



MONTGOMERY, AL

UPDATED ZONING ORDINANCE

PUBLIC DRAFT

AUGUST 2023



ARTICLE 1: GENERAL PROVISIONS

ARTICLE 2: ADMINISTRATION

ARTICLE 3: ZONE DISTRICTS

ARTICLE 4: USE REGULATIONS

ARTICLE 8: DEFINITIONS AND
RULES OF CONSTRUCTION,
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planning
NEXT
CLARION

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Article 1: General Provisions

Commentary on Draft:

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

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

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

Section 1.1 Title¹

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

Section 1.2 Authority²

1.2.1 General Authority

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

¹ This builds on Article I, Section I of the current Zoning Ordinance. The adoption of the Official Zoning Map is relocated below.

² This is a new section that references the applicable state statutes that authorize the City to exercise land-use regulatory authority.

1.2.2. Amendments to Code of Alabama

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

Section 1.3 General Purpose and Intent³

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

- (A) Provide for the orderly growth and development of the City in a manner that accommodates reasonable overall community growth, including population and employment growth, provides opportunities for development of a variety of uses, and supports the efficient use of land, water, roads, and other resources;
- (B) Support economic growth and development;
- (C) Manage traffic congestion;
- (D) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, recreation, emergency services, and other public facilities;
- (E) Ensure development is compatible with the desired character of the zone district where it is located and surrounding uses;
- (F) Facilitate infill development, redevelopment of land, and adaptive reuse of land and buildings;
- (G) Preserve the character and quality of residential neighborhoods;
- (H) Ensure the provision of adequate open space for recreation and other uses;
- (I) Provide for a diversity of housing opportunities;
- (J) Conserve the natural resources and environmental quality of the City and its environs; and
- (K) Establish comprehensive, consistent, effective, efficient, and equitable standards and procedures for the review and approval of development that implement the adopted plans, respect the rights of landowners, and consider the interests of the City's citizens

Section 1.4 Applicability⁴

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

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

³ These are new general purpose statements.

⁴ This new section establishes the area in which this Ordinance applies.

Section 1.5 Relationship with Other Laws, Covenants, or Decrees⁵

1.5.1 Conflicts with Provisions of Adopted Codes or Ordinances

- (A) If a provision of this Ordinance is inconsistent or conflicts with another provision of this Ordinance or with a provision found in other adopted ordinances or codes of the City, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.
- (B) When it is possible to implement, administer, or construe a particular provision of this Ordinance in more than one way, it shall be implemented, administered, or construed in a way that eliminates or minimizes conflicts with other Ordinance provisions.

1.5.2 Conflicts with State or Federal Law

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

1.5.3 Relationship to Restrictive Covenants and Deed Restrictions

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

Section 1.6 Official Zoning Map⁶

1.6.1 Establishment of Official Zoning Map.

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

1.6.2 Incorporated by Reference

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

1.6.3 Interpretation of Zoning Map Boundaries⁷

The Administrator shall be responsible for interpretation of the Official Zoning Map in accordance with Section 2.5.15, Interpretation, and the following standards:

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

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

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

- (A) When a district boundary is shown as approximately following a street, highway, alley, road, right-of-way, parkway, public utility right-of-way, railroad, stream, or watercourse, the boundary shall be deemed to be the center line of such feature.
- (B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (C) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.⁸
- (D) Boundaries indicated as approximately following established corporate limits and county borders shall be construed as following such lines.
- (E) Boundaries indicated as separated from but approximately parallel to any of the features indicated in subsections (A) through (D) above, or any landmarked or monumental line, shall be deemed to be parallel to the center line of the feature.
- (F) Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- (G) Where a street, highway, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the Official Zoning Map, the physical monument or marker located on the ground shall control.
- (H) Where physical features, such as flood plains, vary from those shown on the Official Zoning Map, or in other circumstances not covered by subsections (A) through (G) above, the Land Use Controls Administrator shall determine the district boundaries. An aggrieved person may appeal the Administrator's determination to the Board of Adjustment in accordance with Section 2.5.13, Appeal.

Section 1.7 Transitional Provisions⁹

1.7.1 Violations Continue

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

1.7.2 Completed Applications Upon Which No Final Action Taken

- (A) Any development application submitted and accepted as complete before [insert the effective date of this Ordinance], but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted as complete. Complete applications shall be processed in good faith. If the applicant fails to take reasonable efforts to secure approval of a development application in a timely fashion, the application shall expire, and future development shall be subject to the requirements and standards of this Ordinance.
- (B) To the extent an application proposes development that does not comply with this Ordinance but is approved in accordance with subsection (A) above, the subsequent development,

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

⁸ New provision.

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

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

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

1.7.3. Approved Applications

- (A) Any development approvals granted before [insert effective date of this Ordinance], except a qualified zone district and a Planned Unit Development (PUD) zone district, shall remain valid until their expiration date, unless they are revoked (e.g., for failure to comply with their terms and conditions) or are substantially modified with respect to the character of development or the intent of the approval. Development with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval. If the approval or permit expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), or is substantially modified with respect to the character of development or the intent of the approval, any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance.
- (B) A qualified zone district and a PUD zone district shall remain valid and shall not expire, and land in those districts shall remain subject to the regulations of the qualified zone district and PUD zone district, as applicable, until the zoning designation assigned to the land is amended in accordance with Section 2.5.2, Official Zoning Map Amendment.¹⁰
- (C) To the extent the prior approval or permit recognized by this section proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 6: Nonconformities.

1.7.4. New Applications

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

1.7.5. Zoning District Transition

(A) General

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

Table 1-1: Zone District Transitions	
Former District	New District
Agricultural Districts	
AGR-2: General Agriculture	AGR: Agriculture
AGR-1: Residential Agriculture	AGR-RES: Agriculture Residential

¹⁰ This clarifies that qualified zone districts and PUD districts remain valid and do not expire.

Table 1-1: Zone District Transitions

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

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

(B) Transition of Qualified Districts

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

(C) Transition of Planned Unit Development Districts

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

Section 1.8 Construction and Occupancy

1.8.1 Building Permit¹¹

- (A)** No land clearing, building or structure construction (including accessory structures), or related activities, such as storage of building materials on a site, shall commence until the Building Official has issued a building permit, except that a building permit is not required for the grading or filling of one or more lots where no excavation is made for construction.
- (B)** No building permit shall be issued until the Land Use Control Administrator has determined that the plans, specifications, and intended use of the structure comply with the provisions of this Ordinance.

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

1.8.2. Certificate of Occupancy¹²

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

Section 1.9 Severability¹³

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

Section 1.10 Effective Date

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

¹² This carries forward, revises, clarifies, and simplifies Article II, Section 4 of the current Zoning Ordinance.

¹³ This builds on Article V, Section 2 of the current Zoning Ordinance.

Article 2: Administration

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

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

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

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

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

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

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

Section 2.1 Purpose and Organization

2.1.1 Purpose

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

2.1.2 Organization

The remaining sections of this article are organized as follows:

- (A) Section 2.2, Summary Table of Development Review Responsibilities, includes a summary table of development review procedures that provides an overview of the development approvals under the Zoning Ordinance.
- (B) Advisory and Decision-Making Bodies and Persons, identifies and clarifies the roles of the different bodies and staff responsible for review, advice, and decision-making on applications for development approvals.

- (C) Section 2.4, Standard Application Requirements and Procedures, establishes a standard set of review procedures that generally apply to the review of all applications for development approvals.
- (D) Section 2.5, Application-Specific Review Procedures and Decision Standards, includes the specific review standards and any unique procedural review requirements for each individual application.

Section 2.2 Summary Table of Development Review Responsibilities

Table 2.2: Summary of Development Review Responsibilities				
D = Decision R = Recommendation S = Staff Review A= Appeal * = Public Hearing				
Review Procedure Section	Land Use Control Administrator	Planning Commission	Board of Adjustment	City Council
Discretionary Approvals				
Text Amendment 2.5.1	S	R*		D*
Official Zoning Map Amendment 2.5.2	S	R*		D*
Qualified Zone District Classification 2.5.3	S	R*		D*
Planned Development 2.5.4	S	R*		D*
Special Exception 2.5.5	S		D*	
Cemetery Development Plan 2.5.6	S	R*		D*
Site Development				
Development Plan 2.5.7(B)	D		A	
Other Approvals				
Building Permit	See Building Code (Section 5-71 of the City Code) and Section 1.8.1, Building Permit			
Certificate of Occupancy	See Building Code (Section 5-71 of the City Code) and Section 1.8.2, Certificate of Occupancy			
Floodplain Development Permit	See Flood Damage Prevention Ordinance (Section 5-671 <i>et seq.</i> of the City Code)			
Outdoor Advertising Approval 2.5.8	D		A	
Temporary Use Approval 2.5.9	D		A	
Vending License 2.5.10	D		A	
Relief and Interpretation				
Administrative Adjustment 2.5.11	D			
Variance, Floodplain	See Flood Damage Prevention Ordinance (Section 5-671 <i>et seq.</i> of the City Code)			
Variance, Zoning 2.5.12			D*	
Appeal 2.5.13			D*	
Appeal, Floodplain	See Flood Damage Prevention Ordinance (Section 5-671 <i>et seq.</i> of the City Code)			
Appeal, Recreational Vehicle Privilege 2.5.14	S		D*	
Interpretation 2.5.15	D		A	

Section 2.3 Advisory and Decision-Making Bodies and Persons

2.3.1. City Council¹⁴

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

- (A) To review and decide the following:
 - (1) Zoning Ordinance Text Amendment (see Section 2.5.1);
 - (2) Official Zoning Map Amendment (see Section 2.5.2);
 - (3) Qualified Zone District Classification (see Section 2.5.3);
 - (4) Planned Development (see Section 2.5.4); and
 - (5) Cemetery Development Plan (see Section 2.5.6);
- (B) To establish fees and appropriate means of payment for applications reviewed under this Ordinance; and¹⁵
- (C) To take any other action not assigned or delegated to another decision-making body or person as the City Council may deem desirable and necessary to implement the provisions of this Ordinance.

2.3.2. Planning Commission

The Planning Commission, which is established in accordance with Sec. 21-31 of the City Code, shall have the following powers and duties:¹⁶

- (A) To review and make a recommendation on the following:
 - (1) Zoning Ordinance Text Amendment (see Section 2.5.1);
 - (2) Official Zoning Map Amendment (see Section 2.5.2);
 - (3) Qualified Zone District Classification (see Section 2.5.3);
 - (4) Planned Development (see Section 2.5.4);
 - (5) Cemetery Development Plan (see Section 2.5.6); and
- (B) Any other powers and duties assigned to it by the City Council in accordance with Title 11, Ch. 52 of the Code of Alabama, 1975.

2.3.3. Board of Adjustment¹⁷

The Board of Adjustment is hereby established.

(A) Powers and Duties

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

- (1) To review and decide the following:
 - (a) Special Exceptions (see Section 2.5.5); and
 - (b) Variances (see Section 2.5.12);

¹⁴ This new section states the powers and duties of City Council in the specific context of the Zoning Ordinance.

¹⁵ We recommend removing the specific fee provisions in other locations such as Article III, Section 4 (Board of Adjustment application fees) of the current Zoning Ordinance and maintaining a schedule of fees adjustable by Council.

¹⁶ We have not recommended changes to Chapter 21, Planning, of the City Code, and reference the section here. As discussed below in the context of the Board of Adjustment, we recommend the duplicative provision establishing the size of the Planning Commission in Section 2-302 of the City Code be repealed.

¹⁷ Carries forward Article III, Board of Adjustment. This section reorganizes Article III, Section 2 of the current Zoning Ordinance to fit within the structure of the new zoning ordinance.

- (2)** To hear and decide appeals from final decisions on the following:
 - (a)** Administrative decisions of the Land Use Control Administrator:
 - 1.** Development Plan (see Section 2.5.7(B));
 - 2.** Outdoor Advertising Approval (see Section 2.5.8);
 - 3.** Temporary Use Approval (see Section 2.5.9);
 - 4.** Vending License (see Section 2.5.10); and
 - 5.** Recreational Vehicle (see Section 2.5.14); and
 - (b)** Interpretations (see Section 2.5.15); and
- (3)** To serve as the administrative agency for enforcement of regulations relating to the AH-O Airport Hazard Overlay District, in accordance with the Airport Zoning Act, Section 4-6-10, Code of Alabama, 1975. See Section 3.10.2, AH-O: Airport Hazard Overlay.¹⁸

(B) Membership¹⁹

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

(C) Proceedings

- (1)** The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chair and at such other times as the Board may determine. A quorum of five shall be required to conduct business. The Chair or, in the Chair's absence, the acting Chair may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- (2)** The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be of a public record and be immediately filed in the office of the Board.

2.3.4. Land Use Control Administrator²⁰

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

(A) Powers and Duties

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

- (1)** To provide staff review and make recommendations for the following:
 - (a)** Zoning Ordinance Text Amendment (see Section 2.5.1);
 - (b)** Official Zoning Map Amendment (see Section 2.5.2);
 - (c)** Qualified Zone District Classification (see Section 2.5.3);
 - (d)** Planned Development (see Section 2.5.4);

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

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

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

- (e) Special Exceptions (see Section 2.5.5);
- (f) Cemetery Development Plan (see Section 2.5.6); and
- (g) Appeal of Recreational Vehicle Privilege (see Section 2.5.14);
- (2) To review and decide the following:
 - (a) Development Plan (see Section 2.5.7(B));
 - (b) Outdoor Advertising Approval (see Section 2.5.8);
 - (c) Temporary Use Approval (see Section 2.5.9);
 - (d) Vending License (see Section 2.5.10);
 - (e) Administrative Adjustment (see Section 2.5.11); and
 - (f) Interpretations (see Section 2.5.15);
- (3) To establish and chair a Technical Review Committee composed of representatives of relevant departments or agencies with expertise or review responsibilities pertaining to the development applications for the purpose of streamlining review of applications;
- (4) To establish application content requirements for the review of applications;
- (5) To compile and amend as necessary a Procedures Manual that includes requirements for application contents and forms, submission schedules, a schedule of fees (established by the City Council), and any additional information that the Administrator deems appropriate and relevant to the submittal of, review of, and decision on development applications;
- (6) To maintain a copy of the current schedule of fees and payment procedures or, if compiled, the Procedures Manual, in an office available to the public or online;
- (7) To oversee the enforcement of this Ordinance, in accordance with Article 7: Enforcement; and
- (8) To carry out any other activities described in this Ordinance.

(B) Delegation

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

Section 2.4 Standard Application Requirements and Procedures²¹

2.4.1. General

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

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

Figure 2-1: Summary of Standard Review Procedures



2.4.2. Pre-Application Conference²²

(A) Purpose

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

(B) Applicability

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

(C) Procedure

(1) Scheduling

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

(2) Submission of Materials Prior to Meeting

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

(3) Conduct of Meeting

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

(D) Effect

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

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

2.4.3. Application Submission²³

(A) Application Submitted to Land Use Division²⁴

All applications shall be submitted to the Land Use Division.

(B) Authority to Submit Application

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

(C) Required Contents and Form²⁵

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

(D) Required Fees

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

(E) Schedule

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

(F) Simultaneous Processing of Applications

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

(G) Examination and Copying of Application and Associated Materials

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

2.4.4. Determination of Completeness²⁶

(A) General

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

- (1)** Contains all content required for the particular type of application.
- (2)** Is in the form required for the particular type of application.
- (3)** Includes information in sufficient detail to allow an evaluation of the application to determine whether it complies with the appropriate review standards of this Ordinance.
- (4)** Is accompanied by the fee established for the particular type of application.

²³ This new section establishes consistent rules for the submission of development applications and related matters.

²⁴ We recommend providing enough specificity to direct applicants to the appropriate office while allowing flexibility for future reorganization. This section can be expanded if the City wishes to direct particular permits or permissions to specific departments.

²⁵ As discussed in the Code Assessment (page II-7), we recommend removing specific application content requirements from the code and placing them in a separate document maintained by staff. This makes the Zoning Ordinance more user friendly and allows staff to make tweaks to the application contents and other requirements without requiring City Council approval of an amendment to the text of the Ordinance.

²⁶ As recommended in the Code Assessment (page II-13), this new section adds a formal step of review to ensure an application is complete, preventing wasted time and effort of both the applicant and staff.

(B) Application Incomplete²⁷

- (1)** If the Administrator determines that the application is incomplete, the Administrator shall send notice to the applicant of the application's deficiencies electronically or by mail within 15 business days²⁸ of receipt of the application, and review of the application shall not proceed. The applicant may correct the deficiencies and resubmit the revised application for another completeness determination without payment of an additional fee.
- (2)** If the applicant fails to resubmit an incomplete application within 60 days after being notified of submittal deficiencies, the application shall be considered withdrawn.
- (3)** Notwithstanding the other provisions of this subsection, after an application is determined to be incomplete three times, the applicant may request, and the Administrator shall undertake, processing and review of the application.

(C) Application Complete

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

(D) Amendment or Withdrawal of Application

(1) Application Amendment

- (a)** An applicant may submit a revised application to the Community Development Department after receiving initial staff review comments on the application or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed but not yet taken action on the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by the Administrator or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections, and do not include significant substantive changes to the plan for development proposed in the application.
- (b)** Any other revisions to the application may be submitted at any time during the review procedure, but the revised application shall be submitted and reviewed as if it were a new application, and may be subject to additional application fees to defray the additional costs of processing the revised application.

(2) Application Withdrawal

- (a)** An applicant may withdraw an application at any time by submitting a letter of withdrawal to the Administrator.
- (b)** Applications withdrawn after required notice of any public hearing scheduled for the application shall be subject to limitations on the subsequent submittal of similar applications in accordance with Section 2.4.10(E), Limit on Subsequent Applications.
- (c)** If an application is withdrawn by the applicant, no further review of the application shall take place unless or until a new application (including new application fees) is submitted and determined to be complete. Application fees shall not be refunded for withdrawn applications.

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

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

2.4.5. Staff Review and Action

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

(A) Review and Opportunity to Revise

- (1) If an application is determined to be complete, the Administrator shall distribute the application to all appropriate staff, departments, and other review agencies for review and comment. At the discretion of the Administrator this may include the assembly of a formal Technical Review Committee composed of representatives of different departments and agencies for the purpose of coordinating review.
- (2) The Administrator shall review the application, relevant support material provided, and any comments or recommendation from the appropriate staff. If deficiencies in complying with the applicable standards of this Ordinance are identified, the Administrator shall notify the applicant of the deficiencies and provide the applicant a reasonable opportunity to revise the application to address them.

(B) Application Subject to Staff Review

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

(C) Application Subject to Decision by Staff

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

(D) Delegation of Staff Review to Professional Staff

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

2.4.6. Scheduling of Public Hearing and Notification²⁹

(A) Compliance with State Law

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

(B) Public Notice

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

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

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

(C) Publication of Legal Notice³⁰

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

(D) Mailed Notice

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

(E) Posted Notice

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

- (1)** Notice shall be posted at 150-foot intervals along the street frontage of the property, with a minimum of one sign for each side of the property with street frontage. The Administrator shall post notice at additional locations that the Administrator deems necessary to provide adequate notification.
- (2)** All notice shall be posted at least 15 days prior to the date of the hearing for which the notice is placed.

2.4.7. Advisory Body Hearing, Review, and Decision

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

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

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

- (B) The Planning Commission shall provide a statement in writing setting forth the basis or rationale for the recommended decision.
- (C) If permitted for the particular type of application in accordance with Section 2.5, Application Specific Review Procedures and Decision Standards, the Planning Commission may recommend conditions of approval. Recommended conditions of approval must relate in both type and extent to the anticipated impacts of the proposed development.
- (D) The Planning Commission shall provide its recommendation to the City Council.

2.4.8. Decision-Making Body Hearing, Review And Decision

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

- (A) The decision-making body shall conduct a public hearing on the application and shall consider the application, relevant support materials, staff or Planning Commission reports and recommendations, and any comments received during the hearing. Following the public hearing, the decision-making body shall make in writing one of the decisions authorized for the particular type of application, based on the decision standards applicable to the application type, as set forth in Section 2.5, Application-Specific Review Procedures and Decision Standards. The decision shall state the basis or rationale for the decision.
- (B) The decision-making body shall take action as promptly as reasonably possible in consideration of the interests of the applicant, affected parties, and citizens of the City.
- (C) Before making its decision, the decision-making body may remand the application to the Planning Commission or staff, as applicable, for further consideration of any issue.
- (D) If permitted for the particular type of application in accordance with Section 2.5, Application Specific Review Procedures and Decision Standards, the decision-making body may approve the application subject to conditions of approval. Conditions of approval must relate in both type and extent to the anticipated impacts of the proposed development.

2.4.9. Notification to Applicant of Decision

Within ten business days³¹ after a final decision on a development application, or within another period of time as required by state law, the Administrator shall send notice of the decision to the applicant. The notification shall be in writing and in accordance with applicable state law. The Administrator shall also make a copy of the decision available to the public at the Community Development Department office during normal business hours.

2.4.10. Post-Decision Actions and Limitations³²

(A) Effect of Approval

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

³¹ New timeline for notification of decision?

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

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

(B) Lapse in Approval³³

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

(C) Amendment of Development Approval or Permit

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

(D) Appeal

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

(E) Limit on Subsequent Applications³⁴

(1) Prior Application Denied

- (a)** If a development or zoning application requiring a public hearing is denied, an application proposing the same development or zoning designation on all or part of the same land shall not be submitted within one year after the date of decision denying the application unless the decision-making body waives this time limit in accordance with subsection (b) below. Only one request for a waiver of this time limit may be submitted during the one-year period.
- (b)** The owner of land that is the subject of an application that was denied, or the owner's authorized agent, may submit a written request for a waiver of the time limit established in subsection (a) above, along with a fee to defray the cost of processing the request, to the Administrator, who shall transmit the request to the decision-making body. Upon a favorable vote by two-thirds of its membership, the decision-making body may grant a waiver of the time limit only upon making a finding that the owner or agent has demonstrated at least one of the following:
 - 1.** There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the application of relevant review standards;

³³ As noted in the Code Assessment (page II-13), we recommend establishing general expiration rules for most development applications so that "stale" development approvals do not remain valid for years, since the City's development regulations and priorities may have changed. In this draft, the acquisition of a "building permit" is used as a trigger, but other criteria could be used, such as "substantially commenced."

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

2. New or additional information is available that was not available at the time of review that might reasonably affect the application of relevant review standards;
3. The new application proposed to be submitted is not substantially the same as the prior application; or
4. The final decision on the application was based on a material mistake of fact.

(2) Prior Application Withdrawn

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

Section 2.5 Application-Specific Review Procedures and Decision Standards³⁵

Discretionary Appeals

2.5.1. Zoning Ordinance Text Amendment³⁶

(A) Applicability

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

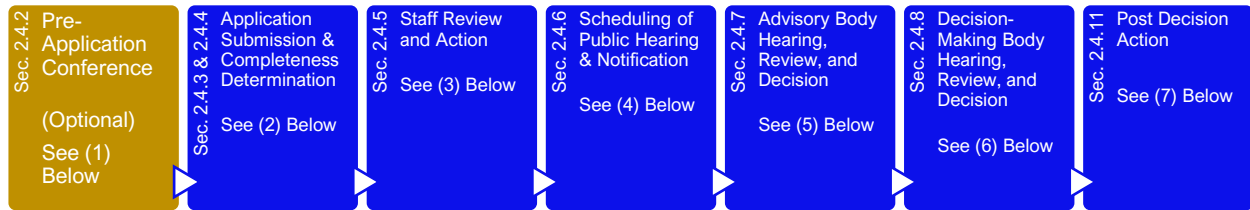
(B) Procedure for Zoning Ordinance Text Amendment

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

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

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

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



(1) Pre-Application Conference

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

(2) Application Submission and Completeness Determination

- (a)** Applications shall be submitted in accordance with Section 2.4.3, Application Submission, except that text amendments may be initiated by the City Council, the Planning Commission, the Administrator, an owner of land in the City, or a person with a financial or other interest in land in the City.
- (b)** For purposes of this section, a resolution adopted by the City Council or the Planning Commission initiating a text amendment shall constitute the application.

(3) Staff Review and Action

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

(4) Scheduling of Public Hearing and Notification

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

(5) Advisory Body Hearing, Review, and Decision

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

- (a)** Recommend approval of the ordinance adopting the Text Amendment;
- (b)** Recommend approval of the ordinance adopting the Text Amendment, with revisions; or
- (c)** Recommend denial of the application for Text Amendment.

