Definitions

Sec. 25-8.2.4, Exceptions and Variations

voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.), as amended. This does not include prefabricated modular units that comply with the Building Code or travel trailers or recreational vehicles.

Dwelling, Multifamily⁵⁵³

A dwelling other than a townhouse dwelling containing four or more dwelling units. Units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings.

Dwelling, Single-family attached⁵⁵⁴

A building containing two or three dwelling units totally separated from each other by an unpierced wall extending from ground to roof, with each dwelling unit located on its own lot.

Dwelling, Single-family detached⁵⁵⁵

A single detached dwelling on a lot, other than a manufactured home dwelling, that contains a single dwelling unit, that sits on a permanent foundation.

Dwelling, Townhouse

A building containing four or more dwelling units that are attached horizontally through, and entirely separated by, common walls, with each dwelling unit located on its own lot and occupying space from the lowest floor to the roof of the building.

E

Easement⁵⁵⁶

A grant by the property owner for use by the public, a corporation or person(s) of a strip of land for a specific purpose.

Electric vehicle charging station⁵⁵⁷

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.

Level 1 station

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.

⁵⁵³ This is a new definition.

⁵⁵⁴ This is a new definition.

⁵⁵⁵ This is a new definition.

⁵⁵⁶ This is a new definition.

⁵⁵⁷ This is a new definition

Level 2 station

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 Alternating Current circuit.

Level 3 station

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

Energy Star⁵⁵⁸

EPA program that certifies product and appliance energy efficiency.

EPA

United States Environmental Protection Agency.

Equestrian Center⁵⁵⁹

A stable of horses, mules, or ponies which are let, hired, used or boarded on a commercial basis for compensation. This facility may offer equestrian lessons and may include a show arena and viewing stands.

Establishment⁵⁶⁰

A place of business, industry, or professional office with its furnishings and staff. For purposes of Section 25-5.9, Sign Standards, this term includes any occupant, tenant, or commercial or business enterprise occupying all or a portion of a building.

Evergreen plants⁵⁶¹

Plants that retain their leaves during their dormant season.

E

FAA

Federal Aviation Administration.

Façade⁵⁶²

The entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

Family⁵⁶³

Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises.

⁵⁵⁸ This is a new definition.

⁵⁵⁹ This is a new definition.

⁵⁶⁰ This is a new definition.

⁵⁶¹ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

⁵⁶² This is a new definition.

⁵⁶³ Carried forward from Sec. 25-2 of the current zoning ordinance.

Section 25-8.3, Definitions

Sec. 25-8.2.4, Exceptions and Variations

Farmers' market, temporary⁵⁶⁴

A collection of vendors using private or publicly owned property or property owned by a nonprofit organization for the sale of agricultural and horticultural products grown by the vendor, value-added items produced by the vendor from agricultural, horticultural, or forestry products, or for the sale of foods prepared by the vendor. If the farmers' market occurs once every two weeks or more frequently for all or most of the year, it is considered a principal use. If the farmers' market occurs only occasionally or periodically for only a limited time period during the year, it is considered a temporary use. Operations generally meeting the definition of a temporary farmers' market, but that are open fewer than four days per year, are considered a yard sale.

Feedlot⁵⁶⁵

A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals that is either specifically designed as a confinement area in which animal waste may accumulate or where the concentration of animals is such that an established vegetative cover cannot be maintained. A building or lot is not a feedlot unless animals are confined for 45 or more days, which may or may not be consecutive, within a 12-month period. Pastures shall not be considered feedlots for purposes of this Ordinance.

Fence⁵⁶⁶

A barrier of man-made construction, regardless of the material used. This term includes walls but does not include retaining walls or vegetation.

Fenestrations⁵⁶⁷

Doors and/or windows.

Flea market, temporary⁵⁶⁸

The temporary and occasional collection of vendors using stalls, booths, or tables on property owned by a public agency or a not-for-profit organization for the sale of merchandise, collectibles, crafts, antiques, and other items, excluding automobiles, automobile parts, and non-portable household appliances.

Floodplain development permit

See Sec. 25-2.4.7, Floodplain Development Permit.

Floor area

See "Gross floor area".

FOG

Abbreviation for fat, oil, and grease.

⁵⁶⁴ This is a new definition

⁵⁶⁵ This is a new definition.

⁵⁶⁶ This is a new definition.

⁵⁶⁷ This is a new definition.

⁵⁶⁸ This is a new definition

Foot-candle⁵⁶⁹

A measure of light striking a surface one square foot in area on which one unit of light (lumen) is uniformly distributed.

Forestry

The use of land whereby forests are tended, harvested for commercial purposes, and reforested either by natural or human reforestation, and where timber is cut and sorted on-site.

Fortified wine or vinous liquor⁵⁷⁰

Any wine containing more than 14 but not more than 24 percent alcohol by volume.

Foundation landscaping

See "Landscaping, Foundation".

Fraternity or sorority house⁵⁷¹

A building used by a college or university fraternity or sorority as a principal place of residence for its members.

Frontage landscaping

See "Landscaping, Frontage".

Funeral home or mortuary

A building used for human funeral services. A funeral home or mortuary does not include facilities for cremation. A funeral home or mortuary may contain facilities for:

1. Embalming and other services used in the preparation of the dead for burial;
2. The display of the deceased;
3. The performance of ceremonies in connection with a funeral;
4. The performance of autopsies and similar surgical procedures;
5. The sale and storage of caskets, funeral urns, and other related funeral supplies; and
6. The storage of funeral vehicles.

G

Garage or carport⁵⁷²

An accessory building or portion of a principal building designed or used for the parking or temporary storage of passenger vehicles owned or used by a single household living on the premises.

Golf course

An area of land laid out for playing golf. Accessory recreational facilities, such as driving ranges, putting greens, a country club, concessions for serving food and refreshments to members and

⁵⁶⁹ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

⁵⁷⁰

⁵⁷¹ This is a new definition.

⁵⁷² This is a new definition

Section 25-8.3, Definitions

Sec. 25-8.2.4, Exceptions and Variations

guests, swimming pools, tennis and other racquet courts, picnic areas, and accessory facilities directly related to golf, may be included.