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

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

- (a)** Approve the ordinance adopting the Text Amendment;
- (b)** Approve ordinance adopting the Text Amendment, with revisions;
- (c)** Deny the application for Text Amendment; or
- (d)** Remand the application for Text Amendment to the Planning Commission for further consideration.

(7) Post-Decision Actions and Limitations

- (a)** An approved Zoning Ordinance Text Amendment does not lapse.
- (b)** The City Council, the Planning Commission, and the Administrator are not subject to the limitations in Section 2.4.10(E), Limit on Subsequent Applications.

(C) Decision-Making Standards for Zoning Ordinance Text Amendment³⁷

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

- (1)** Is in accordance with the goals of the comprehensive plan and other applicable plans and planning documents adopted by the City;
- (2)** Is required by changed conditions;
- (3)** Addresses a demonstrated community need;
- (4)** Is consistent with the purpose and intent of the zone districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the City;
- (5)** Is consistent with other related State and local laws and regulations;
- (6)** Would result in a logical and orderly development pattern; and
- (7)** Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

2.5.2. Official Zoning Map Amendment³⁸**(A) Applicability**

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

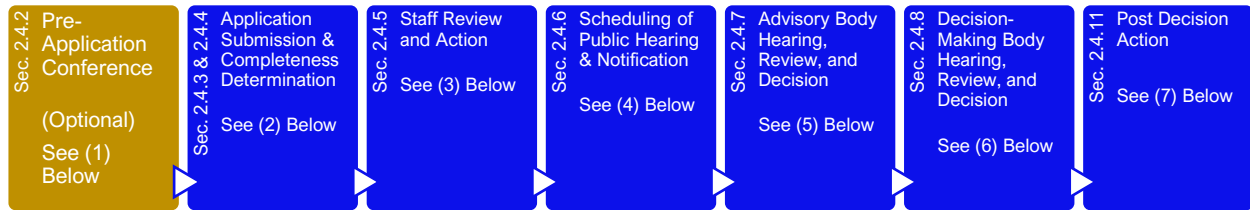
(B) Procedure for Official Zoning Map Amendment

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

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

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

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



(1) Pre-Application Conference

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

(2) Application Submission and Completeness Determination

- (a)** Applications shall be submitted in accordance with Section 2.4.3, Application Submission, except that Official Zoning Map Amendments may be initiated by the City Council, the Planning Commission, the Administrator, an owner of land in the City, or a person with a financial or other interest in land in the City.
- (b)** For purposes of this section, a resolution adopted by the City Council or the Planning Commission initiating a map amendment shall constitute the application.

(3) Staff Review and Action

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

(4) Scheduling of Public Hearing and Notification

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

(5) Advisory Body Hearing, Review, and Decision

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

- (a)** Recommend approval of the application for Official Zoning Map Amendment;
- (b)** Recommend approval of the Official Zoning Map Amendment, with revisions; or
- (c)** Recommend denial of the application for Official Zoning Map Amendment.

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

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

- (a)** Approve the application for Official Zoning Map Amendment;
- (b)** Approve the application for Official Zoning Map Amendment, with revisions;
- (c)** Deny the application for Official Zoning Map Amendment; or
- (d)** Remand the application for Official Zoning Map Amendment to the Planning Commission for further consideration.

(7) Post-Decision Actions and Limitations

Post-decision action on the special exception shall be in accordance with Section 2.4.10, Post-Decision Actions and Limitations, with the following adjustments:

- (a) An approved Official Zoning Map Amendment does not lapse.
- (b) The City Council, the Planning Commission, and the Administrator are not subject to the limitations in Section 2.4.10(E), Limit on Subsequent Applications.

(C) Decision-Making Standards for Official Zoning Map Amendment³⁹

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

- (1) Is in accordance with the goals of the Comprehensive Plan and other applicable plans and planning documents adopted by the City;
- (2) Is required by changed conditions;
- (3) Addresses a demonstrated community need;
- (4) Would allow a range of uses that are compatible with the uses allowed on other property in the vicinity;
- (5) Would avoid creating an inappropriately isolated district unrelated to adjacent and surrounding districts;
- (6) Would result in a logical and orderly development pattern;
- (7) Would allow the subject property to be put to a reasonably viable economic use;
- (8) Would result in development that can be served by available, adequate, and suitable public facilities (e.g., streets, potable water, sewerage, stormwater management); and
- (9) Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

2.5.3. Qualified Zone District Classification⁴⁰

(A) Applicability

- (1) Approval of a Qualified Zone District Classification amendment in accordance with this section is required to amend the Official Zoning Map to a qualified district.
- (2) A qualified zone district may only be established in conjunction with a base zone district in accordance with Section 3.7.2, Qualified Districts.

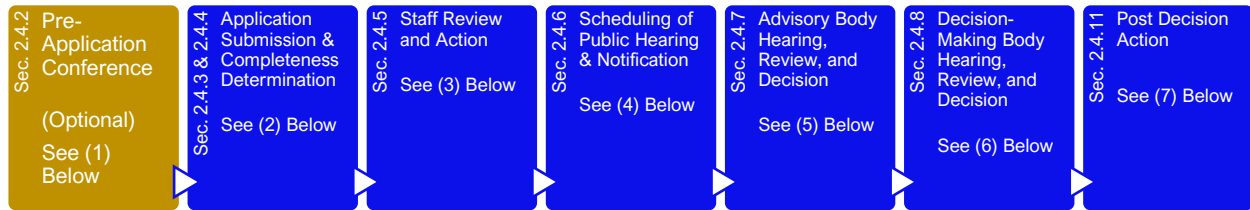
(B) Procedure for Qualified Zone District Classification Amendment

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

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

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

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



(1) Pre-Application Conference

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

(2) Application Submission and Completeness Determination

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

(3) Staff Review and Action

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

(4) Scheduling of Public Hearing and Notification

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

(5) Advisory Body Hearing, Review, and Decision

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

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

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

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

- (a)** Adopt an ordinance approving the application for Qualified Zone District Classification amendment;
- (b)** Adopt an ordinance approving the application for Qualified Zone District Classification amendment, with revisions;
- (c)** Deny the application for Qualified Zone District Classification amendment; or
- (d)** Remand the application for Qualified Zone District Classification amendment to the Planning Commission for further consideration.

(7) Post-Decision Actions and Limitations

- (a)** Post-decision action on the Qualified Zone District Classification shall be in accordance with Section 2.4.10, Post-Decision Actions and Limitations, except that in cases where a subsequent amendment to the qualified zone district is requested, and the amendment is only to modify standards placed on the use by the approved qualified zone district classification related to the topics listed below, the final decision on that amendment shall be by the Planning Commission and not the City Council:⁴¹
- 1.** Buffers;
 - 2.** Ingress and egress;
 - 3.** Drainage; and
 - 4.** Environmental plans.
- (b)** All applicable limitations and standards within a Qualified Zone District shall be considered to apply permanently and may only be modified by a rezoning to another zone district or a modification in accordance with Section 3.7.4, Applicable Standards and Conditions.

(C) Decision-Making Standards for Qualified Zone District Classification⁴²

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

- (1)** Is not achievable through other means such as the designation of a base zone district or allowable administrative adjustments to development standards.
- (2)** Would result in development that is harmonious and compatible with the surrounding development and not have an undesirable or detrimental impact.
- (3)** Is in accordance with the goals of the comprehensive plan and other applicable plans and planning documents adopted by the City;
- (4)** Is required by changed conditions;
- (5)** Addresses a demonstrated community need;
- (6)** Would allow a range of uses that are compatible with the uses allowed on other property in the surrounding area;
- (7)** Would avoid creating an inappropriately isolated district unrelated to adjacent and surrounding districts;
- (8)** Would result in a logical and orderly development pattern;
- (9)** Would allow the subject property to be put to a reasonably viable economic use;
- (10)** Would result in development that can be served by available, adequate, and suitable public facilities (e.g., streets, potable water, sewerage, stormwater management); and
- (11)** Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

⁴¹ This carries forward the distinction from Article VIII, Section 11.6 in the current Zoning Ordinance. This will be updated and will reference applicable sections in the development standards when those are drafted as part of Module 2.

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

2.5.4. Planned Development⁴³

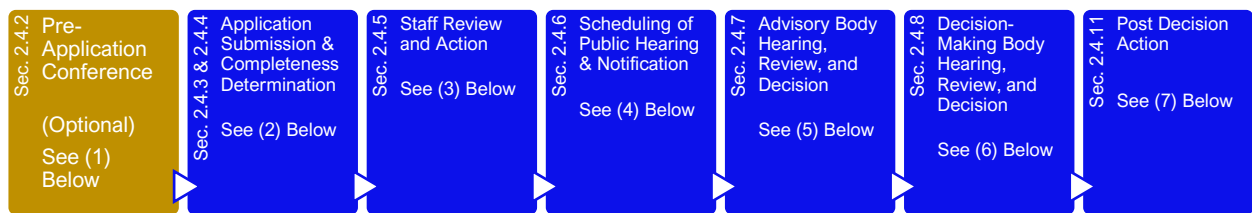
(A) Applicability

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

(B) Procedure for Planned Development

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

Figure 2-5: Summary of Planned Development Procedure



(1) Pre-Application Conference

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

(2) Application Submission and Completeness Determination

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

- (a) A map identifying the location of the lands proposed to be assigned to the planned development.
- (b) A proposed Planned Development Plan (PD Plan), in accordance with Section 3.9.3(A), Planned Development (PD) Plan.
- (c) A proposed Planned Development Agreement (PD Agreement), in accordance with Section 3.9.3(B), Planned Development (PD) Agreement.

(3) Staff Review and Action

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

(4) Scheduling of Public Hearing and Notification

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

(5) Advisory Body Hearing, Review, and Decision

The Planning Commission shall conduct a public hearing on the application and make a recommendation on the application in accordance with Section 2.4.7, Advisory Body

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

Hearing, Review, and Decision, Review and Decision, and subsection (C) below. The Planning Commission's recommendation shall be one of the following:

- (a) Recommend adoption of an ordinance establishing the planned development district, PD Plan, and PD Agreement;
- (b) Recommend adoption of an ordinance establishing the planned development district, PD Plan, and PD Agreement, with revisions; or
- (c) Recommend denial of the application for planned development district.

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

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

- (a) Adopt an ordinance approving the planned development district, PD Plan, and PD Agreement;
- (b) Adopt an ordinance approving the planned development district, PD Plan, and PD Agreement, with revisions;
- (c) Deny the application for planned development district; or
- (d) Remand the application to the Planning Commission for further consideration.

(7) Post-Decision Actions and Limitations

- (a) The approved planned development district, PD Plan, and PD Agreement shall be the binding on the land that is subject to the application. Any subsequent development approval or permit shall comply with the approved Planned Development District, PD Plan, and PD Agreement.
- (b) An approved planned development district, PD Plan, or PD Agreement may be amended only in accordance with the procedure and standards used for its original approval. However, minor district modifications, as set forth in subsection (c) below, are not considered amendments of the PD Plan or PD Agreement.
- (c) Subsequent applications for development approvals and permits within a planned development district shall comply with the approved PD Plan and PD agreement; however, subsequent development may include minor deviations from the PD Plan or PD Agreement, provided such modifications are limited to:
 - 1. Changes that result in a decrease in the density or intensity of development approved for a specific lot;
 - 2. An increase in residential density for any specific lot of ten percent or less, if the total approved density within the planned development district does not increase;
 - 3. A change in a land use designation from multifamily to single-family;
 - 4. A change in land use designation from any use to open space/passive recreation;
 - 5. A modification of design of facilities for amenities such as parks, gardens, or open spaces;
 - 6. A change in street layout to accommodate other allowable deviation, which does not significantly affect the PD Plan; or
 - 7. A deviation specifically listed in the approved PD Agreement as a minor deviation not materially affecting the planned development district's basic concept or the designated general use of lots within the district.

(C) Decision-Making Standards for Planned Developments

The advisability of adopting a planned development district is a matter committed to the legislative discretion of the City Council. In determining whether to adopt or deny a planned development district, the City Council may consider the decision-making standards in Section

2.5.2(C), Decision-Making Standards for Official Zoning Map Amendment. The City Council shall not adopt a proposed planned development district unless it finds that the district complies with the standards for the proposed type of planned development district in Section 3.9.4, PD: Planned Development, and Section 3.9.5, PD-TND: Planned Development-Traditional Neighborhood Development, as applicable.

2.5.5. Special Exception⁴⁴

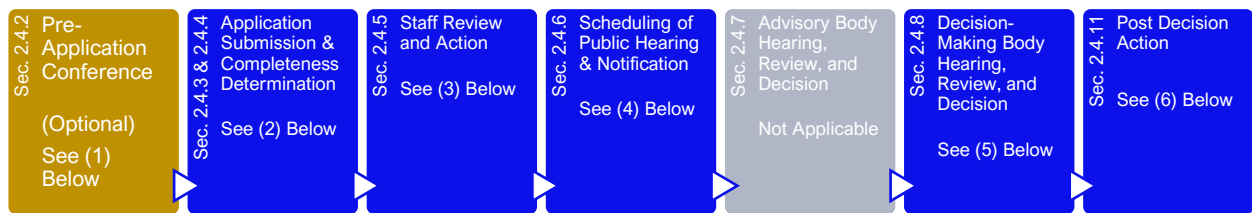
(A) Applicability

Approval of a Special Exception in accordance with the procedure and standards in this section is required prior to the establishment of any use designated as a special exception use in Article 4: Use Regulations.

(B) Procedure for Special Exception

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

Figure 2-6: Summary of Special Exception Procedure



(1) Pre-Application Conference

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

(2) Application Submission and Completeness Determination

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

(3) Staff Review and Action

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

(4) Scheduling of Public Hearing and Notification

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

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

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

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

- (a) Approve the special exception as proposed;
- (b) Approve the special exception, subject to conditions of approval or;
- (c) Deny the special exception.

(6) Post-Decision Actions and Limitations

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

(C) Decision-Making Standards for Special Exceptions⁴⁵

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

- (1) Complies with all applicable district-specific standards in Article 3: Zone Districts;
- (2) Complies with all applicable use-specific standards in Article 4: Use Regulations;
- (3) Complies with all applicable standards in Article 5: Development Standards;
- (4) Complies with all relevant standards in the Subdivision Regulations;
- (5) Will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety;
- (6) Is compatible with the character of surrounding development and the neighborhood;
- (7) Will not have a substantial adverse impact on adjoining properties in terms of noise, lights, glare, vibrations, fumes, odors, litter, or obstruction of air or light;
- (8) Will not have a substantial adverse impact on the aesthetic character of the area where it is proposed to be located; and
- (9) Will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public.

2.5.6. Cemetery Development Plan⁴⁶

(A) Applicability

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

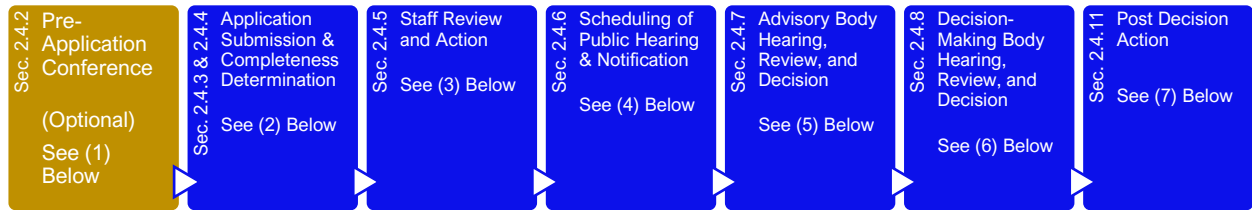
(B) Procedure for Cemetery Development Plan

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

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

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

Figure 2-7: Summary of Cemetery Development Plan Procedure



(1) Pre-Application Conference

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

(2) Application Submission and Completeness Determination

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

(3) Staff Review and Action

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

(4) Scheduling of Public Hearing and Notification

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

(5) Advisory Body Hearing, Review, and Decision

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

- (a)** Recommend approval of the Cemetery Development Plan as proposed;
- (b)** Recommend approval of the Cemetery Development Plan, subject to modification or conditions of approval or;
- (c)** Recommend denial of the Cemetery Development Plan.

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

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

- (a)** Approve the Cemetery Development Plan as proposed;
- (b)** Approve the Cemetery Development Plan, subject to modification or conditions of approval or;
- (c)** Deny the Cemetery Development Plan.

(7) Post-Decision Actions and Limitations

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

(C) Decision-Making Standards for Cemetery Development Plan⁴⁷

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

- (1) Is in accordance with the goals of the comprehensive plan and other applicable plans and planning documents adopted by the City;
- (2) Is required by changed conditions;
- (3) Addresses a demonstrated community need;
- (4) Is consistent with other related state and local laws and regulations;
- (5) Is compatible with the surrounding area and nearby development;
- (6) Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
- (7) Complies with the use-specific standards in Section 4.2.4(D)(1), Cemetery.

Site Development

2.5.7. Development Plan⁴⁸

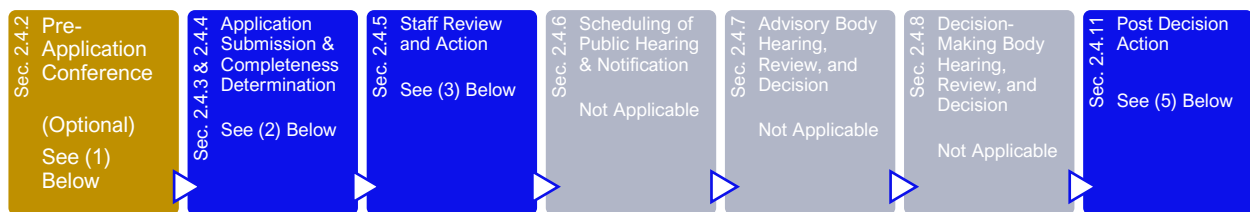
(A) Applicability

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

(B) Procedure for Development Plan

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

Figure 2-8: Summary of Development Plan Procedure



(1) Pre-Application Conference

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

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

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

(2) Application Submission and Completeness Determination

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

(3) Staff Review and Action

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

(4) Appeal

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

(5) Post-Decision Actions and Limitations

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

(C) Decision-Making Standards for Development Plan

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

- (1)** The proposed uses in the plan are allowed in accordance with Article 4: Use Regulations;
- (2)** The development proposed in the plan and its general layout and design comply with all applicable standards in Article 3: Zone Districts, and Article 5: Development Standards;
- (3)** The development proposed in the plan and its general layout and design comply with all applicable standards in the Subdivision Regulations;
- (4)** The development proposed in the plan and its general layout and design comply with any terms and conditions of approval to which the property is subject; and
- (5)** The development proposed in the plan is consistent with all other applicable standards of this Ordinance and the City Code.

Other Approvals

2.5.8. Outdoor Advertising Approval⁴⁹

(A) Applicability

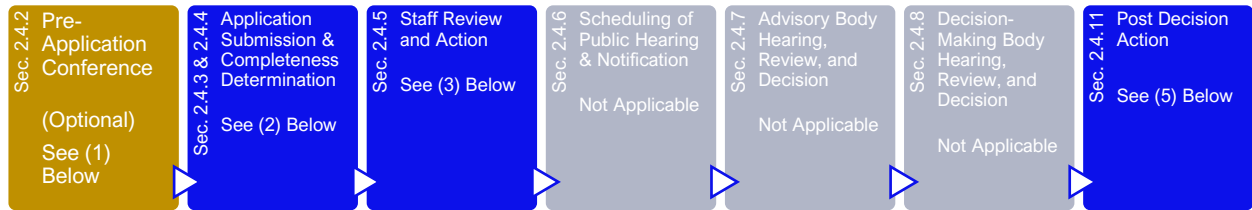
Approval of Outdoor Advertising in accordance with the procedure and standards in this section is required prior to the construction or operation of outdoor advertising signs or structures.

(B) Procedure for Outdoor Advertising Approval

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

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

Figure 2-9: Summary of Outdoor Advertising Approval Procedure



(1) Pre-Application Conference

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

(2) Application Submission and Completeness Determination

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

(3) Staff Review and Action

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

(4) Appeal

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

(5) Post-Decision Actions

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

(C) Decision-Making Standards for Outdoor Advertising Approval

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

- (1)** Is permitted in the applicable zone district;
- (2)** Complies with all applicable standards in Article 3: Zone Districts and Article 5: Development Standards;
- (3)** Complies with any use-specific standards for outdoor advertising in Article 4: Use Regulations; and
- (4)** Is consistent with other relevant state and local laws and regulations.

2.5.9. Temporary Use Approval⁵⁰

(A) Applicability

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

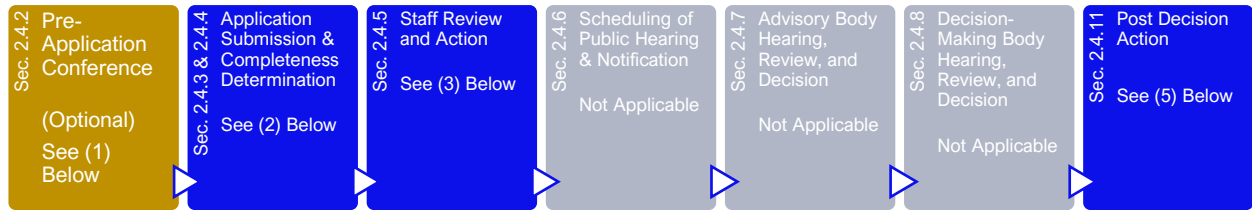
(B) Procedure for Temporary Use Approval

An application for a Temporary Use Approval shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and

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

Procedures, as modified in this section. Figure 2-10: Summary of Temporary Use Approval Procedure, identifies the standard procedures that apply to temporary use approval applications and those that do not apply.

Figure 2-10: Summary of Temporary Use Approval Procedure



(1) Pre-Application Conference

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

(2) Application Submission and Completeness Determination

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

(3) Staff Review and Action

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

(4) Appeal

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

(5) Post-Decision Actions and Limitations

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

(C) Decision-Making Standards for Temporary Use Approval

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

- (1)** Is permitted in the applicable zone district;
- (2)** Complies with all applicable standards in Article 3: Zone Districts, and Article 5: Development Standards;
- (3)** Complies with any use-specific standards for the temporary use in Article 4: Use Specific Standards; and
- (4)** Complies with other related State and local laws and regulations.

2.5.10. Vending License⁵¹

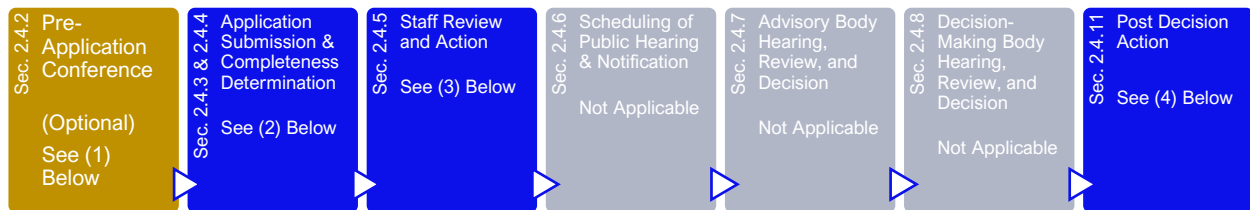
(A) Applicability

- (1) Approval of a Vending License in accordance with the procedure and standards in this section is required prior to operating a vending business in a vending district.
- (2) This procedure does not apply to temporary vending business for festivals, community projects, or public events which occur on a periodic basis and which are specifically approved by City Council, which may require additional permits from the festival or event.

(B) Procedure for Vending License Approval

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

Figure 2-11: Summary of Vending License Procedure



(1) Pre-Application Conference

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

(2) Application Submission and Completeness Determination

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

(3) Staff Review and Action

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

(4) Post-Decision Actions and Limitations

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

(C) Decision-Making Standards for Vending License

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

- (1) Complies with the use regulations in the applicable zone district.
- (2) Complies with other related State and local laws and regulations; and
- (3) The applicant demonstrates the capacity to perform conditions of the license in a manner which serves the public interests.

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

Relief and Interpretation

2.5.11. Administrative Adjustment⁵²

(A) Applicability⁵³

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

Table 2-2: Allowable Administrative Adjustment	
Standard	Allowed Adjustment
Building Setback, minimum	Up to 10 percent
Lot Area, minimum	Up to 5 percent
Lot Width, minimum	Up to 5 percent
Height, maximum	Up to 10 percent
Required off-street vehicular parking	Up to 10 percent [1]

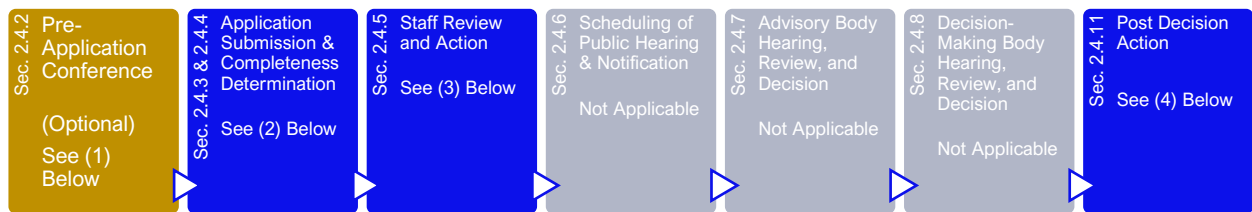
NOTE:

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

(B) Procedure for Administrative Adjustment

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

Figure 2-12: Summary of Administrative Adjustment Procedure



(1) Pre-Application Conference

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

⁵² This is a new procedure. It allows staff to administratively authorize minor modifications to development standards if the applicant demonstrates that the modifications comply with the specific review standards. The standards for approval of a specific dimensional or other administrative adjustment do not require the demonstration of a hardship like a variance.

⁵³ These are basic standards for discussion purposes. The list of allowable adjustments may be updated when the standards in Article 5: Development Standards are drafted.

(2) Application Submission and Completeness Determination

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

(3) Staff Review and Action

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

(4) Post-Decision Actions and Limitations

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

(C) Decision-Making Standards for Administrative Adjustment

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

- (1)** Complies with the requirements of Table 2-2: Allowable Administrative Adjustment;
- (2)** Is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;
- (3)** Either:
 - (a)** Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
 - (b)** Supports an objective or goal from the purpose and intent statements of the zone district where it is located; or
 - (c)** Is proposed to save healthy existing trees;
- (4)** Will not pose a danger to the public health or safety;
- (5)** Includes measures to mitigate any adverse impacts, to the maximum extent practicable; and
- (6)** Is not part of a series of multiple, incremental administrative adjustments on the same site that result in a modification in development standards by more than the maximum allowed.

2.5.12. Variance⁵⁴

(A) Applicability

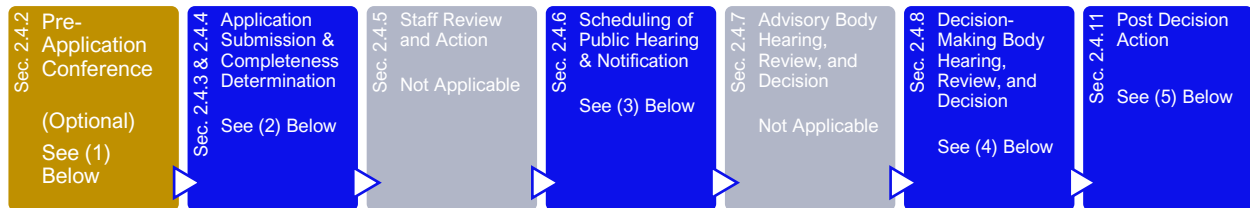
- (1)** This section establishes a procedure for a variance to the numerical dimensional standards that apply to a zone district in Article 3: Zone Districts or the numerical development standards in Article 5: Development Standards.
- (2)** Except as set forth in subsection (3) below, the Variance procedure authorizes variance from the terms of this Ordinance where such variance would not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.
- (3)** A Variance may not be used to:
 - (a)** Authorize a use in a zone district that is prohibited in accordance with Article 4: Use Regulations; or
 - (b)** Vary the standards of the Flood Damage Prevention Ordinance, Sec. 5-601 *et. seq.* of the City Code. The procedure for a variance from the provisions of the Flood Damage Prevention Ordinance is established in Section 5-671, *et. seq.*, of the City Code.

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

(B) Procedure for Variance

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

Figure 2-13: Summary of Variance Procedure



(1) Pre-Application Conference

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

(2) Application Submission and Completeness Determination

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

(3) Scheduling of Public Hearing and Notification

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

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

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

- (a)** Approve the variance as proposed;
- (b)** Approve the variance subject to conditions of approval or;
- (c)** Deny the variance.

(5) Post-Decision Actions

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

(C) Decision-Making Standards for Variance⁵⁵

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

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

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - (b) Those conditions are peculiar to the property and do not generally apply to other property in the vicinity;
 - (c) Those conditions are not the result of the landowner's or applicant's own actions;
 - (d) Because of those conditions, the application of the standards in this Ordinance to the particular piece of property would result in unnecessary hardship to the applicant; and
 - (e) The Variance is the minimum necessary to alleviate that hardship and is consistent with the public interest and with the spirit, purpose, and intent of this Ordinance, such that public safety is secured, and substantial justice is achieved.
- (2) The following factors do not constitute sufficient grounds for approval of a variance:
- (a) A request for a particular use that is expressly, or by inference, prohibited in the zone district;
 - (b) Hardships resulting from factors other than application of the standards of this Ordinance;
 - (c) The fact that land or a structure may be utilized more profitably or be more marketable with a Variance;
 - (d) The citing of other nonconforming or conforming uses of land or structures in the same or other zone districts; or
 - (e) Financial hardship.
- (3) The Board of Adjustment shall not approve a variance application if the approval would have the effect of:
- (a) Allowing the establishment of a use not otherwise permitted in a zoning district;
 - (b) Expanding the physical extent of a nonconforming use of land; or
 - (c) Changing the zone district boundaries shown on the Official Zoning Map.

2.5.13. Appeal⁵⁶

(A) Applicability

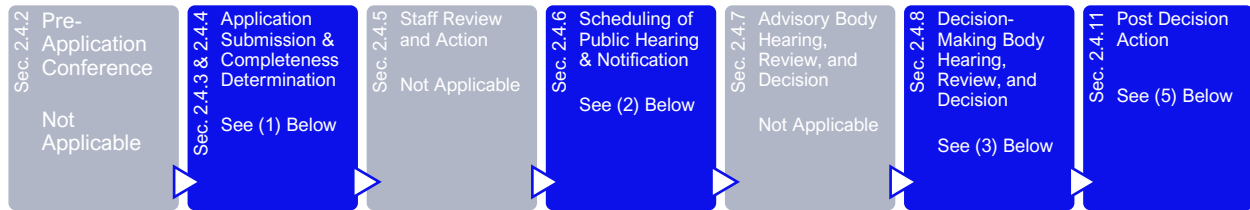
- (1) Except as provided in subsection (2) below, any person aggrieved by a final decision of the Administrator on a development application or in the enforcement of this Ordinance, may appeal the decision to the Board of Adjustment in accordance with the procedures and standards in this section.
- (2) An appeal of a decision by the Floodplain Administrator (Sec. 5-636 of the City Code) relating to the Floodplain Administrator's administration of the City's Flood Damage Prevention Ordinance. Sec. 5-601 *et seq.* of the City Code, shall be appealed in accordance with the procedures established in Sec. 5-671, *et. seq.*, of the City Code.

(B) Procedure for Appeal

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

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

Figure 2-14: Summary of Appeal Procedure



(1) Application Submission and Completeness Determination

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

- (a) The appellant shall file a Notice of Appeal stating the grounds for the appeal with the Administrator or the Planning Commission.
- (b) Submission of a complete appeal application stays all proceedings in furtherance of the action appealed from, unless the person or body who made the decision that is being appealed certifies to the Board of Adjustment that, by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property. Where such a certification has been provided, proceedings shall not be stayed except by order of a court of competent jurisdiction on due cause shown, and following notice to the person or body providing the certification.
- (c) The Administrator shall make a determination as to whether the application is complete in accordance with Section 2.4.4, Determination of Completeness. If the Administrator determines that the application is complete, the Administrator shall transmit all documents and other written materials relating to the appealed decision to the Board of Adjustment. These materials, plus the comprehensive plan, other applicable City adopted plans, and this Ordinance, shall constitute the record on the appeal.

(2) Scheduling of Public Hearing and Notification

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

(3) Decision-Making Body Hearing, Review, and Decision⁵⁷

- (a) The Board of Adjustment shall conduct a public hearing on the appeal and make a decision based on the record on the appeal in accordance with Section 2.4.8, Decision-Making Body Hearing, Review And Decision, and the standards of this Ordinance. The Board of Adjustment’s decision shall be one of the following:
 - 1. Affirm the decision being appealed, in whole or in part;
 - 2. Modify the decision being appealed or;
 - 3. Reverse the decision being appealed, in whole or in part.
- (b) In making its decision, the Board of Adjustment shall have all the powers of the official who made the decision and may make such order, requirement, decision, or determination as ought to be made.

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

(4) Appeal

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

(5) Post-Decision Actions and Limitations

Not applicable.

(C) Decision-Making Standards for Appeal

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

2.5.14. Appeal of Recreational Vehicle Privilege⁵⁸

(A) Applicability

- (1)** Where there is storage of a recreational vehicle outside of an approved travel trailer park on private property, subject to the standards of Article 4: Use Standards, neighboring residents have the right to initiate an appeal to that use permission where the standards are not being met.
- (2)** The availability of this appeal does not limit other enforcement actions available in this ordinance.

(B) Procedure for Appeal

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

Figure 2-15: Summary of Recreational Vehicle Privilege Appeal Procedure



⁵⁸ This carries forward the specific right to appeal from Article VI, Section 10.5 of the current Zoning Ordinance. However, we recommend that this procedure not be carried forward. The current regulations establish basic rules for the storage of recreational vehicles, including that they be “substantially hidden” from public view and stored behind building setback lines on private property, not on public streets. The regulations then provide neighbors the right to object and bring a proceeding before the Board of Adjustment, which is then required to decide whether the recreational vehicle is permitted to remain. However, there are no standards to guide the Board of Adjustment, and we do not think this provides adequate notice or due process to residents seeking to store a recreational vehicle on their property. We recommend eliminating this provision and carrying forward the regulations for recreational vehicles. The City would enforce those regulations as they would any other standards in this Ordinance. If you would like additional regulations in an attempt to mitigate their visual or other impacts on neighboring property, we can add those. The types of regulations we could add include screening requirements, minimum lot size requirements, minimum setbacks requirements, and other such provisions.

(1) Application Submission and Completeness Determination

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

- (a)** The neighboring resident shall file a Notice of Appeal stating the grounds for the appeal with the Administrator, and with the Board of Adjustment.
- (b)** The application shall include a statement of which standards are not met by the recreational vehicle
- (c)** The Administrator shall make a determination as to whether the application is complete in accordance with Section 2.4.4, Determination of Completeness. If the Administrator determines that the application is complete, the Administrator shall transmit all documents and other written materials relating to the appealed decision to the Board of Adjustment. These materials, plus the comprehensive plan, other applicable City adopted plans, and this Ordinance, shall constitute the record on the appeal.

(2) Scheduling of Public Hearing and Notification

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

(3) Decision-Making Body Hearing, Review, and Decision

- (a)** The Board of Adjustment shall conduct a public hearing on the appeal and make a decision based on the record on the appeal in accordance with Section 2.4.8, Decision-Making Body Hearing, Review And Decision, and the standards of this Ordinance, including the development standards in Article 5: Development Standards. The Board of Adjustment's decision shall be one of the following:
 - 1.** Continue to allow the recreational vehicle to be stored on private property;
 - 2.** Modify the requirements for storing the recreational vehicle on private property;
 - 3.** Revoke the privilege to store the recreational vehicle or any additional recreational vehicles on private property.
- (b)** In making its decision, the Board of Adjustment shall have all the powers of the official who made the decision to initially allow the recreational vehicle and may make such order, requirement, decision, or determination as ought to be made.

(4) Appeal

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

(5) Post-Decision Actions and Limitations

Post-decision actions and limitations shall be in accordance with Section 2.4.10, Post-Decision Actions and Limitations.

(C) Decision-Making Standards for Appeal of Recreational Vehicle Privilege

The Board of Adjustment shall modify the requirements or revoke the privilege to store a recreational vehicle only if it finds, based upon competent and substantial evidence in the record, that there has been a clear and demonstrable violation of applicable standards of this Ordinance or creation of harm to the neighbor or the public generally.

2.5.15. Interpretation⁵⁹

(A) Applicability

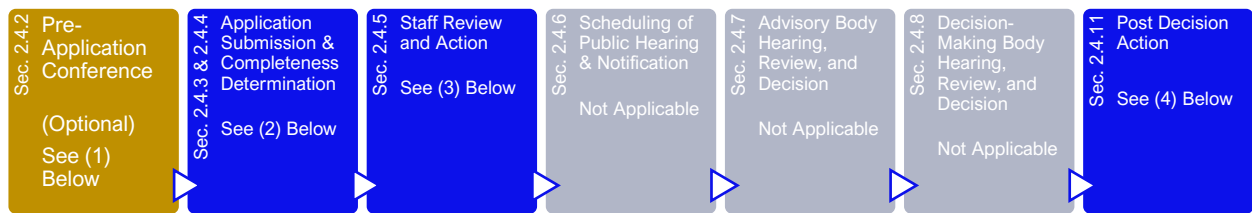
The section establishes a procedure for the Administrator to make formal written interpretations of all provisions of this Ordinance. In making interpretations, the Administrator may seek guidance from the City Attorney, and assistance from other City staff, as appropriate. The Administrator is responsible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

- (1) The text of the Ordinance;
- (2) Zone district boundaries; and
- (3) Whether an unlisted use falls within a use category and use type allowed in a zone district;

(B) Procedure for Interpretation

An application for an Interpretation of this Ordinance shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-16: Summary of Interpretation Procedure, identifies the standard procedures that apply to interpretation applications and those that do not apply.

Figure 2-16: Summary of Interpretation Procedure



(1) Pre-Application Conference

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

(2) Application Submission and Completeness Determination

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

(3) Staff Review and Action

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

(4) Post-Decision Actions and Limitations

- (a) The provisions of Section 2.4.10, Post-Decision Actions and Limitations, are not applicable.
- (b) A written interpretation shall be binding on subsequent decisions by the Administrator or other officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the interpretation is modified in accordance

⁵⁹ This subsection establishes formal procedures for interpretation and recording interpretation for future use.

with this section, or the relevant text of this Ordinance or zoning district boundary is modified.

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

(C) Decision-Making Standards for Interpretation:

(1) Text Provisions⁶⁰

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

- (a) The plain meaning of the provision’s wording, considering any terms specifically defined in Section 8.3, Definitions, and the common and accepted usage of terms; and
- (b) The purpose of the provision, as indicated by:
 1. Any purpose statement in the section(s) where the text is located;
 2. The provision’s context and consistency with surrounding and related provisions;
 3. Any legislative history related to the provision’s adoption;
 4. The general purposes served by this Ordinance, as set forth in Section 1.3, General Purpose and Intent; and
 5. The Comprehensive Plan.

(2) Uses⁶¹

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

(3) Zone District Boundaries⁶²

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

⁶⁰ This new section reflects sources used in interpretation already ongoing.

⁶¹ This new section directs the user to discussion of unlisted uses in the Use Article.

⁶² This carries forward Article I, Section 4 of the current Zoning Ordinance.

Article 3: Zone Districts

Commentary on Draft:

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

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

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

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

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

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

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

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

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

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

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

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

Section 3.1 General Provisions⁶³

3.1.1. Compliance with Zone District Standards

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

3.1.2. Establishment of Zone Districts

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

⁶³ This section provides general regulations that apply to all zone districts.

Table 3-1: Zone Districts Established		
District		Section
Agricultural Districts		Section 3.2
AGR	Agriculture	3.2.2
AGR-RES	Agriculture Residential	3.2.3
Residential Districts		Section 3.3
RSF-20	Residential Single Family-20	3.3.2
RSF-12	Residential Single Family-12	3.3.3
RSF-8.4	Residential Single Family-8.4	3.3.4
RSF-6	Residential Single Family-6	3.3.5
RME-8.4	Residential Mixed-8.4	3.3.6
RMF-7.2	Residential Multi-Family-7.2	3.3.7
RMH-S	Residential Mobile Home Subdivision	3.3.8
RMH-P	Residential Mobile Home Park	3.3.9
Institutional Districts		Section 3.4
INST-PK-O	Institutional Park and Open Space	3.4.2
INST-G	Institutional General	3.4.3
INST-U	Institutional University	3.4.4
INST-M	Institutional Military	3.4.5
Business Districts		Section 1.1
CN	Commercial Neighborhood	3.5.2
CC	Commercial Community	3.5.3
CG	Commercial General	3.5.4
CR	Commercial Regional	3.5.5
CCOR	Commercial Corridor	3.5.6
CH	Commercial Highway	3.5.7
CBD	Central Business District	3.5.8
OC	Office Complex	3.5.9
OP	Office Park	3.5.10
Industrial Districts		Section 3.6
IL	Industry Light	3.6.2
IG	Industry General	3.6.3
Qualified Districts		Section 3.7
SmartCode Districts		Section 3.8
Planned Development Districts		Section 3.9
PD	Planned Development	3.9.4
PD-TND	Planned Development Traditional Neighborhood Development	3.9.5
Overlay District		Section 3.10
AH-O	Airport Hazard Overlay	3.10.2

Section 3.2 Agricultural Districts

3.2.1 General Purpose of Agricultural Districts

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

- (A)** Support and provide lands for agricultural, forestry, agritourism, agricultural support, and related uses important to the City's economy;
- (B)** Preserve areas of rural character from incompatible development;
- (C)** Protect lands that are well suited for agricultural uses due to high-quality soils and other characteristics; and
- (D)** Limit the intensity of development in areas that lack the road, water, and sewer infrastructure to support more intense development.

3.2.2. AGR: Agriculture⁶⁴

(A) Purpose and Intent

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

(B) Use Standards

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

(C) Intensity and Dimensional Standards

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

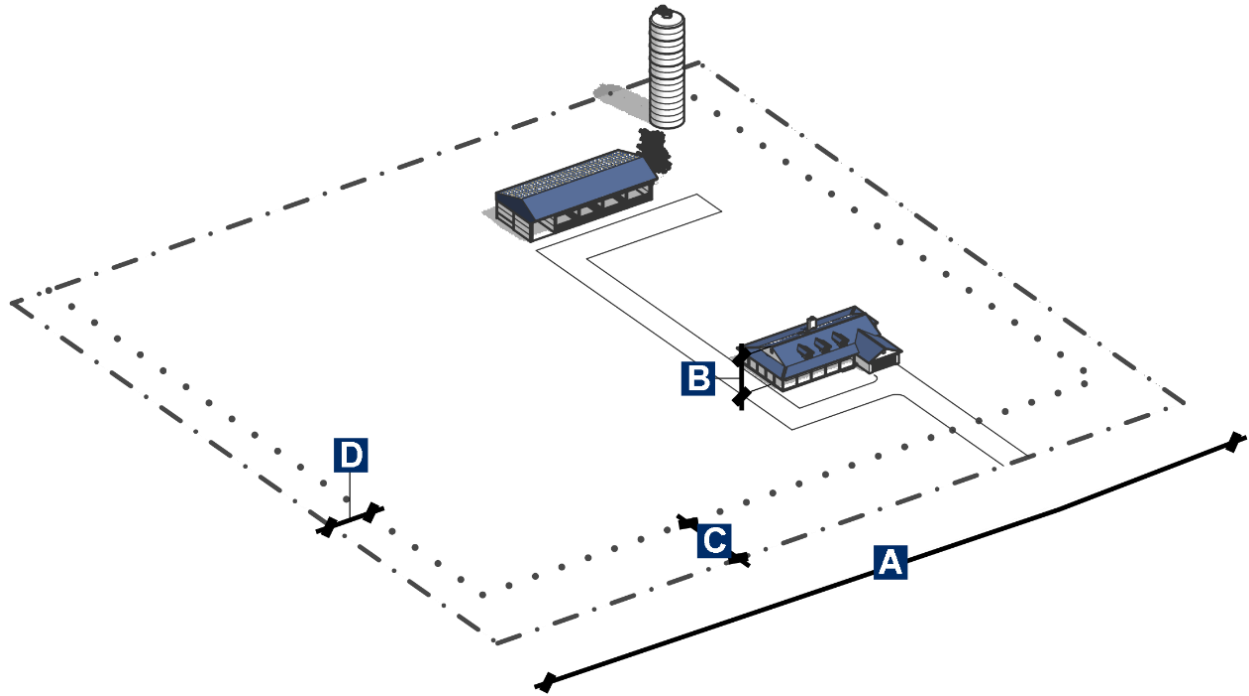
Table 3-2: AGR District Intensity and Dimensional Standards			
Standard	Value	Standard	Value
	Lot area, min (acres)	Setbacks, min (ft)	
	5 [1]	C Front	50
A	Lot width, min (ft)	Rear	n/a
	200 [2]	D Side	25
B	Height, max (ft stories)	Side Street	50
	35 2		
	Building area, max		
	20%		

min = minimum max = maximum ft = feet

NOTES:

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

⁶⁴ This carries forward and renames the AGR-2: General Agriculture district in the current Zoning Ordinance.



(D) Development Standards

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

Table 3-3: Cross-References to Other Standards			
Sec.	Standards	Sec.	Standards
5.1	Access and Connectivity Standards	5.6	Riparian Buffer Standards
5.2	Off-Street Parking and Loading Standards	5.7	Exterior Lighting Standards
5.3	Landscaping Standards	5.8	Form and Design Standards
5.4	Fence and Wall Standards	5.9	Outdoor Advertising Sign and Structure Standards
5.5	Open Space Set-Aside Standards	5.10	Flood Damage Prevention

3.2.3. AGR-RES: Agriculture Residential⁶⁵

(A) Purpose and Intent

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

(B) Use Standards

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

(C) Intensity and Dimensional Standards

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

Table 3-4: AGR-RES District Intensity and Dimensional Standards⁶⁶

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

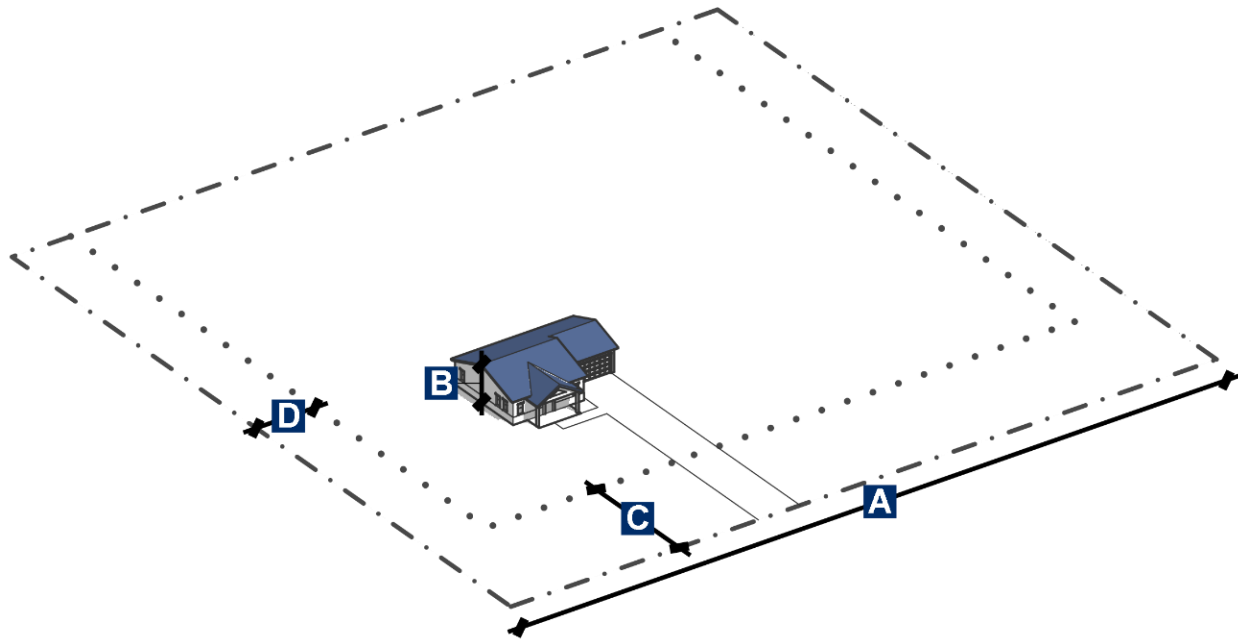
min = minimum max = maximum ft = feet

NOTES:

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

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

⁶⁶ This carries forward the dimensional standards in the current Zoning Ordinance that apply to the AGR-1 district.