Government building⁵⁷³

A building or facility housing the offices or operations of a department or agency of the City, county, state, or federal government, or a quasi-governmental, together with incidental storage and maintenance of necessary vehicles.

Green roof⁵⁷⁴

A roof or portion of a roof that is covered with vegetation planted in a growing medium over a waterproofing membrane, and that may include additional layers, such as a root barrier, and drainage and irrigation systems.

Greenhouse⁵⁷⁵

An enclosed detached accessory structure consisting primarily of light-transmitting materials and used exclusively for growing plants.

Greenway⁵⁷⁶

A linear area maintained as open space in order to conserve natural and/or cultural resources, and to provide recreational opportunities, aesthetic and design benefits, and linkages between open space and recreational facilities and between these facilities and their users.

Gross floor area⁵⁷⁷

The total horizontal area of all floors of a building, including interior balconies and mezzanines, measured from the interior faces of the exterior walls of a building.

Ground cover⁵⁷⁸

Plants, mulch, gravel and other landscaping elements used to prevent soil erosion, compaction, etc.

Gutter⁵⁷⁹

A shallow channel, usually set along a curb or the pavement edge of a road or the edge of a building roof, for purposes of catching and carrying off water.

H

Home day care facility⁵⁸⁰

A state-licensed child care facility that receives children for care and is a secondary use of a single-family detached dwelling. A home day care facility may be a day care home, a nighttime home, a group day care home, or a group nighttime home.

⁵⁷³ This is a new definition.

⁵⁷⁴ This is a new definition.

⁵⁷⁵ This is a new definition.

⁵⁷⁶ This is a new definition.

⁵⁷⁷ This is a new definition.

⁵⁷⁸ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

⁵⁷⁹ This is a new definition.

⁵⁸⁰ This carries forward definitions in Sec. 25-92 of the current zoning ordinance, revised for clarity.

Day care home

A home day care facility which receives not more than six children for care during the day (not after 7:00 p.m.).

Nighttime home

A home day care facility which receives not more than six children for care 24 hours a day.

Group day care home

A home day care facility which receives seven to 12 children for care during the day (not after 7:00 p.m.).

Group nighttime home

A home day care facility which receives seven to 12 children for care 24 hours a day.

Home occupation⁵⁸¹

An occupation, profession, or trade that is conducted within a dwelling unit by a resident of the dwelling unit as a use that is clearly incidental and subordinate to the residential purpose of the dwelling unit. Examples of home-based businesses include home offices, music lessons, art studios, home crafts, and home-based food production. A home-based business does not include any other accessory use defined in this Ordinance, including but not limited to, a home day care facility or a homestay.

Homestay⁵⁸²

A private, owner-occupied dwelling in which up to four guest rooms are rented to transient visitors for periods of 29 days or less and in which the frequency and volume of paying guests is incidental to the primary use of the building as a private residence.

Hospital⁵⁸³

An establishment or facility providing health services, primarily for in patients and medical or surgical care of the sick or injured, including related facilities such as laboratories, out-patient facilities, training facilities, central service facilities, and accessory staff offices.

Hotel or motel⁵⁸⁴

A building or group of buildings providing lodging accommodations to paying guests in individual guest rooms or suites, that may include related services and facilities including but not limited to: linen/housekeeping services, meeting rooms, ballrooms, beverage rooms, swimming pools, fitness facilities, and food services.

HVAC

Heating, ventilation, and air conditioning.

⁵⁸¹ This is a new definition that updates the definition in Sec. 25-142(b) of the current zoning ordinance.

⁵⁸² This is a new definition.

⁵⁸³ This is a new definition.

⁵⁸⁴ This is a new definition.

I

Industrial services, General⁵⁸⁵

An establishment engaged in the repair or serving of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that provide these services do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory uses may include retail sales, offices, and storage.

Interior landscaping

See "Landscaping, Interior".

Island

See "Landscaping island".

ITE

Institute for Transportation Engineers.

J

Junk/salvage yard⁵⁸⁶

An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard. The term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of 15 days or more materials within the meaning of "junk" as defined by the state, which had been derived or created as a result of industrial activity.

K

Kennel⁵⁸⁷

An establishment that engages in boarding, breeding, buying, grooming, letting for hire, training (for a fee), or selling of dogs or cats, excluding pet daycare and grooming, boarding, and veterinary hospitals or clinics.

L

Landscaping element⁵⁸⁸

A plant material (living or nonliving) or an ornamental material (river rock, brick, tile, statuary, etc.) differentiated from surrounding off-street parking area surfacing materials.

⁵⁸⁵ This is a new definition.

⁵⁸⁶ This is a new definition.

⁵⁸⁷ This is a new definition.

⁵⁸⁸ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

Landscaping island⁵⁸⁹

An interior landscaping feature surrounded on all sides by driving and/or parking surfaces.

Landscaping peninsula⁵⁹⁰

An interior landscaping feature attached on only one side to perimeter landscaping, buildings, etc., and surrounded on all other sides by off-street parking areas.

Landscaping, Foundation⁵⁹¹

Treatment of grade with ground cover, vegetation, ornamentation, etc., against the front of the primary structure.

Landscaping, Frontage⁵⁹²

Treatment of grade with ground cover, vegetation, ornamentation, etc., between off-street parking area and adjacent street rights-of-way.

Landscaping, Interior⁵⁹³

Treatment of grade with ground cover, vegetation, ornamentation, etc., within an off-street parking area.

Landscaping, Perimeter⁵⁹⁴

Treatment of grade with ground cover vegetation and ornamentation, etc., between an off-street parking area and adjoining properties. Perimeter landscaping shall exclude landscaping between an off-street parking area and buildings on the same legal lot.

Large retail establishment⁵⁹⁵

For purposes of Sec. 25-5.7.5, Large Retail Establishment Form and Design Standards, an establishment occupying a single-tenant building (including but not limited to those with a combination retail use) that has a gross floor area of 75,000 square feet or more and devotes 60 percent or more of the total floor area to retail sales activities.

Laundromat (as accessory use)⁵⁹⁶

A facility where coin-operated or pay-per-use automatic washing machines, clothes dryers, or dry-cleaning machines are provided an accessory use to a principal use.

Laundry, Self-service

A facility that provides coin-operated washing, drying, dry-cleaning, and/or ironing machines for hire, to be used by customers on the premises.