(D) Development Standards

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

Table 3-5: Cross-References to Other Standards

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

Section 3.3 Residential Districts

3.3.1. General Purpose of Residential Districts⁶⁷

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

- (A)** Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the Comprehensive Plan, small area plans, and all other relevant plans adopted by the City;
- (B)** Provide for a range of housing options that vary in density and development form, including accessory structures, in appropriate locations;
- (C)** Encourage residential and other types of development on vacant land in existing residential neighborhoods that is consistent with the character of existing residential development;
- (D)** Support limited nonresidential services that are compatible with residential development;
- (E)** Provide for safe and efficient pedestrian, bicycle, and vehicular access and circulation patterns that promote multiple forms of mobility within and between residential neighborhoods and to nearby services;
- (F)** Protect existing natural features, encourage sustainable development practices, and minimize the impact that residential development may have on the natural environment;
- (G)** Minimize negative impacts that nonresidential development may have on residential uses;
- (H)** Protect the character of existing residential neighborhoods from incompatible forms of development; and
- (I)** Preserve the unique character and historic resources in appropriate parts of the community.

⁶⁷ This general purpose statement is new.

3.3.2. RSF-20: Residential Single Family-20⁶⁸

(A) Purpose and Intent

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

(B) Use Standards

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

(C) Intensity and Dimensional Standards

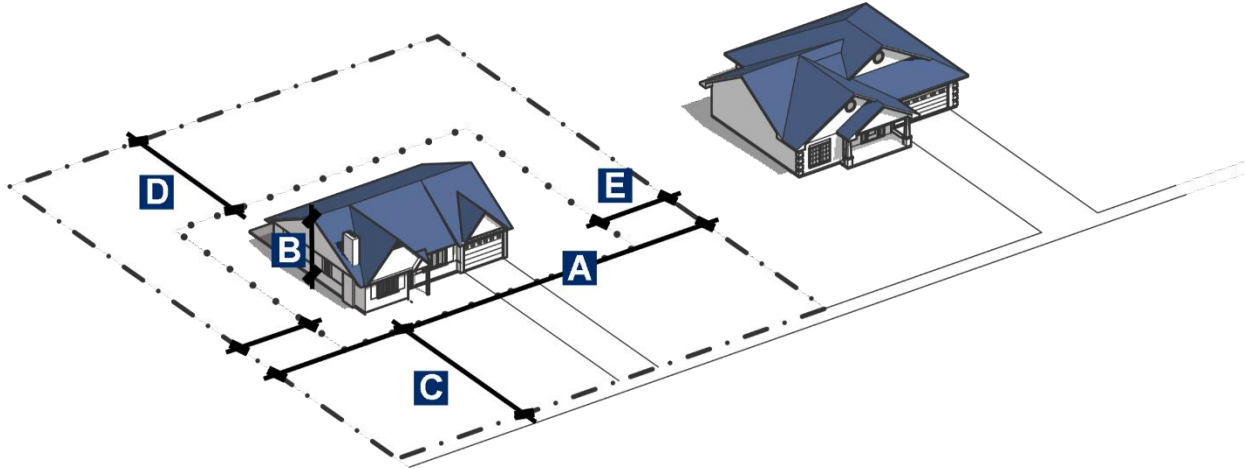
Development in the RSF-20 district shall comply with the standards in Table 3-6: RSF-20 District Intensity and Dimensional Standards.

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

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

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

⁶⁹ This carries forward the dimensional standards that apply to the R-125 district.



(D) Development Standards

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

Table 3-7: Cross-References to Other Standards

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

3.3.3. RSF-12: Residential Single Family-12⁷⁰

(A) Purpose and Intent

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

(B) Use Standards

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

(C) Intensity and Dimensional Standards

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

Table 3-8: RSF-12 District Intensity and Dimensional Standards⁷¹

Standard	Value	Standard	Value
Lot area, min (sf)	12,000 ⁷²	Setbacks, min (ft)	
A Lot width, min (ft)	85 ⁷³	C Front	35
B Height, max (ft stories)	35 2	D Rear	30
Building area, max	25%	E Side	10 ⁷⁴
		Side Street	30 ⁷⁵

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

⁷⁰ This consolidates the R-100: Residential Very Low Density and R-85: Residential Very Low Density districts in the current Zoning Ordinance. The dimensional standards in the two consolidated districts are similar; to make sure the consolidation avoids creating nonconformities, the R-85 dimensional standards are carried forward, since they are less restrictive standards.

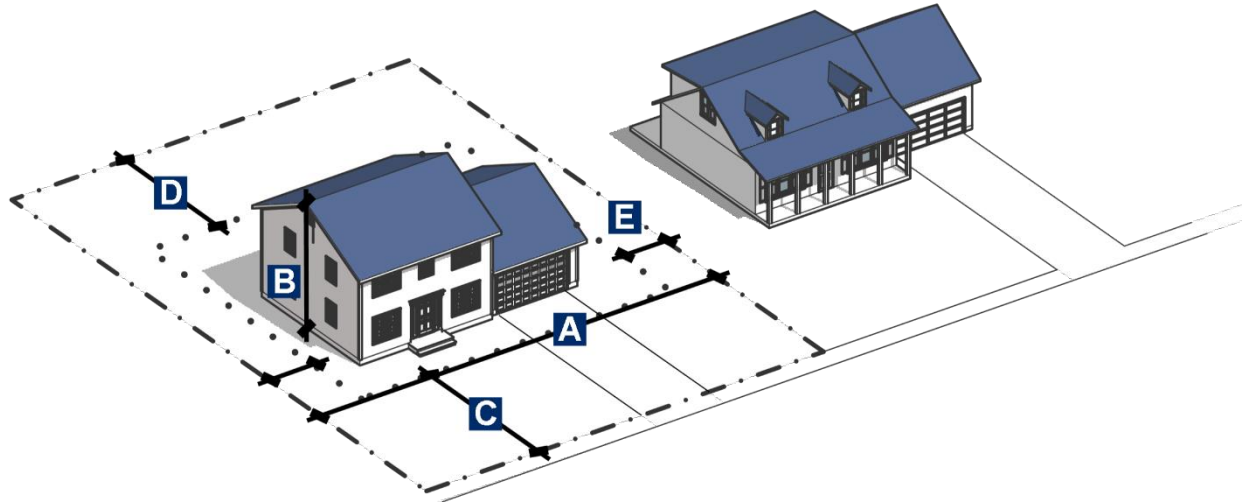
⁷¹ This carries forward the dimensional standards that apply to the R-85 district in the current Zoning Ordinance. Places where the dimensional standards in the R-100 district differ from those carried forward from the R-85 district are identified in footnotes below.

⁷² In the R-100 district, minimum lot area is 14,000 square feet.

⁷³ In the R-100 district, minimum lot width is 100 feet.

⁷⁴ In the R-100 district, minimum side setback is 12 feet.

⁷⁵ In the R-100 district, minimum street side setback is 35 feet.



(D) Development Standards

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

Table 3-9: Cross-References to Other Standards

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

3.3.4. RSF-8.4: Residential Single Family-8.4⁷⁶

(A) Purpose and Intent

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

(B) Use Standards

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

(C) Intensity and Dimensional Standards

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

Table 3-10: RSF-8.4 District Intensity and Dimensional Standards⁷⁷

Standard	Value	Standard	Value
Lot area, min (sf)	8,400 ⁷⁸ [1]	Setbacks, min (ft)	
A Lot width, min (ft)	65 ⁷⁹ [1]	C Front	30
B Height, max (ft stories)	35 2	D Rear	30
Building area, max	40%	E Side	10
		Side Street	30

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

NOTES:

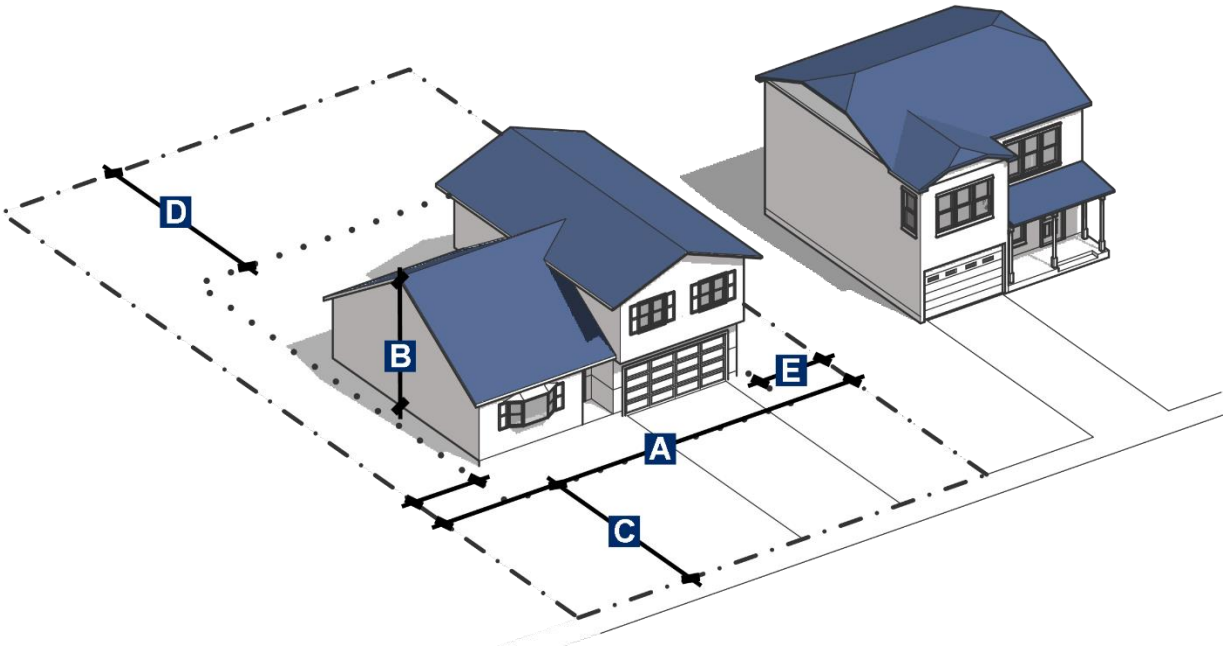
[1] Lot area and lot width requirements apply to single-family detached dwellings. Minimum lot area and lot width requirements for cottage homes and patio-garden homes are included in the use-specific standards for those uses in Section 4.2.4, Standards Specific to Principal Uses.

⁷⁶ The RSF-8.4 district consolidates the R-75-s and R-65-s single-family districts. The dimensional standards in the districts are similar; to make sure the consolidation avoids creating nonconformities, the R-65-s dimensional standards are carried forward, since they are less restrictive standards.

⁷⁷ As noted in the prior footnote, this carries forward the dimensional standards that apply to the R-65-s district in the current Zoning Ordinance. Places where the dimensional standards in the R-75-s district differ from those carried forward from the R-65-s district are identified in footnotes below.

⁷⁸ In the R-75-s district, minimum lot area is 10,000 square feet.

⁷⁹ In the R-75-s district, minimum lot width is 75 feet.



(D) Development Standards

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

Table 3-11: Cross-References to Other Standards

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

3.3.5. RSF-6: Residential Single Family-6⁸⁰

(A) Purpose and Intent

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

(B) Use Standards

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

(C) Intensity and Dimensional Standards

Development in the RSF-6 district shall comply with the standards in Table 3-12: RSF-6 District Intensity and Dimensional Standards.

Standard	Value	Standard	Value
Lot area, min (sf)		Setbacks, min (ft)	
Single-family detached, and nonresidential uses	6,000 ⁸² [1]	C Front	20
Single-family attached dwelling (townhouse)	2,500	D Rear	20
Two-family dwelling (duplex)	7,200	E Side	9 5 [2]
A Lot width, min (ft)		Side Street	9
All uses except townhouses	50 ⁸³ [1]	F End of Row of Townhouses	15
Townhouses	20	Building area, max	50% [3]
B Height, max (ft)	35 ⁸⁴		

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

NOTES:

[1] Minimum lot area and lot width requirements for the cottage home and patio-garden home uses are included in the use-specific standards for those uses in Section 4.2.4, Standards Specific to Principal Uses.

⁸⁰ This consolidates the R-60-s, R-60-d, and R-50 districts. The dimensional standards in the districts are similar; to make sure the consolidation avoids creating nonconformities, the R-50 dimensional standards are carried forward, as they are the least restrictive standards. As discussed in the Code Assessment, additional housing options are allowed in the RSF-6 district, including cottage homes, patio-garden homes, single-family attached dwellings (townhouses) and two-family dwellings (duplexes).

⁸¹ As noted in the prior footnote, the RSF-6 district carries forward the dimensional standards that apply to the R-50 district in the current Zoning Ordinance. Places where the dimensional standards in the R-60-s or R-60-d district differ from those carried forward from the R-50 district are identified in footnotes below.

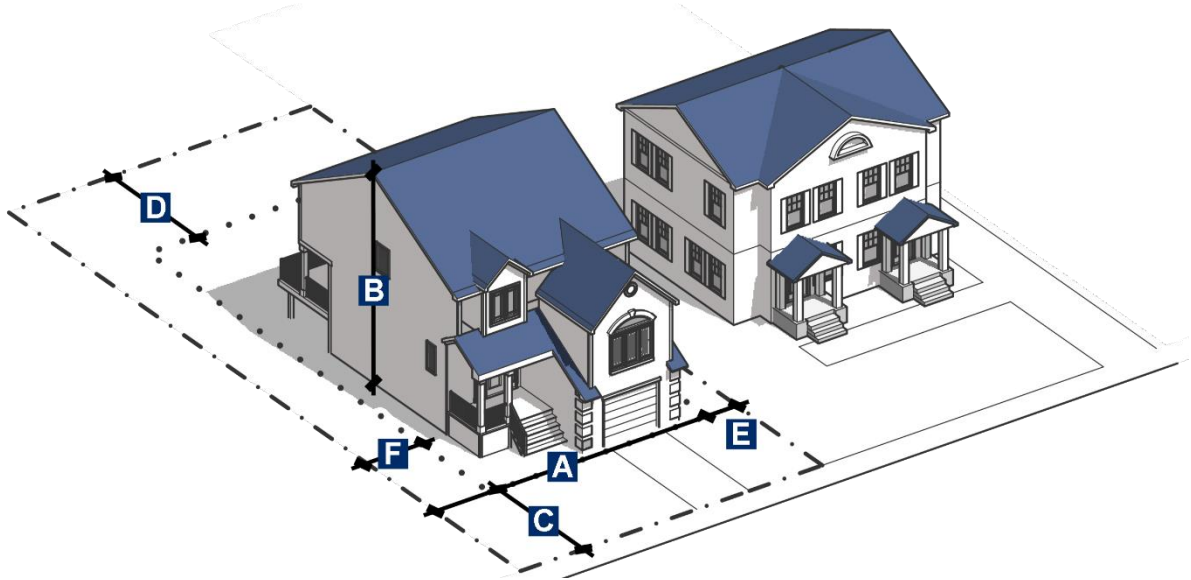
⁸² In the R-60-s and R-60-d districts, minimum lot area is 7,200 square feet.

⁸³ In the R-60-s and R-60-d districts, minimum lot width is 60 feet.

⁸⁴ In the current Zoning Ordinance, the maximum height in all the districts is 35 feet or 2 stories. To allow townhouses to reach three stories in height, the standard has been changed to 35 feet.

Table 3-12: RSF-6 District Intensity and Dimensional Standards⁸¹

- [2] For most uses, the minimum side setback is nine feet along one side setback and five feet along the other side setback, provided there is at least 14 feet between principal structures on adjoining sites. There is no minimum side setback for single-family attached dwellings (townhouses).
- [3] Does not apply to single-family attached dwellings (townhouses).



(D) Development Standards

Development in the RSF-6 district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-13: Cross-References to Other Standards.

Table 3-13: Cross-References to Other Standards			
Sec.	Standards	Sec.	Standards
5.1	Access and Connectivity Standards	5.6	Riparian Buffer Standards
5.2	Off-Street Parking and Loading Standards	5.7	Exterior Lighting Standards
5.3	Landscaping Standards	5.8	Form and Design Standards
5.4	Fence and Wall Standards	5.9	Outdoor Advertising Sign and Structure Standards
5.5	Open Space Set-Aside Standards	5.10	Flood Damage Prevention

3.3.6. RME-8.4: Residential Mixed-8.4⁸⁵

(A) Purpose and Intent

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

(B) Use Standards

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

(C) Intensity and Dimensional Standards

Development in the RME-8.4 district shall comply with the standards in Table 3-14: RME-8.4 District Intensity and Dimensional Standards.

Standard	Value	Standard	Value
Lot area, min (sf)⁸⁷		Setbacks, min (ft)	
Residential uses except townhouses	6,400 + 2,000/du [1] [2]	C Front	30
Single-family attached dwelling (townhouse)	2,000/du	D Rear	30
Nonresidential uses ⁸⁸	8,000	E Side	10 [4]
A Lot width, min (ft)		Side Street	30
All uses except townhouses	65 ⁸⁹ [2]	End of Row of Townhouses	15
Townhouses	20	Building area, max	40% [4]

⁸⁵ This consolidates the R-75-d, R-75-m, R-65-d, and R-65-m districts. The dimensional standards in the districts are similar; to make sure the consolidation avoids creating nonconformities, the standards in R-65-d and R-65-m are generally carried forward.

⁸⁶ As noted in the previous footnote, this carries forward the dimensional standards that apply to the R-65-d and R-65-m district in the current Zoning Ordinance, except as otherwise noted. Places where the dimensional standards in the R-75-d or R-75-m districts differ from those carried forward from the R-65-d and R-65-m districts are identified in footnotes below.

⁸⁷ In the R-75-d and R-75-m districts, minimum lot area is 10,000 square feet for a building with a single dwelling unit (a single-family detached dwelling), with 2,500 square feet in lot area required for each additional dwelling unit in the building. In the R-65-d- and R-65-m districts, the minimum lot size for a building with a single dwelling unit is 8,400 square feet, with 2,000 square feet in additional lot area for each additional dwelling unit in the building. The standards are unchanged but presented differently—the base minimum lot size is 6,400 square feet, with 2,000 square feet in minimum lot area for each dwelling unit. Therefore, a single-family dwelling has a minimum lot size of 8,400 square feet, a duplex has a minimum lot size of 10,400 square feet, a triplex has a minimum lot size of 12,400 square feet, and so forth.

⁸⁸ In the RME-8.4 district, nonresidential uses are new (no nonresidential uses are permitted in the R-65-d, R-75-m, R-65-d, and R-60-m districts), so this minimum lot area is a new standard.

⁸⁹ In the R-75-d and R-75-m districts, minimum lot width is 75 feet.

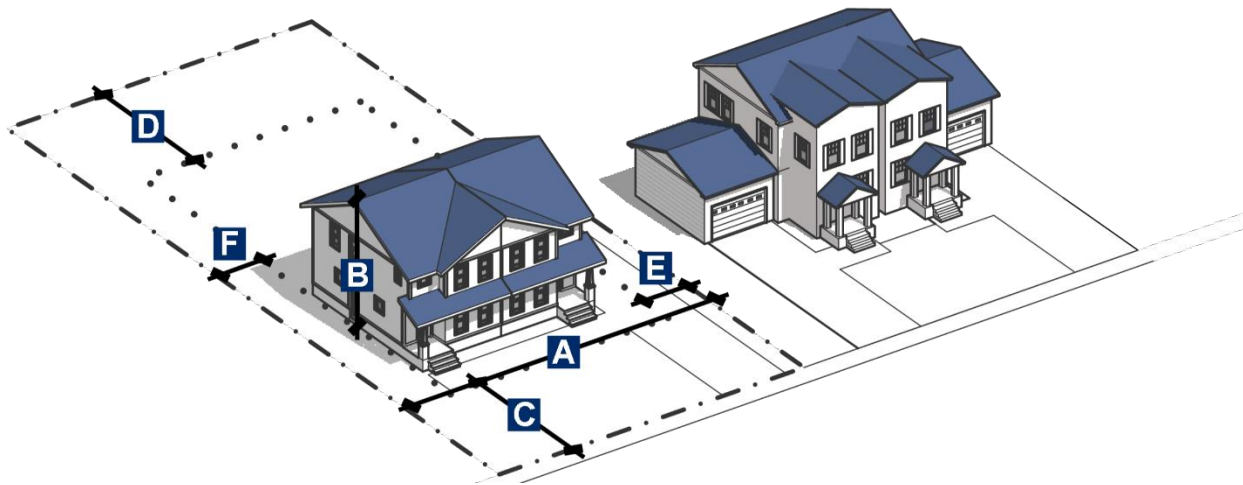
Table 3-14: RME-8.4 District Intensity and Dimensional Standards⁸⁶

B	Height, max (ft)	[3] ⁹⁰	
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min = minimum max = maximum ft = feet sf = square feet

NOTES:

- [1] For example, a building with one residential dwelling (a single-family detached use) has a minimum lot area requirement of 8,400 square feet. A duplex has a minimum lot area requirement of 10,400 square feet.
- [2] Minimum lot area and lot width requirements for the cottage home and patio-garden home uses are included in the use-specific standards for those uses in Section 4.2.4, Standards Specific to Principal Uses.
- [3] Maximum height for nonresidential uses and residential uses with up to four units on a lot is 35 ft or two stories. Maximum height for multifamily uses is 45 ft or three stories.
- [4] Does not apply to single-family attached dwellings (townhouses).



(D) Development Standards

Development in the RME-8.4 district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-15: Cross-References to Other Standards.

Table 3-15: Cross-References to Other Standards

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

⁹⁰ Maximum height in the R-75-d, R-75-m, R-65-d, and R-60-m districts is 35 feet or two stories. This draft proposes increasing the maximum height by an additional story for multifamily uses to provide greater flexibility for small-scale residential development.

3.3.7. RMF-7.2: Residential Multi-Family⁹¹

(A) Purpose and Intent

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

(B) Use Standards

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

(C) Intensity and Dimensional Standards

Development in the RMF-7.2 district shall comply with the standards in Table 3-16: RMF-7.2 District Intensity and Dimensional Standards.

Table 3-16: RMF-7.2 District Intensity and Dimensional Standards⁹²

Standard	Value	Standard	Value
	Lot area, min (sf)	Setbacks, min (ft)	
	7,200 sf [1]	C	Front
A	Lot width, min (ft)		20
	60 [2]	D	Rear
B	Height, max (ft stories)		20
	45 3 ⁹³	E	Side
	Building area, max		10 9 [2]
	60%		Side Street
			20
			End of Row of Townhouses
			15

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

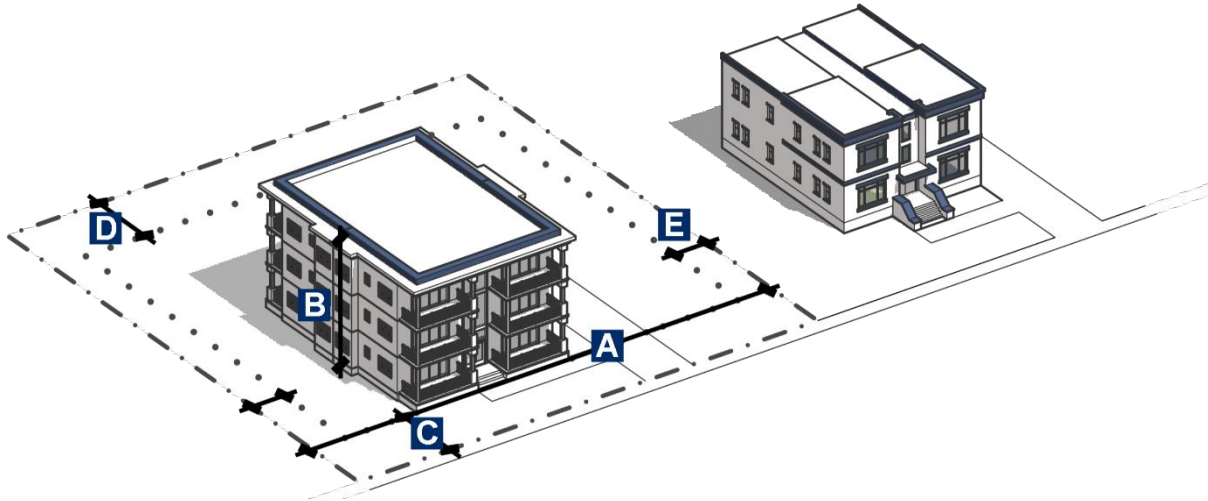
NOTES:

- [1] The minimum lot area for a single-family attached dwelling (townhouse) on its own lot is 2,000 sf. The minimum lot area for a patio-garden home is included in the use-specific standard for that use at Section 4.2.4(C)(4), Dwelling, Patio-Garden Home.
- [2] The minimum lot width for a single-family attached dwelling (townhouse) on its own lot is 20 feet. The minimum lot width for a patio-garden home is included in the use-specific standard for that use at Section 4.2.4(C)(4), Dwelling, Patio-Garden Home.
- [2] The minimum side setback is 10 feet along one side setback and 5 feet along the other side setback, provided there is at least 15 feet between principal structures on adjoining sites. There is no minimum side setback for single-family attached dwellings (townhouses).

⁹¹ This consolidates the R-60-m and R-60-a districts. The dimensional standards in both districts are identical.

⁹² The RMF-7.2 district carries forward the dimensional standards that apply to the R-60-m and R-60-a districts in the current Zoning Ordinance.

⁹³ The maximum height in the RMF-7.2 district is increased from 35 ft or 2 stories in the R-60-m and R-60-a districts in the current Zoning Ordinance to 45 feet or 3 stories. This is done to broaden the types of available residential development in this highest intensity residential district.



(D) Development Standards

Development in the RMF-7.2 district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-17: Cross-References to Other Standards.

Table 3-17: Cross-References to Other Standards			
Sec.	Standards	Sec.	Standards
5.1	Access and Connectivity Standards	5.6	Riparian Buffer Standards
5.2	Off-Street Parking and Loading Standards	5.7	Exterior Lighting Standards
5.3	Landscaping Standards	5.8	Form and Design Standards
5.4	Fence and Wall Standards	5.9	Outdoor Advertising Sign and Structure Standards
5.5	Open Space Set-Aside Standards	5.10	Flood Damage Prevention

3.3.8. RMH-S: Residential Mobile Home Subdivision⁹⁴

(A) Purpose and Intent

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

(B) Use Standards

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

(C) Intensity and Dimensional Standards

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

Table 3-18: RMH-S District Intensity and Dimensional Standards⁹⁵

Standard	Value	Standard	Value
Lot size, min (sf)		Setbacks, min (ft)	
Mobile home	6,000	Front	20
All other uses	5,000	Rear	15
Lot width, min (ft)	n/a	Side	10
Height, max (ft stories)	35 2	Side Street	n/a
Building area, max	50% ⁹⁶		

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

(D) Development Standards

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

Table 3-19: Cross-References to Other Standards

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

⁹⁴ This carries forward the R-99-s district in the current Zoning Ordinance. The name of the district has been changed from RMH-6: Residential Mobile Home-6, which was proposed in the Code Assessment.

⁹⁵ This carries forward the dimensional standards that apply to the R-99-s district in the current Zoning Ordinance.

⁹⁶ This is a new standard, added for consistency with other development regulations in the City.

(E) Additional Standards

(1) Separation Requirements⁹⁷

- (a)** Except as provided in subsection (b) below, land shall not be rezoned to the RMH-S district, and no mobile home subdivision shall be permitted to operate within the RMH-S district, unless at the time of the rezoning to the RMH-S district all of the land within the district is at least 100 feet from property that:
- 1.** Has a residential use (except for property in the RMH-S or RMH-P districts);
 - 2.** Is within a residential district other than the RMH-S or RMH-P districts; or
 - 3.** Is within the IL or IG districts.
- (b)** The Administrator may permit a reduction in the 100-foot separation requirement if the land proposed to be zoned to the RMH-S district is separated from property listed in subsection (a) above by a natural or artificial feature that blocks direct access between the sites, such as a creek, river, or arterial road.

(2) Use Limitations⁹⁸

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

(3) Access

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

(4) Transitional Buffer⁹⁹

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

⁹⁷ This provision incorporates the distance restriction in Section 10.3, Development standards, subsection (a)(1) of the current Zoning Ordinance. The exemption from the distance requirement if properties are separated “by a natural or artificial barrier” has been clarified.

⁹⁸ This is a new standard to limit the development of general civic/institutional or commercial uses on land zoned RMH-S.

⁹⁹ Carries forward the requirements for a landscaped strip of land in Section 10.3, Development standards, subsection (a)(2) of the current Zoning Ordinance. This will be updated when Section 5.3, Landscaping Standards, is drafted.

3.3.9. RMH-P: Residential Mobile Home Park¹⁰⁰

(A) Purpose and Intent

The purpose of the RMH-P: Residential Mobile Home Park district is to provide lands that accommodate mobile (manufactured) homes within a planned mobile home development on land under unified control. Along with mobile homes, accessory uses that support the mobile home development such as a management office, laundry facilities, and recreational facilities are also allowed.

(B) Use Standards

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

(C) Intensity and Dimensional Standards

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

Table 3-20: RMH-P District Intensity and Dimensional Standards¹⁰¹

Standard	Value	Standard	Value
Minimum district size (acres)	10	Setbacks, min (ft)	
A Lot width, min (ft)	n/a	C Front	n/a [1]
B Height, max (ft stories)	35 2	D Rear	n/a [1]
Building area, max	n/a	E Side	n/a [1]
Density, max (du/acre)	8	Side Street	n/a [1]

min = minimum max = maximum ft = feet

NOTES:

[1] Additional standards that apply to a mobile home dwelling, including separation requirements and setbacks, are included as a use-specific standard in Section 4.2.4(C)(2), Dwelling, Mobile Home.

(D) Development Standards

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

Table 3-21: Cross-References to Other Standards

Sec.	Standards	Sec.	Standards
5.1	Access and Connectivity Standards	5.6	Riparian Buffer Standards
5.2	Off-Street Parking and Loading Standards	5.7	Exterior Lighting Standards
5.3	Landscaping Standards	5.8	Form and Design Standards
5.4	Fence and Wall Standards	5.9	Outdoor Advertising Sign and Structure Standards
5.5	Open Space Set-Aside Standards		

¹⁰⁰ This carries forward the R-99-p district in the current Zoning Ordinance. The name of the district has been changed from RMH-4, Residential Mobile Home-4, which was proposed in the Code Assessment.. The only use permitted in the R-99-p district is a “mobile home park” use which integrates the elements of the mobile dwelling park use in the current Zoning Ordinance, as well as the regulations that apply to mobile dwellings in Section 10.3. Therefore, most of the regulations which govern the design of the mobile home park, including the standards for mobile home lots, are included within the use-specific standards at Section 4.2.4(C)(3), Dwelling, Mobile Home Park.

¹⁰¹ The RMH-P district carries forward the dimensional standards that apply to the R-99-p district in the current Zoning Ordinance.

Table 3-21: Cross-References to Other Standards

Sec.	Standards	Sec.	Standards
		5.10	Flood Damage Prevention

(E) Additional Standards

(1) Separation Requirements¹⁰²

- (a)** Except as provided in subsection (b) below, land shall not be rezoned to the RMH-P district, and no mobile home park shall be permitted to operate within the RMH-P district, unless at the time of the rezoning all of the land within the district is at least 100 feet from property that:
 - 1.** Has a residential use (except for property in the RMH-S or RMH-P districts);
 - 2.** Is within a residential district other than the RMH-S or RMH-P districts; or
 - 3.** Is within the IL or IG districts.
- (b)** The Land Use Controls Administrator may permit a reduction in the 100-foot separation requirement if the land proposed to be rezoned to the RMH-P district is separated from property listed in subsection (a) above by a natural or artificial feature that blocks access between the sites, such as a creek, river, or arterial road.

(2) Use Limitations¹⁰³

All nonresidential uses in the RMH-P district shall be intended to primarily serve residents of the mobile homes within the district.

¹⁰² This incorporates the distance restriction in Section 10.3, Development standards, subsection (a)(1) of the current Zoning Ordinance. The exemption from the distance requirement if properties are separated “by a natural or artificial barrier” has been clarified.

¹⁰³ This is a new standard to limit the development of general civic/institutional or commercial uses within a mobile home park.

Section 3.4 Institutional Districts

3.4.1 General Purpose of Institutional Districts

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

- (A)** Accommodate institutional, campus, and civic uses;
- (B)** Where appropriate, support integrated, multi-building campus development that includes internal street networks, green spaces, and other amenities typically associated with high-intensity development on larger tracts of land;
- (C)** Support secondary uses within institutional and campus development such as retail, personal services establishments, and indoor and outdoor recreation facilities;
- (D)** Provide and preserve lands for military installations; and
- (E)** Ensure development in the City is in accordance with the Comprehensive Plan.

3.4.2. INST-PK-O: Institutional Park and Open Space¹⁰⁴

(A) Purpose and Intent

The purpose of the INST-PK-O: Institutional Park and Open Space district is to provide lands that accommodate public parks and open space, which may include active recreational uses such as basketball courts, baseball fields, and gymnasiums, and passive open space. It is intended to implement the Open Space/Recreation land use type on the Future Land Use and Character Map.

(B) Use Standards

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

(C) Intensity and Dimensional Standards

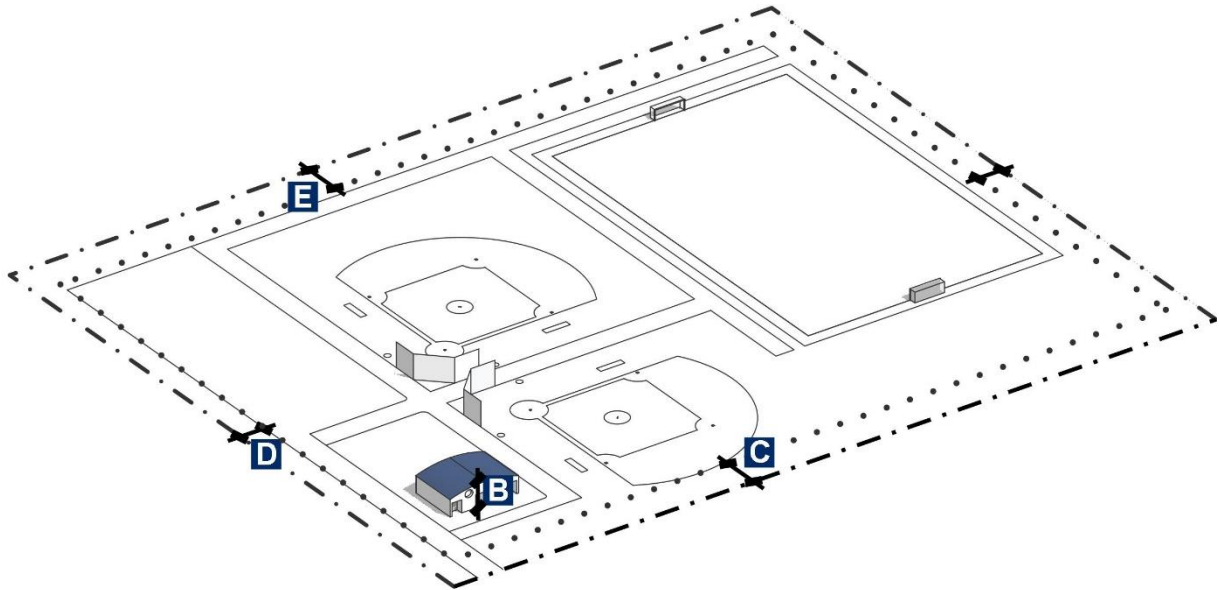
Development in the INST-PK-O district shall comply with the standards in Table 3-22: INST-PK-O District Intensity and Dimensional Standards.

Standard	Value	Standard	Value
Lot area, min (sf)	N/A	Setbacks, min (ft)	
Lot width, min (ft)	N/A	C Front	30
B Height, max (ft)	35	D Rear	30
Building area, max	N/A	E Side	20
		Side Street	20

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

¹⁰⁴ The INST-PK-O district is a new district that is intended to accommodate public parks and open space. Limited development standards are included to provide for flexibility for the design of these spaces. A limited set of uses are allowed.

¹⁰⁵ These are new standards. As this district is intended for public parks and open space, the development standards are basic and flexible.



(D) Development Standards

Development in the INST-PK-O district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-23: Cross-References to Other Standards.

Table 3-23: Cross-References to Other Standards			
Sec.	Standards	Sec.	Standards
5.1	Access and Connectivity Standards	5.6	Riparian Buffer Standards
5.2	Off-Street Parking and Loading Standards	5.7	Exterior Lighting Standards
5.3	Landscaping Standards	5.8	Form and Design Standards
5.4	Fence and Wall Standards	5.9	Outdoor Advertising Sign and Structure Standards
5.5	Open Space Set-Aside Standards	5.10	Flood Damage Prevention

3.4.3. INST-G: Institutional General¹⁰⁶

(A) Purpose and Intent

The purpose of the INST-G: Institutional General district is to provide lands that allow larger-scale institutional uses that are not accommodated in the other Institutional districts, such as elementary, middle, and high schools, hospitals, and nursing homes. The district also accommodates support uses such as offices, eating establishments, and limited retail and service establishments that primarily serve the principal institutional uses. Development may include the grouping of multiple institutional buildings and inter-related public, private, and nonprofit development. The district is intended to implement the Institutional/Civic land use type on the Future Land Use and Character Map.

(B) Use Standards

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

(C) Intensity and Dimensional Standards

Development in the INST-G district shall comply with the standards in Table 3-24: INST-G District Intensity and Dimensional Standards.

Standard	Value	Standard	Value
Site area, min (acres)	5	Setbacks, min (ft)	
Lot area, min (sf)	40,000	C Front	10 50 [1] ¹⁰⁸
A Lot width, min (ft)	200	D Rear	10 [2]
B Height, max (ft)	75	E Side	10 50 [1]
Building area, max	50%	Side Street	10 50 [1]

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

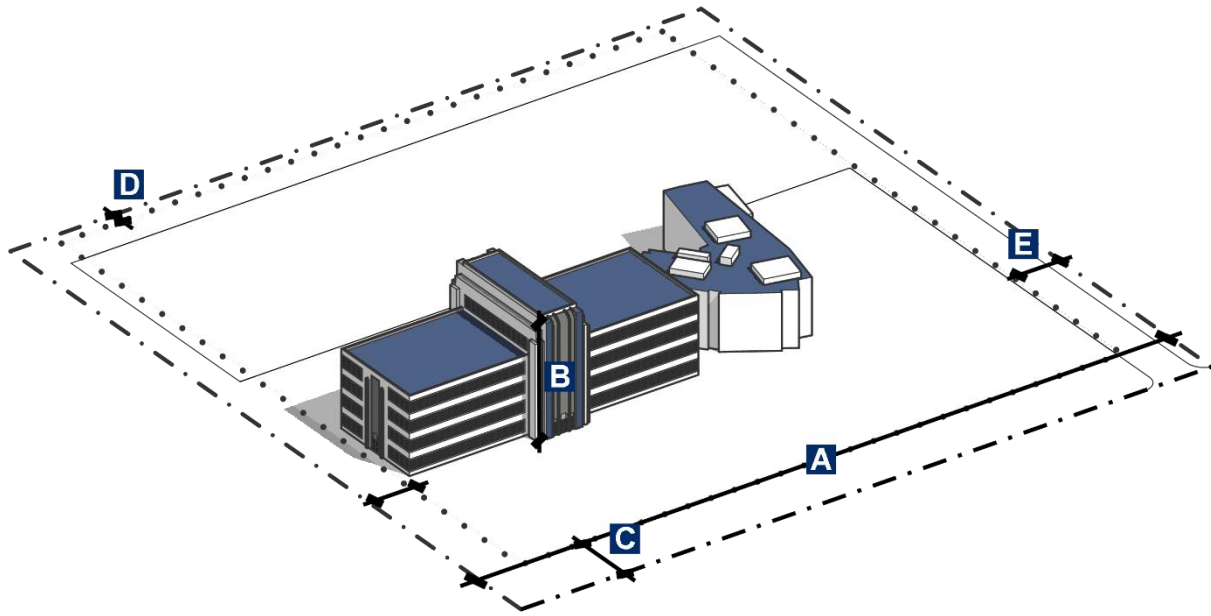
NOTES:

- [1] Required setback is 50 feet from a street or lot outside the district, 10 feet from a street or lot within the district.
- [2] For lots adjacent to a residential use or a Residential zone district, the required setback is 100 feet.

¹⁰⁶ The INST-G district carries forward and renames the INST district in the current Zoning Ordinance.

¹⁰⁷ This carries forward the dimensional standards that apply to the INST district in the current Zoning Ordinance, except as otherwise noted.

¹⁰⁸ To provide flexibility for development of multi-building developments within the INST district, the setbacks have been changed to require a 50-foot setback at the edges of the district, adjacent to property outside the district (100-foot setback adjacent to a residential use or a Residential zone district), but only a 10-foot setback adjacent to property or rights-of-way on the interior of the district. This provides increased development flexibility and additional opportunities for creative designs.



(D) Development Standards

Development in the INST-G district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-25: Cross-References to Other Standards.

Table 3-25: Cross-References to Other Standards

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

3.4.4. INST-U: Institutional University¹⁰⁹

(A) Purpose and Intent

The purpose of the INST-U: Institutional University district is to provide lands that accommodate the colleges and universities within the City. Along with core educational uses, this district accommodates supportive development typically found on college or university campuses such as recreational facilities, student services, eating facilities, and offices associated with the educational institution and in support of its operations. The district is intended to implement the Campus land use type on the Future Land Use and Character Map.

(B) Use Standards

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

(C) Intensity and Dimensional Standards

Development in the INST-U district shall comply with the standards in Table 3-26: INST-U District Intensity and Dimensional Standards.

Table 3-26: INST-U District Intensity and Dimensional Standards¹¹⁰

Standard	Value	Standard	Value
Site area, min (acres)	n/a	Setbacks, min (ft)	
Lot area, min (sf)	n/a	Front	n/a
Lot width, min (ft)	n/a	Rear	n/a
Height, max (ft)	50	Side	n/a
Building area, max	60% [1]	Side Street	n/a

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

NOTES:

[1] Applies to the entire district.¹¹¹

(D) Development Standards

Development in the INST-U district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-27: Cross-References to Other Standards.

Table 3-27: Cross-References to Other Standards

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

¹⁰⁹ The INST-U district is a new district intended for the City’s colleges and universities.

¹¹⁰ For this new district, no standards are included except for a height limit and a maximum building area.

¹¹¹ This is a new standard.

3.4.5. INST-M: Institutional Military¹¹²

(A) Purpose and Intent

The purpose of the INST-M: Institutional Military district is to recognize and support Maxwell Air Force Base and Gunter Annex. These facilities are owned and operated by the United States military and therefore are not subject to this Ordinance. They are classified in this district to differentiate them from lands that are subject to the Zoning Ordinance.

(B) Applicable Standards

No standards apply to development in the district, provided that if lands within the INST-M district are converted to private ownership, all uses are prohibited until the land has been classified into a different zone district in accordance with Section 2.5.2, Official Zoning Map Amendment; Section 2.5.3, Qualified Zone District Classification; or Section 2.5.4 ,Planned Development.

¹¹² The INST-M district is a new district intended to be applied to U.S. military facilities within the City. No standards are applied. The district includes a provision that if land in the INST-M is sold to a non-government entity, it cannot be developed unless and until it is rezoned to a different district in the Zoning Ordinance.

Section 3.5 Business Districts

3.5.1. General Purpose of Business Districts¹¹³

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

- (A)** Provide appropriately located lands for commerce and employment serving the City's residents, businesses, and workers, consistent with the goals and policies of the Comprehensive Plan and other City plans and policies to support quality economic development;
- (B)** Strengthen the City's economic base and provide economic opportunities for residents;
- (C)** Support commercial development that is scaled to neighborhood, community, and regional needs;
- (D)** Facilitate the redevelopment and revitalization of underused and vacant sites;
- (E)** Accommodate infill development;
- (F)** Create suitable environments for various types of businesses and ensure their compatibility with surrounding development; and
- (G)** Ensure business development is located and designed to protect or be compatible with residential areas.

¹¹³ The purpose statement is new.

3.5.2. CN: Commercial Neighborhood¹¹⁴

(A) Purpose and Intent

The purpose of the CN: Commercial Neighborhood district is to provide lands that accommodate a limited range of small-scale neighborhood-serving commercial uses within or at the edge of the City's residential neighborhoods that support walkability. The district may apply to portions of a block, consisting of a few storefronts with limited on-site parking that are intended for neighborhood-serving uses with limited on-site parking. District regulations establish development intensities and development forms that are consistent with this neighborhood scale and support walkability. Allowable uses include limited retail sales and services, personal services, and eating and drinking establishments. Small-scale mixed-use development (residential over ground floor) is allowed at a scale and form that is consistent with district character. It is intended to implement the Traditional Neighborhood land use type on the Future Land Use and Character Map.

(B) Use Standards

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

(C) Intensity and Dimensional Standards

Development in the CN district shall comply with the standards in Table 3-28: CN District Intensity and Dimensional Standards.

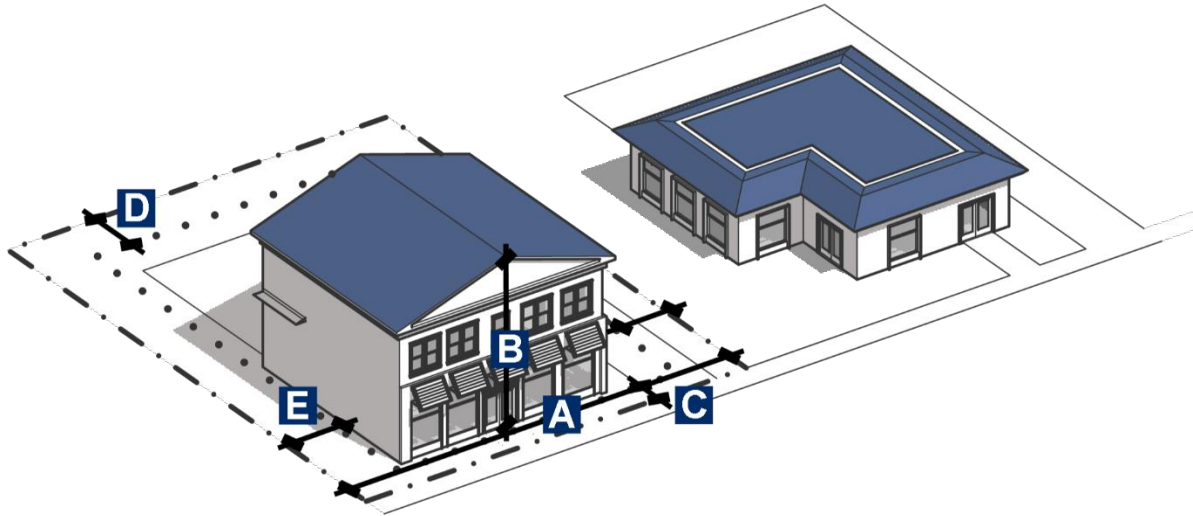
Table 3-28: CN District Intensity and Dimensional Standards			
Standard	Value	Standard	Value
	Lot area, min (sf)	Setbacks, min (ft)	
	7,500	C Front	5
A	Lot width, min (ft)	D Rear	10 30 [1]
B	Height, max (ft stories)	E Side	10 30 [1]
	Building area, max		Side Street
	60%		10
	Building floorplate, max (sf)		
	5,000		

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

NOTES:

[1] Required side and rear setback is 30 feet when adjacent to a residential use or a Residential zone district, and 10 feet otherwise.

¹¹⁴ New district that allows neighborhood-serving commercial uses, as well as residential uses above the ground floor of a building.



(D) Additional Standards

- (1) For one-story buildings, all parking shall be located to the side or rear of the building. For two-story buildings, a single row of parking and accompanying drive aisle may be placed in front of the building.
- (2) Residential development is permitted only above the ground floor.

(E) Development Standards

Development in the CN district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-29: Cross-References to Other Standards.