LEED[®]⁵⁹⁷

Leadership in Energy and Environmental Design (a widely used green building rating system).

⁵⁸⁹ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance; renamed from “island” for clarity.

⁵⁹⁰ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance; renamed from “peninsula” for clarity.

⁵⁹¹ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

⁵⁹² Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

⁵⁹³ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

⁵⁹⁴ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

⁵⁹⁵ This is a new definition.

⁵⁹⁶ This is a new definition.

⁵⁹⁷ This is a new definition.

Limited fuel/oil/gas distribution⁵⁹⁸

The distribution, for compensation, of fuel oil or bottled gases such as propane or liquid petroleum in containers no greater than five gallons in volume.

Liquor⁵⁹⁹

Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, fermented, vinous or otherwise alcoholic, and all drinks and drinkable liquid, preparations or mixtures intended for beverage purposes which contain one-half of one percent or more of alcoholic by volume, except beer and table wine.

Livestock⁶⁰⁰

Cattle, swine, sheep, goats, equine or equidae, ratites, and poultry.

Loading area⁶⁰¹

A hard-surfaced off-street area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility.

Loading berth⁶⁰²

A single space within a loading area or a building for use transferring goods or materials to and from a facility.

Lot⁶⁰³

A piece, parcel, or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses customarily incidental to such main building and such open spaces as are provided in this chapter, or as are intended to be used with such piece, parcel, or plot of land.

Lot line, Front⁶⁰⁴

A boundary line running along the front of a lot and separating it from a street, or from the street from which the address on the lot is derived in the case of a through lot.

Lot line, Rear⁶⁰⁵

A lot line connecting the lot's side lot lines, or, in the case of a corner lot, a side lot line and a front lot line other than the principal front lot line, along the edge of the lot opposite its front lot line. The principal front lot line shall be the front lot line abutting the street from which the address of the lot is derived.

Lot line, Side⁶⁰⁶

A lot line connecting the lot's front and rear lot lines.

⁵⁹⁸ This is a new definition.

⁵⁹⁹ Carried forward from Sec. 25-2 of the current zoning ordinance.

⁶⁰⁰ This is a new definition from Sec. 2-15-20 of the Code of Alabama.

⁶⁰¹ This is a new definition.

⁶⁰² This is a new definition.

⁶⁰³ Carried forward from Sec. 25-2 of the current zoning ordinance.

⁶⁰⁴ This is a new definition.

⁶⁰⁵ This is a new definition.

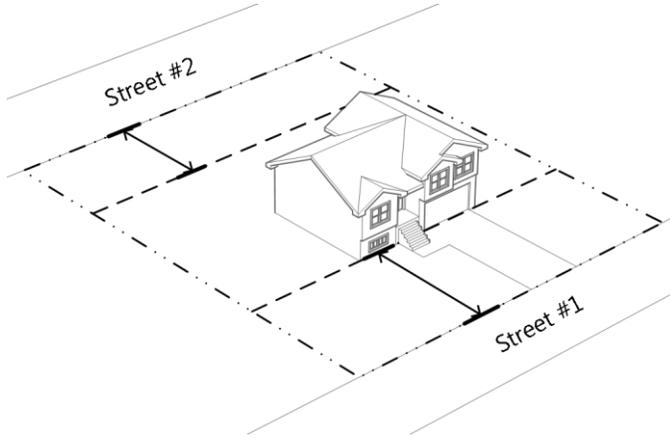
⁶⁰⁶ This is a new definition.

Lot, Corner⁶⁰⁷

A lot abutting two or more streets at their intersection.

Lot, Through⁶⁰⁸

A lot having a frontage on two nonintersecting streets as distinguished from a corner lot.



Lumber yard or mill⁶⁰⁹

A mill and outdoor storage area for sawing timber or logs into boards or lumber.

Lumens⁶¹⁰

A base unit measuring light emitted per second in a unit angle from a uniform source of one candela.

M

Major thoroughfare⁶¹¹

A collector street or higher classified street identified in the Comprehensive Plan, or a major thoroughfare as defined by future plans adopted by the Planning Commission.

Manufactured home park⁶¹²

A lot used, designed, or intended to be used for the purpose of supplying parking space for two or more occupied manufactured home dwellings, and which includes buildings, structures, vehicles, or enclosures used or intended to be used as a part of such manufactured home park. Sales or storage lots for unoccupied manufactured homes are not considered to be manufactured home parks.

⁶⁰⁷ This is a new definition.

⁶⁰⁸ This is a new definition.

⁶⁰⁹ This is a new definition.

⁶¹⁰ This is a new definition.

⁶¹¹ This is a new definition that draws on language in the current zoning ordinance in various sections.

⁶¹² This is a new definition.

Section 25-8.3, Definitions

Sec. 25-8.2.4, Exceptions and Variations

Manufacturing, assembly, or processing, General⁶¹³

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 building. Uses may generally include manufacturing, processing, and packing of food and beverages, and 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.

Manufacturing, assembly, or processing, Heavy⁶¹⁴

The assembly, fabrication, or processing of goods and materials using processes that ordinarily have impacts on the environment or significant impacts on 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, sawmills, primary metal processing, animal slaughtering and processing, and fabricated metal product manufacturing.

Manufacturing, assembly, or processing, Light⁶¹⁵

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.

Medical or dental laboratory⁶¹⁶

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.

Medical or dental office/clinic⁶¹⁷

A small-scale facility or office where patients are admitted for examination and treatment by one or more physicians, dentists, or other health practitioners on a short-term basis. The use includes the offices of physicians, dentists, chiropractors, optometrists, podiatrists, audiologists, speech pathologists, physical therapists, acupuncturists, psychologists, and other health practitioners. It also includes facilities providing short-term outpatient care and treatment (which may or may not be overnight), such as urgent care centers, kidney dialysis centers, ambulatory surgical clinics, outpatient pain therapy clinics, biofeedback centers, sleep disorder clinics, family planning clinics, community health clinics, and health maintenance organization (HMO) medical

⁶¹³ This is a new definition.

⁶¹⁴ This is a new definition.

⁶¹⁵ This is a new definition.

⁶¹⁶ This is a new definition.

⁶¹⁷ This is a new definition.

clinics, and hospice facilities. Such facilities that provide overnight care and treatment may include sleeping rooms for care workers and members of patients' families. This use does not include hospitals (which are much larger in scale) or blood/tissue collection centers, drug or alcohol treatment facilities, or massage therapy establishments.

Mixed-use development⁶¹⁸

A tract of land or structure developed for both residential and nonresidential uses. Such uses may be vertically integrated within a multi-story building or horizontally integrated within a single story building or on a lot or development site.

Mobile food kiosk⁶¹⁹

A non-motorized pushcart or stand designed to be transported either by motorized vehicle or human propelled and not permanently attached to the ground from which prepared food or beverages are peddled, vended, sold, displayed or offered for sale or given away. No other goods, wares, alcohol, controlled substances or other items may be sold.

Mobile food vending site⁶²⁰

A collection of one or more mobile food vending units or kiosks clustered together on a single lot or parcel of land under common ownership or control and which may be operated in conjunction with a special event or as otherwise allowed by this Ordinance.

Mobile food vending unit (food truck)⁶²¹

A trailer or motorized vehicle designed to be portable and not permanently attached to the ground from which only prepared food or beverages are peddled, vended, sold, offered for sale or given away. No other goods, wares, alcohol, controlled substances or other items may be sold.

Model sales home/unit⁶²²

A dwelling unit temporarily used for display purposes as an example of a dwelling unit to be available for sale or rental in a particular residential development and located within that development. Model homes may also incorporate sales or rental offices for dwellings within the development.

Motor freight terminal

A building or area in which freight that is brought in by tractor trailer is stored for routing and reshipment, and where tractor trailers and semi-trailers may be parked or stored.

⁶¹⁸ This is a new definition.

⁶¹⁹ This definition has been carried forward from Sec. 25-2 of the current regulations.

⁶²⁰ This definition has been carried forward from Sec. 25-2 of the current regulations, modified to relocate standards to Article 25-4: Use Regulations.

⁶²¹ This definition has been carried forward from Sec. 25-2 of the current regulations, and renamed to specifically include food trucks, a common searched-for use.

⁶²² This is a new definition

Section 25-8.3, Definitions

Sec. 25-8.2.4, Exceptions and Variations

Mulch⁶²³

A material (pine straw, bark chips, wood chips, etc.) placed on the ground to stabilize soil, protect roots, limit weed growth and otherwise promote tree and shrub growth by simulating the role of natural forest leaf-litter.

N

Nightclub⁶²⁴

An establishment that serves alcoholic beverages, that provides live entertainment or uses a disc jockey, with a dance floor, and operates late in the evening, beyond the standard restaurant operating hours.

Nit

A unit of measuring light intensity: one candela per square meter.

Nonconforming sign

See “Sign, Nonconforming”.

Nursing home⁶²⁵

Licensed facilities primarily engaged in providing shelter, food and intermediate or long term nursing and health related care for individuals that may include assisted living facilities, but does not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. This definition includes uses such as convalescent care.

O

Office, Contractor

An office used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building.

Office, General business and professional

Establishments used for conducting the affairs of various businesses, professions, services, nonprofit organizations, or government agencies—including conducting the affairs of professionals, administration, business incubation, research and development, publishing (not including the printing of publications, which is categorized under “manufacturing, assembly, or fabrication, light”), employment services, call centers, record keeping, clerical work, and similar business functions. Accessory uses may include uses intended to serve the daily needs of office employees, such as restaurants, coffee shops, newspaper or candy stands.

Off-street parking area⁶²⁶

An area, other than a public right-of-way, designated and/or used for the parking and incidental movement of vehicles.

⁶²³ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

⁶²⁴ This is a new definition.

⁶²⁵ This is a new definition.

⁶²⁶ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

Outdoor display of merchandise (as accessory to a consumer goods establishment)⁶²⁷

The placement of products or materials for sale outside the entrance of a retail sales establishment.

Outdoor seating/activity area (as accessory to an eating or drinking establishment use)⁶²⁸

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 if those parts of the area meet the standards of a sidewalk cafe.

Outdoor storage area⁶²⁹

An area that provides for outdoor storage of machinery and equipment, not including vehicles.

P

Park or greenway⁶³⁰

A park consisting of land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks. A public park that includes athletic fields, swimming pools, playgrounds, and similar facilities is included in this definition. A greenway is a linear park that links various parts of the community with facilities such as bicycle paths and footpaths.

Parking (as principal use)⁶³¹

An off-street, hard-surfaced, ground level area—or a structure composed of one or more levels or floors—that is used exclusively for the temporary storage of operable motor vehicles. 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 fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking use.

Parking area

See “Off-street parking area”.

Parking bay⁶³²

The portion of an off-street parking area consisting of one row of parking spaces or stalls and the aisle from which motor vehicles enter and the leave the spaces.

⁶²⁷ This is a new definition

⁶²⁸ This is a new definition

⁶²⁹ This is a new definition

⁶³⁰ This is a new definition.

⁶³¹ This is a new definition.

⁶³² This is a new definition.

Parking garage or structure⁶³³

A structure used for parking of vehicles and having one or more parking levels above the grade of surrounding land.

Parking space⁶³⁴

An area marked for the parking of one vehicle.

Passenger terminal, surface transportation⁶³⁵

Any structure or transit facility that is primarily used as part of a transit system 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 classified under “Utility, minor.”

Pawnshop⁶³⁶

The location at which, or premises in which, a pawnbroker, as defined by state statutes, regularly conducts business.

Pedestrianway⁶³⁷

Any sidewalk, greenway, or other pathway designed for use by pedestrians.

Peninsula

See “Landscaping peninsula”.

Performing arts center

One or more adjoining structures housing one or more of the following uses: theaters or performance space for dramatic, dance, or musical productions; schools, training centers, or practice space for artists; cinemas; and accessory office, storage, or workplace areas for any such uses. Accessory uses may also include other nonresidential uses serving patrons.

Perimeter landscaping

See “Landscaping, Perimeter”.

Person⁶³⁸

Any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

Personal grooming or well-being service

A barbershop, beauty salon, or massage, nail care, or similar establishment. This term does not include a health club or pet grooming.

⁶³³ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

⁶³⁴ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

⁶³⁵ This is a new definition.

⁶³⁶ This is a new definition.