Table 3-29: Cross-References to Other Standards			
Sec.	Standards	Sec.	Standards
5.1	Access and Connectivity Standards	5.6	Riparian Buffer Standards
5.2	Off-Street Parking and Loading Standards	5.7	Exterior Lighting Standards
5.3	Landscaping Standards	5.8	Form and Design Standards
5.4	Fence and Wall Standards	5.9	Outdoor Advertising Sign and Structure Standards
5.5	Open Space Set-Aside Standards	5.10	Flood Damage Prevention

3.5.3. CC: Commercial Community¹¹⁵

(A) Purpose and Intent

The purpose of the CC: Commercial Community district is to provide lands that accommodate a broad range of commercial, office, and recreation uses, as well as mixed-use and certain types of residential development at moderate densities. While these uses may be primarily accessed by automobile, the uses shall be designed to be safely accessible to nearby uses and neighborhoods via walking and bicycling as well. The district is intended to implement the Community Commercial land use type on the Future Land Use and Character Map.

(B) Use Standards

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

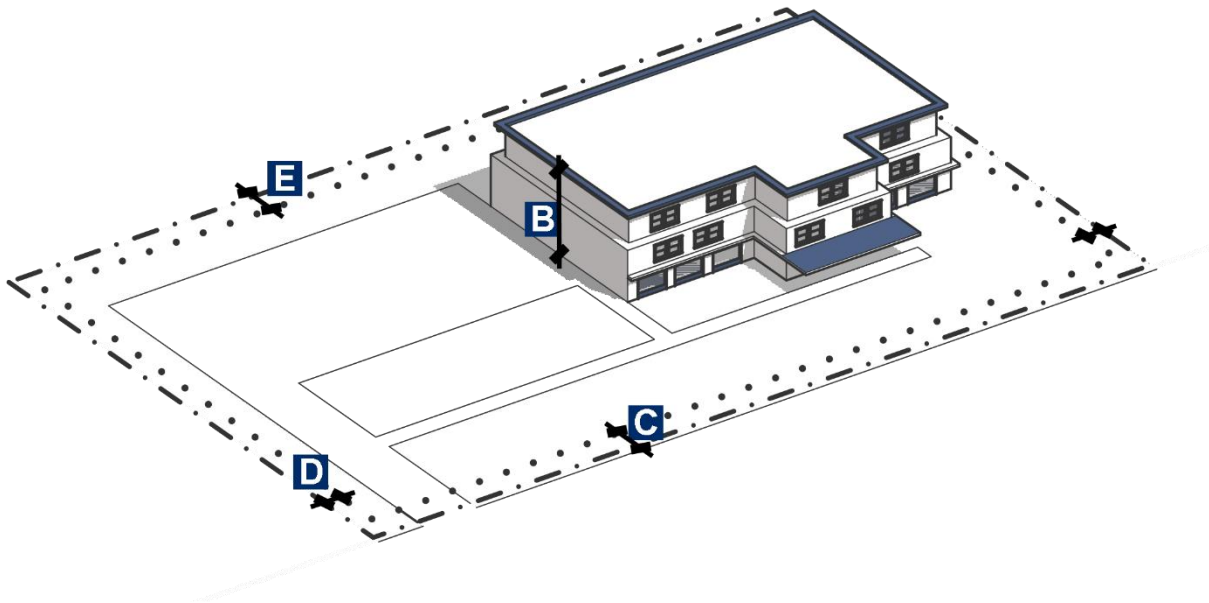
(C) Intensity and Dimensional Standards

Development in the CC district shall comply with the standards in Table 3-30: CC District Intensity and Dimensional Standards.

Table 3-30: CC District Intensity and Dimensional Standards			
Standard	Value	Standard	Value
Lot area, min (sf)	n/a	Setbacks, min (ft)	
Lot width, min (ft)	n/a	C Front	15
B Height, max (ft stories)	45 3	D Rear	15
Building area, max	n/a	E Side	10
Density, max (du/acre)	16	Side Street	15

min = minimum max = maximum ft = feet sf = square feet du = dwelling units

¹¹⁵ This is a new district that is intended to accommodate a range of moderate-scale commercial uses that serve multiple neighborhoods and provide access by car, bicycle, and foot.



(D) Additional Standards

- (1)** Development shall be designed to allow safe pedestrian access between the primary entrances to each building on the site and sidewalks and other pedestrian paths adjacent to the site.
- (2)** Development shall provide cross-access, using sidewalks or other pedestrian paths, from the development site to adjacent development sites that are within the CC district or another nonresidential district, to the maximum extent practicable. The Administrator may waive or modify this requirement on determining that such connections are impractical due to site constraints.¹¹⁶

(E) Development Standards

Development in the CC district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-31: Cross-References to Other Standards.

Table 3-31: Cross-References to Other Standards

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

¹¹⁶ These standards may be revised when Section 5.1, Access and Connectivity Standards, is drafted as part of Module 2. Section 5.1 will include general standards to regulate access and connectivity to, from, and within development throughout the City.

3.5.4. CG: Commercial General¹¹⁷

(A) Purpose and Intent

The purpose of the CG: Commercial General district is to provide lands that accommodate a wide range of nonresidential uses, primarily retail, office, and service establishments, at moderate intensities. The district is intended to implement the Flex Commercial land use type on the Future Land Use and Character Map.

(B) Use Standards

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

(C) Intensity and Dimensional Standards

Development in the CG district shall comply with the standards in Table 3-32: CG District Intensity and Dimensional Standards.

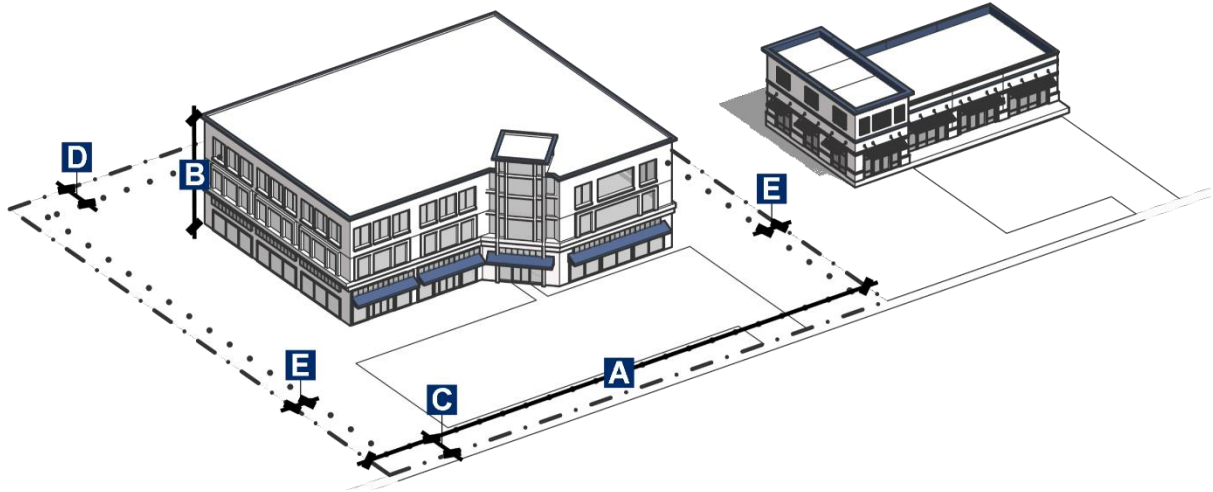
Table 3-32: CG District Intensity and Dimensional Standards¹¹⁸

Standard	Value	Standard	Value
Lot area, min (sf)	n/a	Setbacks, min (ft)	
A Lot width, min (ft)	125	C Front	15
B Height, max (ft stories)	55 4	D Rear	15
Building area, max	50%	E Side	10
		Side Street	15

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

¹¹⁷ This carries forward and renames the B-2: Individual Stores district in the current Zoning Ordinance.

¹¹⁸ The dimensional standards that apply to the B-2 district in the current Zoning Ordinance are carried forward, except as otherwise noted in the footnote below.



(D) Development Standards

Development in the CG district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-33: Cross-References to Other Standards.

Table 3-33: Cross-References to Other Standards			
Sec.	Standards	Sec.	Standards
5.1	Access and Connectivity Standards	5.6	Riparian Buffer Standards
5.2	Off-Street Parking and Loading Standards	5.7	Exterior Lighting Standards
5.3	Landscaping Standards	5.8	Form and Design Standards
5.4	Fence and Wall Standards	5.9	Outdoor Advertising Sign and Structure Standards
5.5	Open Space Set-Aside Standards	5.10	Flood Damage Prevention

3.5.5. CR: Commercial Regional¹¹⁹

(A) Purpose and Intent

The purpose of the CR: Commercial Regional district is to provide lands that accommodate moderate to high density commercial, office, and mixed-use development that attracts employees, shoppers, and visitors from around the region. While the primary intention is that this district be used for commercial and office uses, high-intensity residential uses are permitted when integrated into a mixed-use development. It is intended to implement the Flex Commercial and Flex Employment land use type on the Future Land Use and Character Map.

(B) Use Standards

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

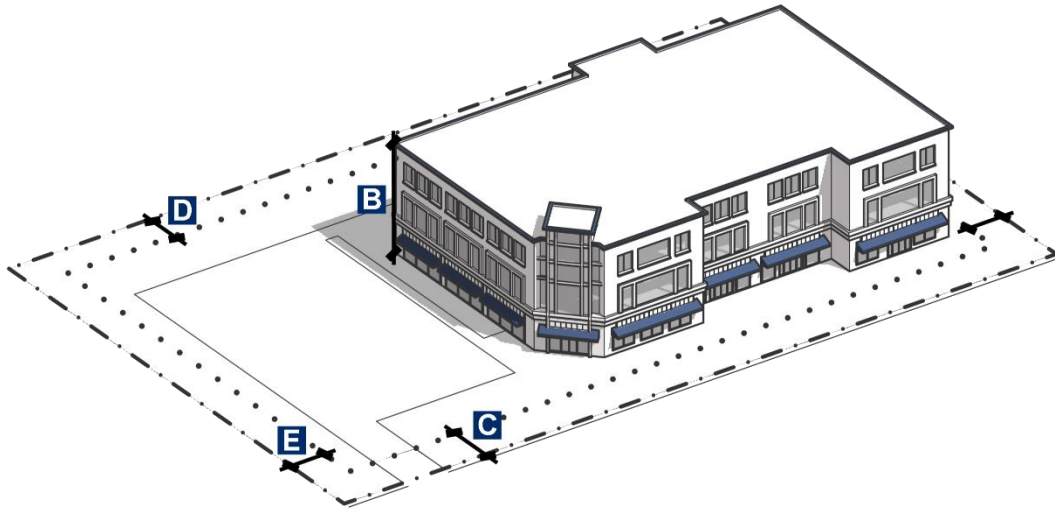
(C) Intensity and Dimensional Standards

Development in the CR district shall comply with the standards in Table 3-34: CR District Intensity and Dimensional Standards.

Table 3-34: CR District Intensity and Dimensional Standards			
Standard	Value	Standard	Value
Lot area, min (sf)	n/a	Setbacks, min (ft)	
Lot width, min (ft)	n/a	C Front	30
B Height, max (ft stories)	65 5	D Rear	25
Building area, max	50%	E Side	25
Density, max (du/acre)	24	Side Street	30

min = minimum max = maximum ft = feet sf = square feet du = dwelling units

¹¹⁹ This is a new district intended to accommodate more intense regional commercial and office development, as well as residential development that is part of a mixed-use development.



(D) Additional Standards

- (1)** Pedestrian access shall be provided between the different uses on a site using sidewalks or other pedestrianways that are configured to minimize the crossings of drives, entrances to parking lots, and other potential conflict points between automobiles and pedestrians.
- (2)** Development shall provide cross-access, using sidewalks or other pedestrian paths, from the development site to adjacent development sites that are within the CC district or another nonresidential district, to the maximum extent practicable. The Administrator may waive or modify this requirement on determining that such connections are impractical due to site constraints.¹²⁰

(E) Development Standards

Development in the CR district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-35: Cross-References to Other Standards.

Table 3-35: Cross-References to Other Standards

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

¹²⁰ These standards may be revised when Section 5.1, Access and Connectivity Standards, is drafted as part of Module 2. Section 5.1 will include general standards to regulate access and connectivity to, from, and within development throughout the City.

3.5.6. CCOR: Commercial Corridor¹²¹

(A) Purpose and Intent

The purpose of the CCOR: Commercial Corridor district is to provide lands that accommodate a broad range of uses along the City’s commercial corridors. Residential and nonresidential uses are permitted, including commercial, office, and service uses. An intent of the district is to encourage the redevelopment and revitalization of vacant lands and buildings along some of the City’s commercial corridors. The district is intended to implement the Regional Mixed Use land use type on the Future Land Use and Character Map.

(B) Use Standards

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

(C) Intensity and Dimensional Standards

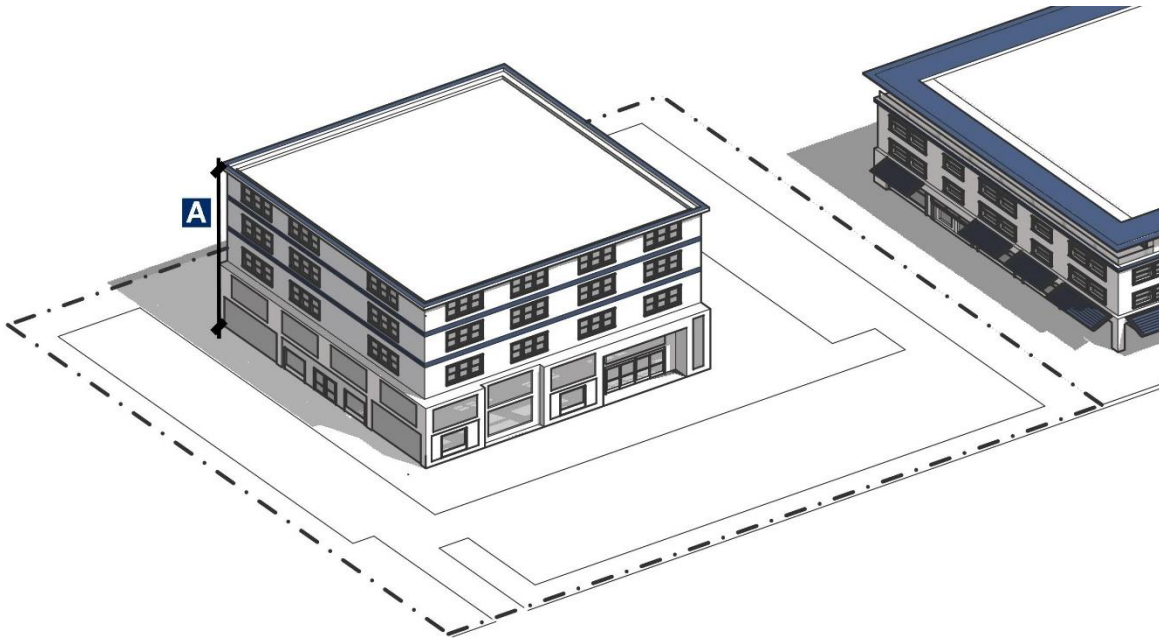
Development in the CCOR district shall comply with the standards in Table 3-36: CCOR District Intensity and Dimensional Standards.

Table 3-36: CCOR District Intensity and Dimensional Standards

Standard	Value	Standard	Value
Lot area, min (sf)	n/a	Setbacks, min (ft)	
Lot width, min (ft)	n/a	Front	n/a
A Height, max (ft stories)	65 5	Rear	n/a
Building area, max	n/a	Side	n/a
Density, max (du/acre)	n/a	Side Street	n/a

min = minimum max = maximum ft = feet sf = square feet du = dwelling units

¹²¹ This is a new district primarily intended to encourage redevelopment of the vacant parcels that account for many of the 3,900 parcels along major corridors and downtown, such as the Montgomery Mall. Minimal design standards are provided to provide maximum flexibility for developers seeking to redevelop these sites.



(D) Additional Standards

The following standards apply in the CCOR district. Where these provisions conflict with other provisions in this Ordinance, these provisions control.¹²²

(1) Building Design

(a) Building Placement and Orientation

Building orientation refers to the location of the primary and secondary façades and entrances to a building.

- 1.** To the maximum extent practicable, a building shall orient toward the street it faces, or if an interior street or block system is established for multi-building development, a building may be oriented to an interior street. The rear of a building shall not face the street.
- 2.** Buildings shall have clearly defined, operable, and highly visible customer entrance.
- 3.** Building entrances shall be differentiated from the rest of the façade by a change in material, architectural features, setbacks, or level.
- 4.** If multiple tenants are located in an open retail center, each individual establishment shall have at least one exterior customer entrance which complies with the standards of this subsection (a).
- 5.** Where a parking lot is located at the rear of the building, a secondary entrance may be provided in the back of the business. A rear entrance may provide direct service and customer access to the business from the parking lot.

(b) Building Mass

To the maximum extent practicable, building façades that face the main street or an internal street and that are greater than 120 feet in width shall be articulated with wall offsets (e.g., projections or recesses in the façade plane with a minimum depth of two

¹²² These are basic form and design standards for development in the CCOR district. They are intended to operate in conjunction with the flexible dimensional standards in the CCOR district to encourage higher quality development and redevelopment.

feet), changes in façade color or material, or similar features that visually interrupt the wall plane horizontally such that the width of uninterrupted façade does not exceed 60 feet. Where appropriate, roof assemblies shall be used to reduce building mass.

(c) Fenestration/Transparency

To the maximum extent practicable, the following façade fenestration/transparency standards apply:

1. For nonresidential buildings, at least 25 percent of the street-facing façade area of the ground-level floor shall be occupied by windows or doorways.
2. For multifamily, townhouse, or two- or three-family dwellings, at least 15 percent of the street-facing façade area of the ground-level floor shall be occupied by windows or doorways.
3. For purposes of this subsection (c), the street-facing façade area of the ground-level floor shall be measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor.

(d) Change of Façade Materials

For all buildings, primary façade materials shall not change at outside corners, but shall extend along any side façade that is visible from a street. The extension shall be a minimum of 20 feet.

(e) Roofs

Roof features shall be in scale with the building mass, consistent with the form of the structure, and comply with the following standards:

1. Sloped roofs on buildings more than 120 feet in length shall include two or more different sloping roof planes, each with a minimum pitch between 3:12 and 12:12.
2. Flat roofs shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane.
3. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.
4. All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured and screened (if necessary) to have a minimal visual impact as seen from a street.

(2) Site Access and Circulation

- (a)** Where appropriate, joint access driveways between sites to reduce the number of access points and driveway area are encouraged.
- (b)** Access driveways shall include a minimum of two lanes with a width that does not exceed 26 feet for two-way driveways, unless a wider width is needed for safe ingress and egress.
- (c)** To the maximum extent practicable, the internal circulation system shall be designed to allow vehicular cross-access between the internal system and adjacent property, in accordance with the following:
 1. The cross-access shall be constructed to the edge of the property as part of site development. Each cross access connection shall be designed in a way that is integrated into the internal circulation system of the parking lot or street and provides a reasonable connection.
 2. When a proposed development is adjacent to a vacant parcel, the cross access shall be accomplished by providing a connection to the property line shared with the vacant property. The cross access connection shall provide a feasible connection when the adjacent parcel is developed.

- 3.** An easement for ingress and egress to adjacent lots through the connection(s) shall be recorded with the Montgomery County Probate Judge.
- (d)** Where appropriate, sidewalks shall be provided on both sides of every internal street on the site.

(3) Parking Lots

- (a)** The placement of a parking lot should avoid conflicts between vehicular and pedestrian activities.
- (b)** Parking lots are encouraged to be located at the side or rear of the building.
- (c)** Parking lots with more than 120 spaces shall be visually and functionally segmented into smaller pods with landscaped islands and strips.

(4) Utility and Service Areas

The following standards apply to all utility and service areas:

- (a)** Areas for outdoor storage, trash collection, and loading areas shall be incorporated into the primary building design. Construction for these areas shall be of materials of comparable quality and appearance to that of the primary building.
- (b)** Loading areas or docks, outdoor storage, waste disposal, mechanical equipment, satellite dishes, truck parking, and other service support equipment shall be located behind the building so they cannot be seen from the primary street. They shall be screened from view from the primary street, and adjacent properties. The screening for loading areas, docks, outdoor storage, waste disposal, truck parking and related other service areas shall consist of:
 - 1.** A wall that is at least one foot higher than the largest object being screened, but no more than eight feet in height, on all sides where access is not needed. Where access is needed, an opaque gate of the same height as the wall shall be provided; and
 - 2.** If appropriate, the wall shall be obscured by landscaping. Sufficient planting materials shall be used such that no more than two-thirds of the surface area of the screening wall is visible from the street within three years of the wall's erection.

(E) Development Standards

Development in the CCOR district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-37: Cross-References to Other Standards.

Table 3-37: Cross-References to Other Standards			
Sec.	Standards	Sec.	Standards
5.1	Access and Connectivity Standards	5.6	Riparian Buffer Standards
5.2	Off-Street Parking and Loading Standards	5.7	Exterior Lighting Standards
5.3	Landscaping Standards	5.8	Form and Design Standards
5.4	Fence and Wall Standards	5.9	Outdoor Advertising Sign and Structure Standards
5.5	Open Space Set-Aside Standards	5.10	Flood Damage Prevention

3.5.7. CH: Commercial Highway¹²³

(A) Purpose and Intent

The purpose of the CH: Commercial Highway district is to provide lands that accommodate commercial uses serving the needs of people traveling on major roadways, and that accommodate other auto-oriented, community- or region-serving commercial development located along major roadway corridors. It is intended to implement the Flex Commercial land use type on the Future Land Use and Character Map.

(B) Use Standards

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

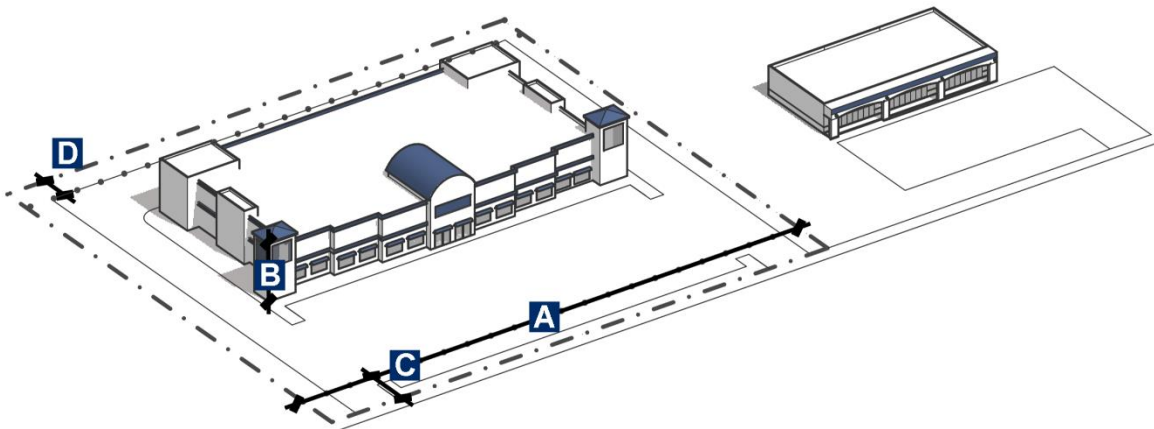
(C) Intensity and Dimensional Standards

Development in the CH district shall comply with the standards in Table 3-38: CH District Intensity and Dimensional Standards.

Table 3-38: CH District Intensity and Dimensional Standards¹²⁴

Standard	Value	Standard	Value
Lot area, min (sf)	n/a	Setbacks, min (ft)	
A Lot width, min (ft)	150	C Front	30
B Height, max (ft stories)	45 3	D Rear	20
Building area, max	n/a	Side	n/a ¹²⁵
Density, max (du/acre)	n/a	Side Street	n/a

min = minimum max = maximum ft = feet sf = square feet du = dwelling units



¹²³ This district carries forward and renames the B-3: Highway Commercial district.

¹²⁴ The CH district carries forward the dimensional standards that apply to the B-3 district in the current Zoning Ordinance, except as otherwise noted in the footnote below.

¹²⁵ Special setback requirements apply to gas stations in the B-3 district; those will be incorporated into the use-specific standard for that use type in Section 4.2.4, Standards Specific to Principal Uses.

(D) Development Standards

Development in the CH district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-39: Cross-References to Other Standards.