⁶³⁷ This is a new definition.

⁶³⁸ This is a new definition.

Personal or household goods repair

An establishment primarily engaged in the provision of repair services for computers, TVs, audio equipment, bicycles, clocks, watches, shoes, guns, canvas products, appliances, office equipment, or similar products.

Personal vehicle sales and rental⁶³⁹

Establishments that provide for the sale or rental (including auctions) of new or used autos, small trucks or vans, trailers, motorcycles, motor homes, or recreational vehicles. Typical examples include automobile dealers, auto malls, car rental agencies, and moving equipment rental establishments (e.g., U-Haul).

Personal vehicle service and repair⁶⁴⁰

An establishment that repairs, installs, cleans, or maintains the mechanical components or the bodies of autos, small trucks or vans, motorcycles, motor homes, or recreational vehicles, or that wash, clean, or otherwise protect the exterior or interior surfaces of these vehicles.

Pet care service⁶⁴¹

The care (for a fee) associated with 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 of any kind to any pet.

Planned development

See Sec. 25-2.4.3, Planned Development District.

Planning Commission

The Planning Commission of the City of Decatur, Alabama, in accordance with Sec. 11-52-3, Code of Alabama.

Portable shipping container⁶⁴²

A large metal or wooden container designed to be loaded directly onto an open truck, a train, or a ship, that is used for the temporary storage and transport of personal property.

Portable Sign⁶⁴³

Any sign that is designed to be or capable of being moved or transported, and not permanently affixed or attached to any building, structure, or ground.

Post office⁶⁴⁴

A facility that provides mailing services, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for the United States mail.

⁶³⁹ This is a new definition.

⁶⁴⁰ This is a new definition.

⁶⁴¹ This is a new definition.

⁶⁴² This is a new definition

⁶⁴³ This is a new definition.

⁶⁴⁴ This is a new definition.

Primary entrance⁶⁴⁵

A place of ingress and egress to a building, parcel, or development used by the public and facing the street from which the structure obtains its street address.

Primary street frontage⁶⁴⁶

For purposes of Section 25-5.9, Sign Standards, the length of the boundary line of a lot abutting the right-of-way of the street that the primary entrance of a principal structure on the lot faces.

Produce stand (as accessory use to a community garden)⁶⁴⁷

A temporary open-air stand or place for the seasonal selling of agricultural produce. A produce stand is portable and capable of being dismantled or removed from the sales site.

Public assembly, Indoor⁶⁴⁸

Buildings or indoor facilities for the purpose of, but not necessarily limited to banquet halls, auditoria, private clubs and lodges, convention center, conference centers, places of worship, and theaters, including kitchen for the preparation of food to be consumed at the premises.

Public place

For purposes of Sec. 25-3.4.3, Arts and Entertainment Overlay District (AE-O) , Any place or gathering which the public generally attends or is admitted to, either by invitation, common consent or right, or by the payment of an admission or other charge, and, without limiting the generality of the foregoing, includes any store or place where merchandise of any kind is offered for sale, any theater or place of amusement, any athletic contest, City hall, library, school buildings, and auditoriums; provided, that such term shall not mean or include premises which have been duly licensed by the City for sale of alcoholic beverages.

Public safety facility⁶⁴⁹

A facility used to provide police, fire, or emergency medical services to the surrounding community.

Q

R

Rail transportation support facility⁶⁵⁰

All facilities necessary or useful in rendering rail transportation service by means of rail, bus, water and any other mode of travel including, without limitation, tracks, rights of way, bridges, tunnels, subways, rolling stock for rail, motor vehicles, stations, terminals, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service.

⁶⁴⁵ This is a new definition.

⁶⁴⁶ This is a new definition.

⁶⁴⁷ This is a new definition

⁶⁴⁸ This is a new definition.

⁶⁴⁹ This is a new definition.

⁶⁵⁰ This is a new definition.

Recreation facility, Indoor

A facility for indoor recreation or entertainment-oriented activities by patrons or members, such as: amusement arcades, amusement centers, aquatic centers, cinemas, health and fitness facilities, recreation courts, 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.

Amusement Arcade

An indoor commercial establishment which provides as the principal use, amusement devices or games of skill or chance, such as pinball and video games. This term shall not include establishments where amusement devices and games are accessory uses which either do not involve more than fifteen percent of the gross floor area of the establishment or involve more than two devices or games, whichever results in the greater number of games.

Amusement Center

A commercially operated indoor facility providing a variety of amusement devices primarily including, but not limited to, play equipment, television games, electromechanical games, small kiddie rides, and other similar devices, and which may include food service.

Aquatic Center

A complex with facilities for water sports, including swimming pools.

Cinema

A motion picture theater that is a building or part of a building, and is devoted to showing motion pictures. This can also include an open lot or part of an open lot and auxiliary facilities devoted primarily to the showing of motion pictures on a paid admission basis to patrons seated on outdoor seats.

Health and Fitness Facility

An indoor establishment, including saunas and steam baths, offering or providing facilities for, and instruction in, general health, physical fitness and controlled exercises such as, but not limited to, weight lifting, calisthenics and aerobic dancing, indoor track, swimming pools, and massages. Accessory uses may include changing areas, showers, bathrooms, concessions, a restaurant, and offices for personnel who work at the facility.

Recreation Court (indoor)

An indoor structure used for holding court games (basketball, tennis, racquetball, squash, etc.). Accessory uses may include a concession stand, netting, exterior lighting fixtures, public bathrooms, maintenance and storage areas, and spectator seating or stands.

Skating Facility (indoor)

An indoor facility, the use of which is primarily devoted to ice or roller skating. The facility may also be used as a site for competitive events and as a practice and training facility. Accessory uses may include meeting rooms, training rooms, videotape rooms, a restaurant, a pro shop, and a snack bar.

Recreation facility, Outdoor

A facility for outdoor recreation or entertainment-oriented activities by patrons or members such as: archery or baseball batting cages, athletic fields, miniature golf course, recreation courts,

Section 25-8.3, Definitions

Sec. 25-8.2.4, Exceptions and Variations

swimming pools, and similar uses. Outdoor recreation facilities may include accessory uses such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the outdoor recreation facility.

Archery or Baseball Batting Cage

An outdoor area used for archers to practice the skill of archery or baseball or softball players to practice the skill of batting.