Table 3-39: Cross-References to Other Standards

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

3.5.8. CBD: Central Business District¹²⁶

¹²⁶ Upon close review of the Central Business B-1-a and B-1-b districts, and the types of development existing on the lands within the City that are assigned to these districts, we recommend that these districts not be consolidated in the new CBD district, and that lands in the B-1-a and B-1-b districts be rezoned to one of the other commercial districts. Both districts have limited dimensional standards and can accommodate very intense development; In the B-1-a district, the only constraint is the off-street vehicular parking requirement. B-1-a allows 100% building area and has no height limit and no minimum yard sizes. The existing development on land that is zoned to B-1-a and B-1-b is much less intense. We assume that these districts were assigned to much of downtown Montgomery, where high intensity development may be appropriate, but we do not think that a district that carries forward these types of standards is needed in the revised zone district lineup.

3.5.9. OC: Office Complex¹²⁷

(A) Purpose and Intent

The purpose of the OC: Office Complex district is to provide lands that accommodate a variety of office uses, as well as small-scale commercial uses that are designed to support the users of the office space such as cafeterias, barber shops, and convenience stores. The district is intended to implement the Career Center land use type on the Future Land Use and Character Map.

(B) Use Standards

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

(C) Intensity and Dimensional Standards

Development in the OC district shall comply with the standards in Table 3-40: OC District Intensity and Dimensional Standards.

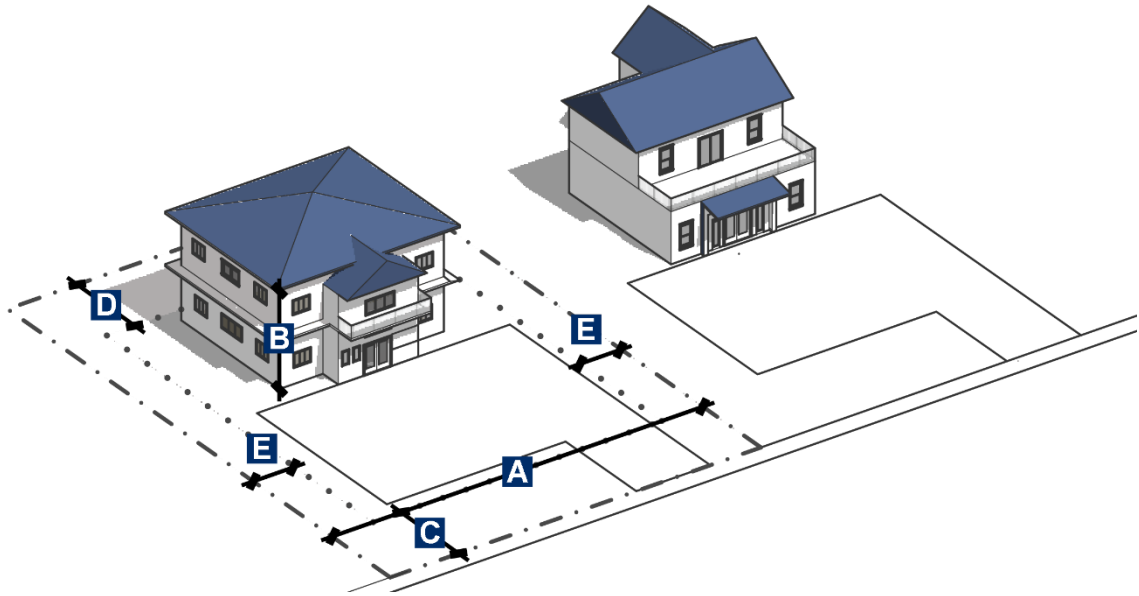
Table 3-40: OC District Intensity and Dimensional Standards¹²⁸

Standard	Value	Standard	Value
Lot area, min (sf)	7,200	Setbacks, min (ft)	
A Lot width, min (ft)	60	C Front	20
B Height, max (ft stories)	45 3	D Rear	20
Building area, max	50%	E Side	10
		Side Street	n/a

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

¹²⁷ This carries forward and renames the O-1: Office Complex district in the current Zoning Ordinance.

¹²⁸ The dimensional standards that apply to the O-1 district in the current Zoning Ordinance are carried forward.



(D) Additional Standards

Uses other than office uses shall be included in the same building or buildings that contain office uses. The primary entrance of each non-office use shall be to the interior of the building. A use may have a single exterior entrance if there is no signage or other visual indication detectable from off-site of the non-office use.¹²⁹

(E) Development Standards

Development in the OC district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-41: Cross-References to Other Standards.

Table 3-41: Cross-References to Other Standards			
Sec.	Standards	Sec.	Standards
5.1	Access and Connectivity Standards	5.6	Riparian Buffer Standards
5.2	Off-Street Parking and Loading Standards	5.7	Exterior Lighting Standards
5.3	Landscaping Standards	5.8	Form and Design Standards
5.4	Fence and Wall Standards	5.9	Outdoor Advertising Sign and Structure Standards
5.5	Open Space Set-Aside Standards	5.10	Flood Damage Prevention

¹²⁹ This provision carries forward the limitation in the O-1 district on small-scale commercial uses in the current Zoning Ordinance.

3.5.10. OP: Office Park¹³⁰

(A) Purpose and Intent

The purpose of the OP: Office Park district is to provide lands that accommodate a variety of office uses in a park-like setting. Supportive commercial uses, as well as non-profit lodges, rooming houses, and hotels are permitted as special exception uses. The district is intended to implement the Career Center land use type on the Future Land Use and Character Map.

(B) Use Standards

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

(C) Intensity and Dimensional Standards

Development in the OP district shall comply with the standards in Table 3-42: OP District Intensity and Dimensional Standards.

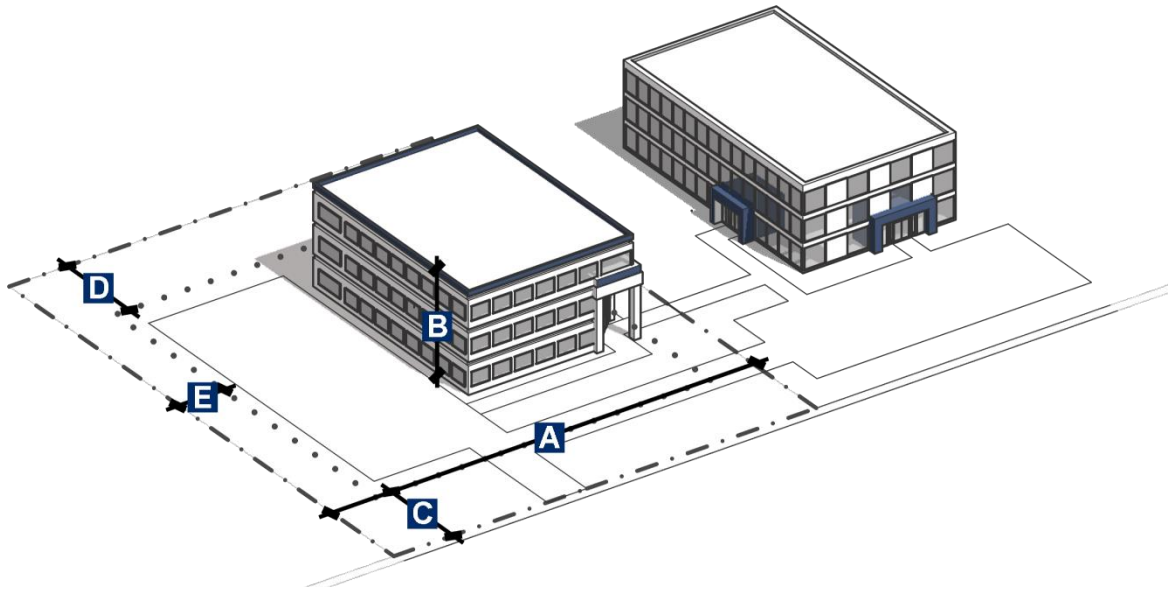
Table 3-42: OP District Intensity and Dimensional Standards¹³¹

Standard	Value	Standard	Value
Lot area, min (sf)	25,000	Setbacks, min (ft)	
A Lot width, min (ft)	100	C Front	40
B Height, max (ft stories)	45 3	D Rear	40
Building area, max	25%	E Side	20
		Side Street	n/a

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

¹³⁰ This carries forward and renames the O-2: Office Complex district.

¹³¹ The OP district carries forward the dimensional standards that apply to the O-2 district in the current Zoning Ordinance.



(D) Development Standards

Development in the OP district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-43: Cross-References to Other Standards.

Table 3-43: Cross-References to Other Standards

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

Section 3.6 Industrial Districts

3.6.1 General Purpose of Industrial Districts¹³²

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

- (A) Provide appropriately located lands for the full range of industrial uses required by the City's residents, businesses, and workers, including industrial uses that support existing major manufacturers in the region, in accordance with the Comprehensive Plan.
- (B) Preserve lands for industrial uses and prevent the use of those lands for incompatible residential, institutional, or commercial uses.
- (C) Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities;
- (D) Support a range of building types and uses dedicated to processing, manufacturing, assembly, warehousing, outdoor storage, and distribution of goods;
- (E) Create suitable environments for uses that have heavy freight traffic and which may generate noise, odors, or other impacts;
- (F) Ensure industrial development is located and designed to protect and preserve the character of existing residential districts and neighborhoods;
- (G) Provide a place to locate uses that are generally incompatible with other uses in other zoning districts.

¹³² This is a new purpose statement.

3.6.2. IL: Industry Light¹³³

(A) Purpose and Intent

The purpose of the IL: Industry Light district is to provide lands provide lands that accommodate light industrial uses such as storage, wholesaling, and light manufacturing. Limited commercial and office uses that primarily serve the principal light industrial uses also are allowed. The district is intended to implement the Flex Employment land use type on the Future Land Use and Character Map.

(B) Use Standards

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

(C) Intensity and Dimensional Standards

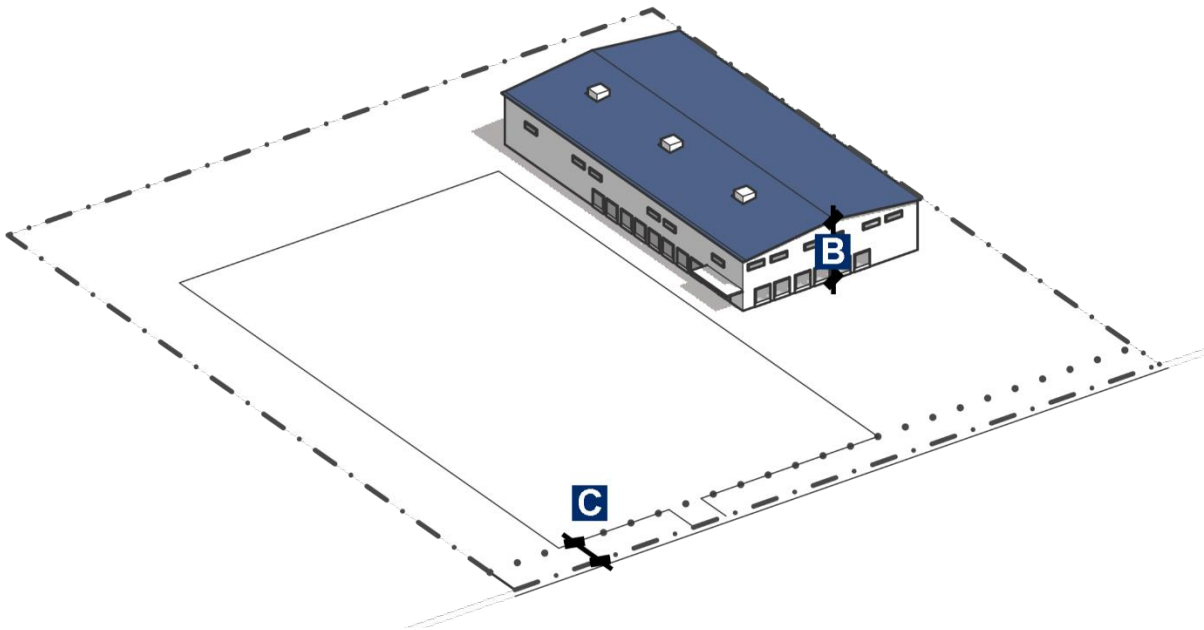
Development in the IL district shall comply with the standards in Table 3-44: IL District Intensity and Dimensional Standards.

Table 3-44: IL District Intensity and Dimensional Standards¹³⁴			
Standard	Value	Standard	Value
Lot area, min (sf)	n/a	Setbacks, min (ft)	
Lot width, min (ft)	n/a	C Front	20
B Height, max (ft)	50	Rear	n/a
Building area, max	50%	Side	n/a
		Side Street	20

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

¹³³ This carries forward and renames the M-1: Light Industry district in the current Zoning Ordinance.

¹³⁴ The dimensional standards that apply to the M-1 district in the current Zoning Ordinance are carried forward.



(D) Development Standards

Development in the IL district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-45: Cross-References to Other Standards.

Table 3-45: Cross-References to Other Standards			
Sec.	Standards	Sec.	Standards
5.1	Access and Connectivity Standards	5.6	Riparian Buffer Standards
5.2	Off-Street Parking and Loading Standards	5.7	Exterior Lighting Standards
5.3	Landscaping Standards	5.8	Form and Design Standards
5.4	Fence and Wall Standards	5.9	Outdoor Advertising Sign and Structure Standards
5.5	Open Space Set-Aside Standards	5.10	Flood Damage Prevention

3.6.3. IG: Industry General¹³⁵

(A) Purpose and Intent

The purpose of the IG: Industry General district is to provide lands that accommodate intense industrial development that generally requires large sites, as well as industrial uses that are important to the City’s economic growth but may impact adjacent lands. The uses generally involve greater potential for adverse off-site impacts on the environment and surrounding development through the creation of dust, fumes, smoke, odor, noise, or vibration, or the extensive movement of vehicles, materials, and goods. The district is intended to implement the General Industrial land use type on the Future Land Use and Character Map.

(B) Use Standards

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

(C) Intensity and Dimensional Standards

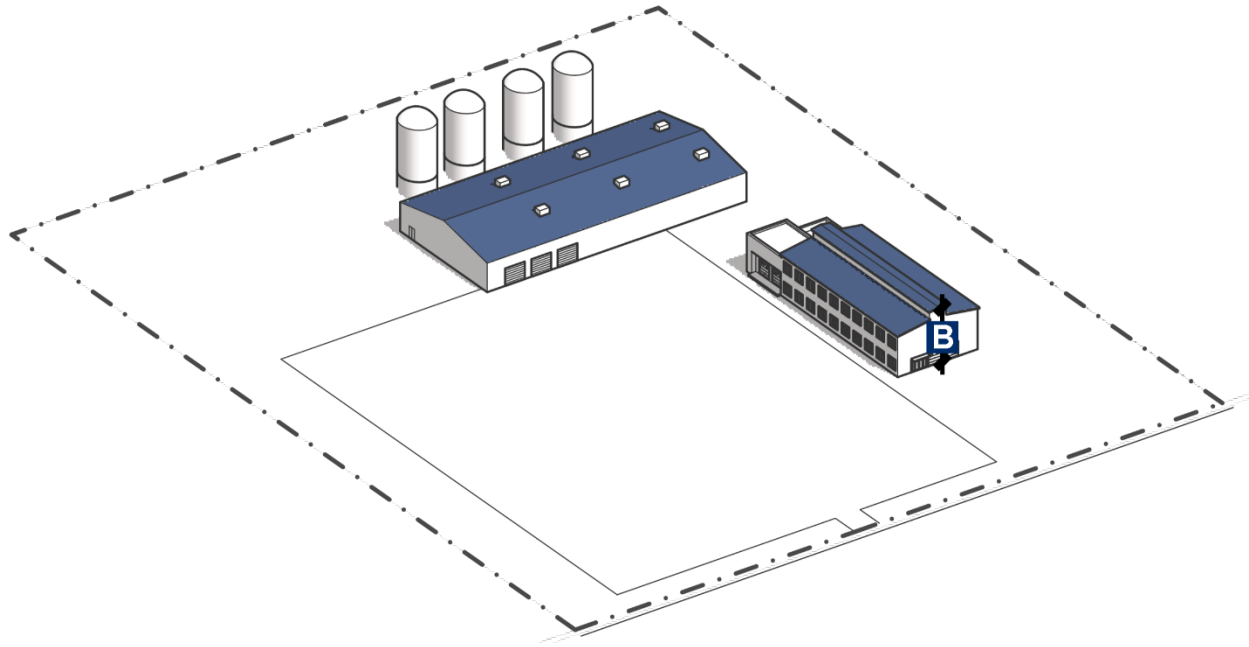
Development in the IG district shall comply with the standards in Table 3-46: IG District Intensity and Dimensional Standards.

Standard	Value	Standard	Value
Lot area, min (sf)	n/a	Setbacks, min (ft)	
Lot width, min (ft)	n/a	Front	n/a
B Height, max (ft)	150	Rear	n/a
Building area, max	50%	Side	n/a
		Side Street	n/a

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

¹³⁵ This carries forward and renames the M-3: General Industry district in the current Zoning Ordinance.

¹³⁶ The dimensional standards that apply to the M-3 district in the current Zoning Ordinance are carried forward.



(D) Development Standards

Development in the IG district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-47: Cross-References to Other Standards.

Table 3-47: Cross-References to Other Standards			
Sec.	Standards	Sec.	Standards
5.1	Access and Connectivity Standards	5.6	Riparian Buffer Standards
5.2	Off-Street Parking and Loading Standards	5.7	Exterior Lighting Standards
5.3	Landscaping Standards	5.8	Form and Design Standards
5.4	Fence and Wall Standards	5.9	Outdoor Advertising Sign and Structure Standards
5.5	Open Space Set-Aside Standards	5.10	Flood Damage Prevention

Section 3.7 Qualified Districts¹³⁷

3.7.1. General Purpose of Qualified Districts¹³⁸

The purpose of the qualified zone districts is to allow the City Council to refine the standards of a base zone district to accommodate proposed uses and structures in a manner that addresses anticipated impacts of development on surrounding lands. The intention of a qualified zone district is to minimize any detrimental impacts on surrounding development, protect property values, and secure enhancements that would be beneficial to the community, to better meet the intended outcomes of and policies in the Comprehensive Plan.

3.7.2. Qualified Districts¹³⁹

- (A) A qualified district may be established for each Agricultural, Residential, Business, and Industrial district except for the RSF-20, RSF-12, RSF-8.4, and RSF-6 districts. A qualified district may not be established for an Institutional district or a Planned Development district.
- (B) Qualified districts shall be indicated on the Official Zone District Map by a “Q” initial following the associated base zone district abbreviation; for example, CG-Q shall represent the Commercial General-Qualified district.¹⁴⁰

3.7.3. Establishment of Qualified Districts¹⁴¹

Qualified districts shall be established only in accordance with the procedures and requirements set forth in Section 2.5.3, Qualified Zone District Classification.

3.7.4. Applicable Standards and Conditions¹⁴²

(A) Zone District Standards

The ordinance establishing the qualified district may modify the dimensional standards and other district standards that apply to development in the underlying base district, including the applicable standards in Article 3: Zone Districts. Any applicable standards in Article 3 that are not modified shall apply to development in the qualified district.

(B) Development Standards

The ordinance establishing the qualified district may modify the development standards in this Zoning Ordinance that apply to development in the qualified district, including the standards in Article 5: Development Standards. Any applicable standards in this Zoning Ordinance that are not modified shall apply to development in the qualified district.

(C) Permitted Uses

The permitted uses in a qualified district shall be limited to those allowed in the corresponding base district as a permitted use in accordance with Table 4-1: Principal Use Table. A permitted use may be restricted through conditions included in the ordinance.

¹³⁷ Section 3.7, Qualified Districts, carries forward the qualified zone district procedure in Article VII, Section 11, of the current Zoning Ordinance. The provisions regarding expiration at Article VII, Section 5, will be carried forward in the administrative procedure section.

¹³⁸ This updates the purpose statement at Article VII, Section 11(1), of the current Zoning Ordinance, and revises reference to the City’s Master Plan to the Comprehensive Plan.

¹³⁹ This carries forward the exceptions in the current Ordinance and updates them to reflect the new zone district lineup.

¹⁴⁰ This is a new provision that memorializes the current practice for designating qualified districts.

¹⁴¹ This is a new provision that references the new procedure for adoption of a qualified district.

¹⁴² This section has been renamed from “Applicable Conditions” in the Assessment.

(D) Modification of Standards and Conditions¹⁴³

All agreed-upon standards and conditions in a qualified district are required and may not be amended except as follows:

- (1)** Additions to the list of permitted uses established in accordance with subsection (C) above shall only be permitted by an amendment to the qualified district in accordance with Section 3.7.3 above.
- (2)** Modifications to the development standards by City staff shall only be permitted in accordance with Section 2.5.11, Administrative Adjustment, unless the ordinance specifically restricts modification of the applicable standard.
- (3)** Modifications to other development standards may be approved by the Planning Commission in accordance with Section 3.7.3 above.

¹⁴³ This carries forward the amendment provisions in Article VII, Section 11(6) of the current Zoning Ordinance and adds a reference to the administrative adjustment procedure; administrative adjustments authorized by staff are permitted unless the ordinance adopting the qualified district specifically restricts staff modification of a particular standard.

Section 3.8 SmartCode Districts

3.8.1 General Purpose

The SmartCode is separate district and a distinct of land development regulations that applies to land that is assigned to one of the zone districts established in the SmartCode. The purposes of the SmartCode are set forth in Section 1.2 of the SmartCode, which is included as Appendix A to this Ordinance.

3.8.2 Rezoning to a SmartCode District

Land may be rezoned to a SmartCode zone district in accordance with Section 2.5.2, Official Zoning Map Amendment. Following rezoning to a SmartCode district, land is subject to the SmartCode and the regulations of this Ordinance apply only to the extent provided in the SmartCode.

Section 3.9 Planned Development Districts¹⁴⁴

3.9.1. General Purpose of Planned Development Districts

The purpose and intent of the Planned Development districts is to encourage land uses and designs that are innovative and integrate multiple uses in a way that makes efficient use of land and allows for creative site planning.

3.9.2. Establishment of Planned Development Districts¹⁴⁵

Planned development districts shall be established only in accordance with the procedures and requirements set forth in Section 2.5.4, Planned Development.

3.9.3. Standards that Apply to All Planned Development Districts¹⁴⁶

The standards in this section apply to all planned development districts. Additional standards that apply to the PD district are established in Section 3.9.4, PD: Planned Development, and additional standards that apply to the PD-TND district are established in Section 3.9.5, PD-TND: Planned Development-Traditional Neighborhood Development. In accordance with Section 2.5.4, Planned Development, a Planned Development (PD) Plan and a Planned Development (PD) Agreement are required components in the establishment of a planned development district:

(A) Planned Development (PD) Plan¹⁴⁷

The PD Plan shall identify the following, in accordance with the purposes and requirements of the specific type of planned development district:

- (1) The planning and development goals for the district;
- (2) The principal, accessory, and temporary uses permitted in the district and any standards that apply to specific uses in the district. Only those uses listed in the use tables in Article 4: Use Regulations as allowed in the applicable planned development district may be identified as principal, accessory, or temporary uses allowed in the district;
- (3) The general location of each development area in the district, its acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;
- (4) The dimensional standards that apply in the district;
- (5) Where relevant, the standards and requirements that ensure development on the perimeter of the district is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, hours of operation, exterior lighting, and siting of service areas;
- (6) The general location, amount, and type (whether designated for active or passive recreation) of open space;

¹⁴⁴ Establishes new Planned Development (PD) districts that replace the Planned Unit Development (PUD) districts in the current Zoning Ordinance, as discussed in the Assessment (pp. II-38 to 39). A general purpose is included in this section and more specific purposes are identified in the sections for the two types of PD districts (replacing the PUD terminology) in the new Zoning Ordinance: the Planned Development (PD) district and the Planned Development Traditional Neighborhood Design (PD-TND) district. This section establishes requirements for each Planned Development (PD) Plan and Planned Development (PD) Agreement that must be approved when land is classified to either of the PD districts.

¹⁴⁵ New provision that references the new procedure for adoption of a planned development district.

¹⁴⁶ Establishes standards that apply to development both in a PD district and a PD-TND district, with references to the additional standards that apply for each type of PD district.

¹⁴⁷ The PD Plan sets forth the standards that will apply to the planned development district, including permitted uses, project density and intensity, dimensional and development standards, and any phasing plans, if applicable.