Athletic Field (private)

A facility for the staging of amateur and/or professional sporting events, consisting of an open-air field and appropriate support facilities.

Miniature Golf Course

A recreational facility for the playing of a novelty version of golf with a putter, typically with artificial playing surfaces and theme-oriented obstacles such as bridges and tunnels.

Recreation Courts

An outdoor area used for holding court games (basketball, tennis, racquetball, squash, etc.). Accessory uses may include a concession stand, netting, exterior lighting fixtures, public bathrooms, maintenance and storage areas, and spectator seating or stands.

Swimming Pools (as a principal use)

A constructed 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.

Recreation facility, Public or quasi-public⁶⁵¹

A facility owned and/or operated by a public or quasi-public entity and open to the public for indoor or outdoor recreation activities, such as: aquatic centers, health and fitness facilities, recreation courts, and similar uses. Accessory uses may include snack bars and locker rooms.

Recycling plant⁶⁵²

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.

Research laboratory⁶⁵³

A facility or area for conducting scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residential care facility⁶⁵⁴

A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include dependent and/or independent living facilities, group night care facilities, assisted living facilities, group homes,

⁶⁵¹ This is a new definition.

⁶⁵² This is a new definition.

⁶⁵³ This is a new definition.

⁶⁵⁴ This is a new definition.

continuing care retirement centers, and orphanages. This term excludes residential care homes or nursing homes.

Residential care home⁶⁵⁵

A single-family home with or without paid or volunteer staff that provides care to no more than 6 individuals. Residential care facilities include dependent and/or independent living facilities, family homes, nighttime homes, adult and youth group homes, and assisted living facilities. This term excludes residential care facilities or nursing homes.

Restaurant⁶⁵⁶

An establishment serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating or food dispensing areas.

Riding and boarding stable⁶⁵⁷

An establishment where horses are boarded and cared for, where horses may be rented to the general public for riding, and where instruction in riding, jumping, and showing may be offered.

Right-of-way⁶⁵⁸

A strip of land for public purposes, including but not limited to utilities, streets, pedestrian walkways, and bicycle paths.

Rural retreat⁶⁵⁹

A use, compatible with agriculture, horticulture, animal husbandry, and/or open space, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, and education and training related to such advances and services. Rural corporate retreats may be utilized for basic and applied research services and education wherein the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms. Rural corporate retreat facilities may include facilities for associated training programs, seminars, conferences, and related activities.

S

School, Elementary, Middle, or High⁶⁶⁰

An educational institution that offers a program of high school, middle school (or junior high school), and elementary school (including kindergarten or pre-kindergarten) instruction meeting state requirements for a school. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

⁶⁵⁵ This is a new definition.

⁶⁵⁶ This is a new definition.

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⁶⁵⁸ This is a new definition.

⁶⁵⁹ This is a new definition.

⁶⁶⁰ This is a new definition.

Seasonal sale⁶⁶¹

A temporary business enterprise that is conducted primarily outdoors and offers for retail sale decorative items that are, by their nature, in particular demand during a relatively short peak season—including, but not limited to, Christmas trees, pumpkins, and flowers and plants. This use does not include fireworks sales.

Self-service storage⁶⁶²

Buildings which are composed of contiguous individual rooms which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant; but excluding the storage of explosive, corrosive or noxious materials, such as dust, fumes, or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other organisms or properties; and further excluding any other use otherwise permitted in the zoning district in which the self-service storage is located.

Sexually-oriented business⁶⁶³

A sex parlor, massage parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult motel, or other commercial enterprise which has as its primary business the offering for sale, rent, or exhibit, or the exhibit of, items or services intended to provide sexual stimulation or sexual gratification to the customer.

Shared parking⁶⁶⁴

Public or private parking shared by two or more uses.

Shrub

A woody plant, generally multi-stemmed, of smaller stature than a tree.

Sidewalk⁶⁶⁵

The portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

Sidewalk café⁶⁶⁶

The temporary location and use of tables and chairs and other associated equipment and furnishing on the public right-of-way for the purpose of serving food and/or drink to patrons and operated as an extension of and contiguous to a business in a district and which sidewalk café shall be an incidental activity of the business.

Sign⁶⁶⁷

A display board, screen, placard, painted or pasted-on display, or any other device which is visible from any public place, street, or highway, or from any way or property open to the public for vehicular travel, and upon which is displayed or included any letter, word, numeral, emblem, logo, symbol, decoration, device, representation, or similar item used as, or which is in the nature of, an identification, announcement, direction, notice, advertisement, or other attention

⁶⁶¹ This is a new definition

⁶⁶² This is a new definition.

⁶⁶³ New definition, from Alabama Code Section 34-43-3.

⁶⁶⁴ This is a new definition.

⁶⁶⁵ This is a new definition.

⁶⁶⁶ The definition is carried forward from the current zoning ordinance.

⁶⁶⁷ Carried forward from Sec. 25-72 of the current zoning ordinance, with refinements.

getting device. This term includes painted, pasted, self-supporting, and attached words, letters, numerals, symbols, emblems, and other such displays that are painted, pasted, or attached directly to a structure and not mounted on any signboard. This term does not include flags displayed from flagpoles or staffs.

Sign copy⁶⁶⁸

The graphic content or message of a sign applied to an exterior display surface of the sign.

Sign permit

See Sec. 25-2.4.10, Sign Permit.

Sign, A-frame or T-frame⁶⁶⁹

A sign designed to rest on the ground that consists of either 1) two sign faces connected together at the top to form an "A" shape sign with a broad base and narrow top when viewed from the side, or 2) a sign face mounted perpendicular to its base to form an upside-down "T" shape when viewed from the side.



Sign, Attached⁶⁷⁰

A sign that is fastened or affixed to, mounted against, or otherwise connected to a building or a structure that has a principal purpose other than display of the sign.

Sign, Banner⁶⁷¹

A sign constructed of lightweight material that is attached to an individual pole or light standard and affixed at top and bottom of the banner. (See illustration below).



⁶⁶⁸ This is a new definition.

⁶⁶⁹ This is a new definition.

⁶⁷⁰ Carried forward from Sec. 25-72 of the current zoning ordinance, with refinements.

⁶⁷¹ This is a new definition.

Sign, Canopy⁶⁷²

A sign attached to a canopy.

Sign, Changeable copy⁶⁷³

A sign upon which a display or message is changed by physical replacement of the display or message or electronic change of the display or message.

Sign, Detached⁶⁷⁴

A sign mounted on or attached to a pole, framework, or other structure whose primary purpose is to display the sign, and not attached or fastened to, or mounted against, or otherwise connected in any way to, a building or other structure. (See illustrations below).



Sign, Marquee⁶⁷⁵

A sign attached to, painted on, or inscribed on a permanent roofed structure attached to and supported by a building and projecting over a public sidewalk. (See illustration below).



Sign, Monument⁶⁷⁶

A freestanding sign permanently mounted on or affixed to a solid decorative base or pedestal with no open air between the sign and the ground, that has, including the support structure, a total width that exceeds its height. (See illustration below).

⁶⁷² This is a new definition.

⁶⁷³ Carried forward from Sec. 25-72 of the current zoning ordinance, except the standard requiring a maximum change rate of once every five seconds is deleted. New standards are included in the sign standards in Article 25-5 for automatic changeable copy.

⁶⁷⁴ Carried forward from Sec. 25-72 of the current zoning ordinance, with refinements.

⁶⁷⁵ This carries forward and consolidates the definitions for marquee and marquee sign in Sec.

⁶⁷⁶ This is a new definition.



Sign, Nonconforming⁶⁷⁷

A sign not prohibited in this Ordinance as a public nuisance that conformed in all respects to the regulations in effect when it was established, but which now violates one or more provisions of this article as of the date of the official adoption and passage of this article, or a subsequent amendment thereof; except that in CB District only, an on-premise attached sign which extends over a public sidewalk (but not over any part of the street or street curb), shall for the purposes of this article be deemed nonconforming and not illegal.

Sign, Off-premise⁶⁷⁸

A sign that draws attention to or communicates information about a business, service, commodity, product, event, or any good or activity that is conducted, sold or offered at a location other than the premises on which the sign is located.

Sign, Permanent⁶⁷⁹

A sign that is intended for other than temporary use or a limited period. A permanent sign is generally affixed or attached to the exterior of a building or to a pole or other structure by adhesive or mechanical means or is otherwise characterized by anchoring, construction materials, or a foundation indicative of an intent to display the sign for more than a limited period.

Sign, Portable⁶⁸⁰

A sign which is mounted on a vehicle, trailer, stand, or similar structure, with or without wheels, and is designed to be transported by vehicle, and which is not permanently embedded in the ground. This definition does not include A-frame or T-frame signs.

Sign, Projecting⁶⁸¹

An attached sign that is attached to and oriented approximately perpendicular to the face or outside wall of a building or structure having a principal function other than support of the sign.

Sign, Roof-mounted⁶⁸²

An attached sign which is affixed primarily and directly to, and which extends above, the roof of any building or structure having a principal function other than support of the sign. (See illustration below).

⁶⁷⁷ Carried forward from Sec. 25-72 of the current zoning ordinance, with refinements. This definition may be revised when Article 25-7: Nonconformities, is drafted.

⁶⁷⁸ This is a new definition that replaces the current definition in Sec. 25-72 of the zoning ordinance.

⁶⁷⁹ This is a new definition.

⁶⁸⁰ This simplifies the definition for “portable sign” in Sec. 25-72 of the current zoning ordinance. It does not carry forward standards in the current definition because this type of sign is prohibited.

⁶⁸¹ Carried forward from the Sec. 25-72 of the current zoning ordinance, with refinements.

⁶⁸² Carried forward from the Sec. 25-72 of the current zoning ordinance, with refinements.



Sign, Temporary⁶⁸³

A sign that is intended for a limited period of display only, and is generally constructed of lightweight materials and installed in a manner so as to be easily removed.

Sign, Wall⁶⁸⁴

An attached sign which is mounted parallel to or flush against an exterior wall of a building. (See illustration below).



Site plan

See Sec. 25-2.4.5, Site Plan (Major or Minor).

Slaughterhouse⁶⁸⁵

An establishment where animals are killed and prepared for food.

Small loan establishment⁶⁸⁶

An establishment engaged in lending activities regulated by Chapter 18 of Title 5 of the Code of Alabama, also known as the Alabama Small Loan Act. Such establishments may include, but are not limited to, check cashing, auto title, and payday loan businesses.

Solar energy collection system, Large scale⁶⁸⁷

A facility consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in water heating or space heating and cooling, and/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.

⁶⁸³ This is a new definition.

⁶⁸⁴ Carried forward from Sec. 25-72 of the current zoning ordinance.

⁶⁸⁵ This is a new definition.

⁶⁸⁶ This is a new definition.

⁶⁸⁷ This is a new definition.

Solar energy conversion system (small-scale)⁶⁸⁸

Equipment for the collection of solar energy and 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.

Solid waste collection and disposal⁶⁸⁹

A landfill or other facility that collects, stores, and disposes of municipal solid waste (household waste).

Special event⁶⁹⁰

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. "Special event" does not include temporary or seasonal retail sales of goods, products, or services, such as temporary sales of Christmas trees, farm produce, fireworks, and other similar seasonal goods.

Special exception

See Sec. 25-2.4.4, Special Exception Permit.

Stadium, arena, or amphitheater⁶⁹¹

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, parking facilities, and maintenance areas.

Standard Building Code

See "Building Code".

Stem (tree)

See "Trunk".

Structure⁶⁹²

Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things, signs, but not including telephone poles and overhead wires.

⁶⁸⁸ This is a new definition

⁶⁸⁹ This is a new definition.

⁶⁹⁰ This is a new definition

⁶⁹¹ This is a new definition.

⁶⁹² Carried forward from Sec. 25-2 of the current zoning ordinance.

Studio

A facility used for the production or instruction of art, music, dance, yoga, or the martial arts.

Subdivision Regulations

The Subdivision Regulations of the City of Decatur, as adopted by the Planning Commission.

Swimming pool (accessory use)⁶⁹³

An enclosure that is filled with water and used for wading or swimming, and that is accessory to a principal use.

I

Table wine⁶⁹⁴

Any wine containing not more than 14 percent alcohol by volume.

Technical or Trade School⁶⁹⁵

A public or private school offering vocational or trade instruction—such as teaching of trade or industrial skills, cosmetology, clerical or data processing, barbering or hair dressing, computer or electronic technology, or artistic skills—to students and that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes, and meets the state requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, and other facilities that further the educational mission of the institution. The school does not provide lodging for students or faculty.

Text amendment

See Sec. 25-2.4.1, Text Amendment.

Tourist home⁶⁹⁶

A dwelling unit rented in its entirety as lodging for periods of less than 29 consecutive days.

Tree⁶⁹⁷

A woody plant, generally with no more than one or two principal stems.

Trunk⁶⁹⁸

A principal upright supporting structure of a tree or shrub.

U

Use⁶⁹⁹

The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

⁶⁹³ This is a new definition

⁶⁹⁴ Carried forward from Sec. 25-2 of the current zoning ordinance.

⁶⁹⁵ This is a new definition.

⁶⁹⁶ This is a new definition.

⁶⁹⁷ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

⁶⁹⁸ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

⁶⁹⁹ Carried forward from Sec. 25-2 of the current zoning ordinance.

Utility facility, Major⁷⁰⁰

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 water treatment plants, water towers, wastewater treatment plants, solid waste facilities, recycling drop-off centers, gas compressor stations, electrical substations, and other similar facilities. This use does not include telecommunications facilities or towers.

Utility facility, Minor⁷⁰¹

A structure or facility that by itself is a relatively minor component of an infrastructure system providing local facilities and services 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, bus stops and bus shelters, electric lines and transformers, gas transmission pipes and valves, and CATV lines.

V

Variance

See Sec. 25-2.4.14, Variance (Zoning), and Sec. 25-2.4.15, Variance (Floodplain).

Vegetated roof

See “Green roof”.

Vegetation⁷⁰²

Living plant material including grass, plants, ground covers, shrubs, trees, etc.

Vehicle fueling station⁷⁰³

An establishment engaged in the retail sale of motor vehicle fuel that is stored on site, such as gasoline, diesel fuel, natural gas, hydrogen, and electricity. Accessory uses may include a convenience retail store, and light vehicle repair and maintenance. This use does not involve the provision of major repairs such as vehicle bodywork or painting or repair of engines.

Veterinary hospital⁷⁰⁴

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, and limited retail sales of pet-related merchandise.

Visibility triangle⁷⁰⁵

An area of critical visibility between the heights of two and one-half feet and eight feet above the street grade at an intersection in which landscaping is restricted in the interest of vehicular traffic

⁷⁰⁰ This is a new definition.

⁷⁰¹ This is a new definition.

⁷⁰² Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

⁷⁰³ This is a new definition.

⁷⁰⁴ This is a new definition.

⁷⁰⁵ Carried forward from Sec. 25-16(9)(d)(ii) of the current zoning ordinance.

Section 25-8.3, Definitions

Sec. 25-8.2.4, Exceptions and Variations

safety. The visibility triangle will be determined by points 25 feet from intersection right-of-way lines with a straight line connecting such points.

W

Warehousing, General⁷⁰⁶

A facility primarily used for the storage of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

Warehousing, Hazardous materials⁷⁰⁷

A facility for the bulk storage, distribution, and handling of flammable, hazardous, or noxious materials or equipment. This use does not include a vehicle fueling station.

Wholesale sales⁷⁰⁸

An establishment primarily engaged in the sale and distribution of commodities in quantity to commercial, institutional, or industrial customers, and not direct sales to the general public.

Wind energy conversion system (small-scale)⁷⁰⁹

A facility consisting of one or more rotating wind turbines and related equipment that converts the kinetic energy in wind into mechanical energy. A small-scale wind energy conversion system as an accessory use is intended to primarily reduce on-site consumption of utility power for a home or business.

Wine⁷¹⁰

Any beverage made from the fermentation of fruits, berries, or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States, containing not more than twenty-four (24) percent alcohol by volume, and shall include all sparkling wines, carbonated wine, special natural wines, rectified wines, vermouths, vinous beverages, vinous liquors and like products.

Wireless telecommunications facility⁷¹¹

See Chapter 7, Article 7 of the City Code of Ordinances.

⁷⁰⁶ This is a new definition.

⁷⁰⁷ This is a new definition.

⁷⁰⁸ This is a new definition.

⁷⁰⁹ This is a new definition

⁷¹⁰ Carried forward from Sec. 25-2 of the current zoning ordinance.

⁷¹¹ This is a new definition.

X

Y

Yard⁷¹²

An open space located on the same lot with a structure or use that is left open, unoccupied, and unobstructed by structures between the structure or use and the nearest lot line, from the ground to the sky, except as otherwise provided in this Ordinance.

Yard Sale⁷¹³

An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups where goods are limited primarily to used merchandise donated by the yard sale participants.

Yard, Front⁷¹⁴

The yard extending across the entire width of the lot between the principal building including covered porches, and the front lot line, or if an official future street right-of-way line has been established, between the principal building, including covered porches, porte-cocheres and carports, and the future street right-of-way line.

Yard, Rear⁷¹⁵

The yard extending across the entire width of the lot between the principal building, including covered porches, and the rear lot line. In all Residential districts, where a dwelling is oriented diagonal to abutting streets, the rear yard shall be determined by measuring the shortest distance perpendicular to the rear of the house to the closest property line and by then adding one-half the distance of the altitude of the remaining triangle. The sum of these two distances shall not be less than the required rear setback of the district in which the lot is located.

Yard, Side⁷¹⁶

The yard extending along a side lot line, from the front yard to the rear yard, between the principal building, including covered porches, porte-cocheres, and carports, and such lot line.

Z

Zoning Map amendment

See Sec. 25-2.4.2, Zoning Map Amendment.

⁷¹² Carried forward from Sec. 25-2 of the current zoning ordinance, with refinements.

⁷¹³ This is a new definition

⁷¹⁴ Carried forward from Sec. 25-2 of the current zoning ordinance, with refinements.

⁷¹⁵ Carried forward from Sec. 25-2 and Sec. 25-14 of the current zoning ordinance, with refinements.

⁷¹⁶ Carried forward from Sec. 25-2 of the current zoning ordinance, with refinements.