- (7) The location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and measures to ensure protection of these lands consistent with the requirements of this section and this Ordinance;
- (8) The on-site pedestrian circulation system and how it will connect to off-site pedestrian systems, consistent with the requirements of this Ordinance;
- (9) The general design and layout of the on-site transportation circulation system, including the general location of all public streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system (pedestrian and bicycle pathways and trails), and connect to existing and planned City and regional systems, consistent with the requirements of this Ordinance;
- (10) The general location of on-site potable water and wastewater facilities, as applicable, and how they will connect to existing and planned City and regional systems, consistent with the requirements of this Ordinance;
- (11) The general location of on-site storm drainage facilities, and how they will connect to existing and planned City systems, consistent with the requirements of this Ordinance;
- (12) The general location and layout of all other on-site and off-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, emergency management, stormwater management, and solid waste management;
- (13) The ways in which transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;
- (14) If development in a planned development district is proposed to be phased, a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided and timed, how development will be coordinated with the City’s capital improvements program, and how environmentally sensitive lands will be protected and monitored; and
- (15) Any modifications to the development standards in Article 5: Development Standards, that will be applied to planned development, in accordance with Table 3-48: Development Standards That May Be Modified. Any modifications to development standards shall be documented in the PD Plan and the PD Agreement, with a clear basis for why the change is needed, how it supports the purpose of the planned development district, and how it supports high-quality development.

Table 3-48: Development Standards That May Be Modified

Standard		Modification
Development Standards		
Section 5.1	Access and Connectivity Standards	Allowed
Section 5.2	Off-Street Parking and Loading Standards	Allowed
Section 5.3	Landscaping Standards	Allowed
Section 5.4	Fence and Wall Standards	Allowed
Section 5.5	Open Space Set-Aside Standards	Allowed
Section 5.6	Riparian Buffer Standards	Modifications prohibited
Section 5.7	Exterior Lighting Standards	Allowed
Section 5.8	Form and Design Standards	Allowed
Section 5.9	Outdoor Advertising Sign and Structure Standards	Allowed
Section 5.10	Flood Damage Prevention	Modifications prohibited

Table 3-48: Development Standards That May Be Modified	
Subdivision Regulations	Allowed

(B) Planned Development (PD) Agreement¹⁴⁸

The PD Agreement shall include at least the following:

- (1)** Conditions related to approval of the application for the individual planned development district classification;
- (2)** Conditions related to the approval of the PD Plan, including any conditions related to the form and design of development shown in the PD Plan;
- (3)** Provisions addressing how public facilities (transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development. This shall include but not be limited to:
 - (a)** Recognition that the applicant/landowner will be responsible for design and construction or installation of required and proposed on-site public facilities in compliance with applicable City, state, and federal regulations;
 - (b)** The responsibility of the applicant/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable City, state, and federal regulations;
 - (c)** Provisions related to enhanced environmental protection or restoration beyond the minimum standards of this Ordinance;
 - (d)** Identification of enhanced community benefits and amenities that will be provided to compensate for the added development flexibility; and
 - (e)** Any other provisions the City Council determines are relevant and necessary to the planned development.

3.9.4. PD: Planned Development¹⁴⁹

(A) Purpose¹⁵⁰

The purpose of the PD: Planned Development district is to accommodate innovative and efficient land planning on large tracts of land that results in development of higher quality than is available through standard district regulations. In particular, the Planned Development district is intended to:

- (1)** Encourage design and development that includes a high level of quality, environmental sensitivity, energy efficiency, and adequate provision of public services;
- (2)** Reduce the inflexibility that may result from strict application of the base district regulations and development standards included in this Ordinance;
- (3)** Provide greater freedom and flexibility that allows for innovative site design in:
 - (a)** The overall form of development;
 - (b)** The design of pedestrian, bicycle, and vehicular circulation and parking systems;
 - (c)** The design of site landscaping, lighting, and signage;
 - (d)** The location and integration of open space and civic space; and
 - (e)** Other site amenities;

¹⁴⁸ The PD Agreement sets forth the terms and conditions that apply to a planned development, including the developer's responsibility to construct public infrastructure and commitments to provide community benefits in return for the development flexibility authorized by the PD district.

¹⁴⁹ This replaces the PUD Planned Unit Development district regulations in Article VII, Section 2, of the current Zoning Ordinance.

¹⁵⁰ This is a new purpose statement.

- (4) Encourage development that includes a well-integrated mix of residential and nonresidential development, including a diversity of intensities, densities, and residential lot sizes within the same development;
- (5) Encourage the inclusion of affordable housing in well-designed, mixed-use developments;
- (6) Encourage the provision of centrally located open space amenities within the development;
- (7) Encourage more efficient use of land, using appropriately sized and well-connected networks of streets and utilities to lower development and housing costs;
- (8) Promote development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses; and
- (9) Promote development form that respects and takes advantage of a site’s natural and culturally significant features, such as rivers, lakes, wetlands, floodplains, trees, and culturally significant human-made and historic resources.

(B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations. However, only those uses identified as permitted in the PD plan are permitted in a particular PD district.

(C) Intensity and Dimensional Standards

Development in a PD district shall comply with the standards in Table 3-49: PD District Intensity and Dimensional Standards.

Table 3-49: PD District Intensity and Dimensional Standards			
Standard	Value	Standard	Value
District area, min (acres)	15	Setbacks, min (ft)	
Lot area, min	[1]	Front	[1]
Lot width, min	[1]	Rear	[1]
Height, max	[1]	Side	[1]
Building area, max	[1]	Side Street	[1]
Residential density, max	[1]		

min = minimum max = maximum

NOTES:

[1] To be established in the PD Plan and PD Agreement

(D) Development Standards

Development in a PD district shall comply with the applicable standards in this Ordinance and the Subdivision Regulations as modified by the PD Plan or PD Agreement in accordance with Section 3.9.3, Standards that Apply to All Planned Development Districts.

3.9.5. PD-TND: Planned Development-Traditional Neighborhood Development¹⁵¹

(A) Purpose

The purpose of the PD-TND: Planned Development-Traditional Neighborhood Development district is to encourage innovative and high-quality development that incorporates traditional neighborhood development practices such as compact form with a neighborhood center, a mix of uses, a strong public realm that is human-scale and pedestrian-oriented, integrated open

¹⁵¹ As discussed on page II-38 of the Assessment, this new district allows for neo-traditional neighborhood developments in greenfield or urban areas. The PD-TND district provides a planned development alternative for development that uses traditional neighborhood design elements, such as civic buildings, a town center, mixed uses, integrated open space, and a variety of housing types, in order to support meaningful public spaces and more walkable communities.

space and recreational opportunities, and a range of housing choices. Substantial flexibility is provided, with the expectation that development quality will surpass what is otherwise achievable through the base zone districts. District standards support the City's existing traditional neighborhoods, encourage walkable urbanism, and provide a range of nonresidential uses that serve residents and the surrounding neighborhood.

(B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations. However, only those uses identified as permitted in the PD plan are permitted in a particular PD-TND district.

(C) Intensity and Dimensional Standards

Development in a PD-TND district shall comply with the standards in Table 3-50: PD-TND District Intensity and Dimensional Standards.

Table 3-50: PD-TND District Intensity and Dimensional Standards			
Standard	Value	Standard	Value
District area, min (acres)	15	Setbacks, min (ft)	
Lot area, min	[1]	Front	[1]
Lot width, min	[1]	Rear	[1]
Height, max	[1]	Side	[1]
Building area, max	[1]	Side Street	[1]
Residential density, max	[1]		

min = minimum max = maximum

NOTES:

[1] To be established in the PD Plan and PD Agreement

(D) Development Standards

Development in a PD-TND district shall comply with the applicable standards in this Ordinance and the Subdivision Regulations as modified by the PD Plan or PD Agreement in accordance with Section 3.9.3, Standards that Apply to All Planned Development Districts, as well as the following:

(1) Overall Design

A PD-TND district shall be designed with a neighborhood center and may also be served by one or more sub-centers. A neighborhood center or sub-center shall consist of formal open space (such as a square, commons, green, or active recreation area) that is adjacent to nonresidential or civic uses (such as a school, religious institution, or other government building), and served by one or more prominent street intersections. If included, the civic use shall be located in a prominent location. Areas adjacent to neighborhood centers shall permit commercial uses.

(2) Residential Walking Distance

At least 80 percent of all residential dwelling units in a PD-TND should be within 2,000 feet of the neighborhood center or a sub-center. The distance shall be measured by walking distance using sidewalks and other pedestrianways within the development.

(3) Use Mixing

(a) A PD-TND district shall be designed to provide a mix of residential and nonresidential uses, with a diversity of housing types (including single-family detached up through multi-family dwellings), retail sales and service uses, office uses, and civic and recreational uses.

- (b) Within a PD-TND district, no more than 70 percent of the developed land area, excluding open space, may consist of single-family detached residential uses, and no more than 80 percent of the developed land area may consist of residential uses.

(4) Circulation System.

- (a) To the maximum extent practicable, a PD-TND district shall include a connected street system designed in a grid pattern. To the extent practical, the maximum length of a single block shall be 800 feet.
- (b) Each street shall include curb and gutter, and each side shall include the following:
 - 1. Adjacent to the curb, a planting strip at least three feet in width with street trees planted in accordance with the standards in Section <>. ¹⁵²
 - 2. Adjacent to the planting strip, a sidewalk at least five feet in width.
- (c) Alleys are recommended for access to residential developments. Where alleys are provided, access to parking to a residential use other than a multifamily development shall be via the alley, and no access to a garage shall be provided from a street. All alleys shall be owned and maintained by a homeowners' or property owners' association or similar entity established for the development.

¹⁵² This will be updated with references to the landscaping standards when those are drafted.

Section 3.10 Overlay Districts¹⁵³

3.10.1. Purpose and General Standards

(A) Purpose of Overlay Districts

The purpose and intent of overlay zone districts is to provide supplemental standards with respect to special areas, land uses, or environmental features that supersede the standards of the underlying base zone district.

(B) General Standards

The provisions of an overlay zone district shall prevail over a provision in a base zone district, unless stated to the contrary. When there is a conflict between provisions of two or more applicable overlay zone districts, unless otherwise stated in this Ordinance, the more restrictive provision controls

3.10.2. AH-O: Airport Hazard Overlay¹⁵⁴

(A) Purpose¹⁵⁵

The purpose of the AH-O: Airport Hazard Overlay district is to establish standards of safety for lands in the immediate vicinity of Dannelly Field and Maxwell Air Force Base. District standards protect people and property by limiting physical obstructions which can interfere with aircraft maneuverability and normal operations at the airports and by encouraging compatible land uses.

(B) Applicability and Incorporation by Reference¹⁵⁶

- (1) The regulations of this section apply to the area located within two miles of Dannelly Field as indicated on the map entitled “Airport Zoning Map of the Dannelly Field Area of Montgomery” (hereafter, Dannelly Field Map) on file in the <> Office. The map and all accompanying explanatory matter are hereby incorporated into this Ordinance by reference.
- (2) The regulations of this section apply to the area located within two miles of Maxwell Air Force Base as indicated on the map entitled “Standards for Determining Obstructions to Air Navigation, Maxwell A. F. B., Montgomery, Alabama” (hereafter, Maxwell A.F.B. Map) on file in the <> Office.¹⁵⁷ The map and all accompanying explanatory matter are hereby incorporated into this Ordinance by reference.

¹⁵³ This is a new section for overlay districts. The current draft includes only one overlay district, the Airport Hazard Overlay District, but the structure allows for the easy addition of new overlay districts should the City Council choose to do so in the future.

¹⁵⁴ This incorporates the Airport Hazard Areas regulations in Article VIII of the current Zoning Ordinance. The provisions of Section 5 have not been carried forward, except that the Board of Adjustment is identified as the “administrative agency” in the regulations establishing the Board of Adjustment in Section 2.3.3, Board of Adjustment. Section 3 states that the district regulations apply “except only those regulations concerning uses and height are mandatory in any area outside the customary police jurisdiction of the city.” That has not been carried forward as land that is outside the City’s corporate limits and outside the police jurisdiction is not subject to the City’s zoning ordinance..

¹⁵⁵ The purpose statement is new.

¹⁵⁶ This carries forward Article VIII, Section 1 of the current Zoning Ordinance. The last sentence of Section 1b, about areas excluded from the AH-O district, has not been carried forward as the applicability to certain areas is indicated on the map.

¹⁵⁷ Future drafts will more clearly identify where a copy of these maps may be found.

(C) Development Standards¹⁵⁸

The standards that apply to development in the underlying base zone district apply to development in the AH-O district, except as noted below:

- (1)** Any regulations included in the explanatory matter on the Dannelly Field Map or the Maxwell A.F.B. Map apply to land within the applicable map boundaries.
- (2)** In the AH-O district, the exceptions to the maximum height standards set forth in Section 8.2.4(A), Exceptions to Maximum Building Height, do not apply, and all parts of buildings and structures are subject to the height limitations set forth in the zone district.
- (3)** In the AH-O district, all height limitations that apply to buildings in the underlying base zone district also apply to trees where a failure to do so would allow an obstruction to air navigation to occur or exist.
- (4)** In the AH-O district, no structure or tree in the IG district shall exceed three stories or 45 feet in height.

(D) Variances¹⁵⁹

Requests for a variance to the height standards for buildings or structures within the AH-O district are subject to the to the standards that apply to the granting of a variance in Section 2.5.12, Variance, as well as the following:

- (1)** The requested variance will not create a hazard to air navigation; and.
- (2)** The requested variance is consistent with the standards and explanatory matter included in the map entitled “Standards for Determining Obstructions to Air Navigations, Dannelly Field Area of Montgomery, Alabama and Maxwell Air Force Base,” on file in the <> Office. The map and all accompanying explanatory matter are hereby incorporated into this Ordinance by reference.

¹⁵⁸ Carries forward Article VII, Section 3 and 4 of the current Zoning Ordinance. The special height restrictions that apply to development in AGR-1 and AGR-2 (AGR and AGR-RES in this updated Ordinance) have not been carried forward because they are identical to the height restrictions that apply in AGR-1 and AGR-2.

¹⁵⁹ This incorporates the guidance for the Board of Adjustment included in Article VII, Sections 4(e) and (f) of the current Zoning Ordinance. The reference to “reasonable conditions” has been removed as the board will be provided the authority to impose reasonable conditions on all variance requests.

Article 4: Use Regulations

Commentary on Draft:

Article 4: Use Regulations, consolidates regulations governing the various uses of land in the City, including principal uses, accessory uses and structures, and temporary uses and structures. It is organized into four sections.

Section 4.1, Organization of Article, describes the organization of the article.

Section 4.2, Principal Uses, establishes regulations that apply to principal uses of land. It includes a table of uses that identifies the principal uses that are allowed in each zone district, descriptions of the categories and classifications used to organize the principal uses, and standards that apply to specific principal uses.

Section 4.3, Accessory Uses and Structures, establishes regulations that apply to accessory uses and structures. It includes a table of uses that identifies the accessory uses and structures that are allowed in each zone district. It also includes general standards that apply to all accessory uses and structures, and standards that apply to specific accessory uses and structures.

Section 4.4, Temporary Uses and Structures, establishes regulations that apply to temporary uses and structures. It follows the same basic organization as Section 4.3, including a table of uses, general standards, and standards for specific temporary uses and structures.

Section 4.5, Interpretation of Unlisted Uses, provides criteria for determining whether an unlisted use should be permitted due to its similarity to a permitted use.

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

Section 4.1 Organization of Article

- (A) Section 4.2, Principal Uses, identifies the principal uses of land that are allowed in the various zone districts and the type of permit or review, if any, required to establish them. It also establishes special standards applicable to particular principal uses.
- (B) Section 4.3, Accessory Uses and Structures, identifies land uses and structures commonly allowed as accessory to principal uses in the various zone districts and the type of permit or review, if any, required to establish them. It also establishes general standards applicable to all accessory uses and structures, and special standards applicable to particular accessory uses and structures.
- (C) Section 4.4, Temporary Uses and Structures, identifies land uses and structures allowed on a temporary basis, establishes general standards applicable to all temporary uses and structures, and establishes special standards that apply to particular temporary uses and structures.
- (D) Section 4.5, Interpretation of Unlisted Uses, establishes criteria for determining whether an unlisted principal, temporary, or accessory use (or structure) should be permitted because it has similar impacts as a permitted use.

Section 4.2 Principal Uses

4.2.1. General

Table 4.2.2, Principal Use Table, identifies principal uses of land and specifies whether they are allowed by right, allowed subject to approval of a special exception, or prohibited within each zone district. It also references use-specific standards in Section 4.2.4, Standards Specific to Principal Uses, that are applicable to specific uses.

4.2.2. Principal Use Table

(A) Organization and Applicability

Table 4-1: Principal Use Table, organizes allowable uses by use classifications, use categories, and use types as described in Section 4.2.3, Classification of Principal Uses. The use table provides a systematic basis for identifying and consolidating uses. Definitions of the principal use classifications and use categories also are included in Section 4.2.3. Definitions of use types are included in Section 8.3, Definitions.

(B) Explanation for Table and Abbreviations

For each listed use type in Table 4-1: Principal Use Table, the first column of each row identifies the name of the use type. The entries in the cells formed by the intersection of a zone district column labeled across the top and a use type row indicate whether a use is permitted in a particular zone district, as follows:

(1) Principal Uses Permitted By-Right

- (a) “P” in a cell other than in the PD or PD-TND district columns indicates that the use is allowed by right in the zone district, subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.
- (b) “A” in a cell in the PD or PD-TND district column means that the use is allowed in the type of planned development district only if it is specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance, unless expressly modified in the PD Plan or PD Agreement for the district. See Section 3.9.3(A), Planned Development (PD) Plan, and Section 3.9.3(B), Planned Development (PD) Agreement

(2) Principal Uses Permitted as a Special Exception

“S” in a cell indicates that the use is allowed in the zone district upon approval of a special exception in accordance with Section 2.5.5, Special Exception. Uses requiring a special exception are subject to all other applicable requirements of this Ordinance

(3) Prohibited Uses

A blank cell indicates that the use is prohibited in the zone district.

(4) Use-Specific Standards

A particular use may be subject to additional standards that are specific to the particular use. The right-most column in a row includes references to the standards in Section 4.2.4, Standards Specific to Principal Uses, that apply to the use listed in the left-most column.

(C) Unlisted Uses

The Land Use Controls Administrator shall determine whether or not any use not explicitly listed in Table 4-1: Principal Use Table, is part of an existing use category or use type in accordance with Section 4.5, Interpretation of Unlisted Uses.

(D) Principal Use Table

The principal use table is established in Table 4-1: Principal Use Table.¹⁶⁰

Table 4-1: Principal Use Table																												
P = Permitted A = Allowed In PD S = Special Exception Blank = Not Permitted																												
Use Category/Type	Zone Districts																		Use-Specific Standards									
	Ag.	Residential						Inst.	Commercial						Ind.	PD												
	AGR	AGR-RES	RSF-20	RSF-12	RSF-8.4	RSF-6	RME-8.4	RFM-7.2	RMH-s	RMH-p	INST-PK-O	INST-G	INST-U	CN	CC	CG	CCOR	CR	CH	CBD	OC	OP	IL	IG	PD	PD-TND		
Agricultural Uses																												
Agriculture and Forestry Uses																												
Agriculture ¹⁶¹	P	P																								A	A	4.2.4(B)(1)
Agriculture, urban ¹⁶²			P	P	P	P	P	P	S	S				S	S	S										A	A	
Roadside agriculture ¹⁶³ stand	P	P																								A	A	
Residential Uses																												
Household Living Uses																												
Dwelling, cottage home ¹⁶⁴					P	P	P	P																		A	A	4.2.4(C)(1)
Dwelling, four-family ¹⁶⁵ (fourplex)							P	P													P					A	A	
Dwelling, mobile home ¹⁶⁶	S	S							P	P																A	A	4.2.4(C)(2)
Dwelling, mobile home park ¹⁶⁷										P																A	A	4.2.4(C)(3)
Dwelling, multifamily ¹⁶⁸							P	P									P	P	S	P						A	A	

¹⁶⁰ This is a new principal use table that replaces the separate lists and classes of uses with groups of uses in the current Zoning Ordinance. As discussed in the Code Assessment (pages II-40 through II-43), the principal use types lists all allowed uses in a series of rows, and within each column, which represents a district, identifies whether the use is permitted by right, permitted as a special exception approved by the Board of Adjustment, allowed in a planned development district, or prohibited in that district. The rightmost column identifies applicable use-specific standards that apply. Uses are organized using the three-tiered classification system discussed in the Code Assessment, with individual use types organized into use categories with other use types that share common characteristics. The use categories are organized into broad general classifications, such as Residential and Commercial. The use table eliminates any duplication of uses and is more robust as it eliminates the chance, as in the current Zoning Ordinance, of similar but different uses listed in different zone districts. In addition, the set of permitted uses has been modernized, with uses in the current Zoning Ordinance consolidated where appropriate, new uses added, and all uses given clear and precise definitions. The footnotes here for each use provide information about each use, including whether it is new, carried forward, consolidated, or otherwise modified, and identifies the districts in which they were permitted. No uses are listed as authorized by variance, as staff reports the use variance procedure in the current Zoning Ordinance is no longer used.

¹⁶¹ This is a new general agriculture use that replaces “Agriculture and poultry and livestock raising, but not including the operation of chicken brooder houses, and provided no structure, pen or corral housing animals is located closer than 200 feet to any property line,” permitted as a special exception in the R-100, R-85, R-75-s, R-75-d, R-75-m, R-65-s, R-65-d, R-65-m, R-60-s, R-60-d, R-60-n, and R-60-a districts.

¹⁶² This is a new use.

¹⁶³ This is a new use.

¹⁶⁴ This is a new use.

¹⁶⁵ This is a new use based on the use “Residential structures containing two, three, or four family units,” permitted in the R-75-m, R-65-m, R-60-m, and R-60-a districts, and permitted as a special exception in the R-60-d district.

¹⁶⁶ This carries forward and consolidates the uses “Individual mobile dwellings, permitted as a special exception in the AGR-1 and AGR-2 districts, and the “Mobile dwellings” use permitted in the R-99-p and R-99-s districts.

¹⁶⁷ This is a new use.

¹⁶⁸ This consolidates and updates the use “Apartments for any number of families,” permitted in the R-75-m, R-65-m, R-60-m, and R-60-a districts, and permitted as a special exception in the R-24-t, R-20-t, PGH-35, and PGH-40 districts, and the use “Dwellings for any number of households,” permitted in the B-1-a and B-1-b districts.

Table 4-1: Principal Use Table																												
P = Permitted A = Allowed In PD S = Special Exception Blank = Not Permitted																												
Use Category/Type	Zone Districts																											
	Ag.	Residential						Inst.			Commercial						Ind.	PD	Use-Specific Standards									
	AGR	AGR-RES	RSF-20	RSF-12	RSF-8.4	RSF-6	RME-8.4	RFM-7.2	RMH-s	RMH-p	INST-PK-O	INST-G	INST-U	CN	CC	CG	CCOR	CR		CH	CBD	OC	OP	IL	IG	PD	PD-TND	
Dwelling, patio-garden home ¹⁶⁹					P	P	P	P																			A	A
Dwelling, single-family detached ¹⁷⁰	P	P	P	P	P	P	P	P																		A	A	4.2.4(C)(5)
Dwelling, three-family (triplex) ¹⁷¹								P	P											P						A	A	
Dwelling, townhouse ¹⁷²							P	P	P											P						A	A	4.2.4(C)(6)
Dwelling, two-family (duplex) ¹⁷³							P	P	P											P						A	A	
Tiny house community ¹⁷⁴		P						S	S																	A	A	
Group Living Uses																												
Assisted living facility ¹⁷⁵								S	S			P		P	P	S	P	P		P						A	A	
Continuing care retirement facility ¹⁷⁶								S	P								S	S								A	A	
Dormitory ¹⁷⁷								S	S			S	P													A	A	
Fraternity or sorority house ¹⁷⁸								S	S			P														A	A	
Group home ¹⁷⁹			P	P	P	P	P	P						P	P		S	S		S						A	A	
Rooming or boarding house ¹⁸⁰			S	S	S	P	P	P			S		P	P		S	S		S							A	A	
Supportive housing ¹⁸¹		S			S	S	S	S			S															A	A	
Public, Civic, and Institutional Uses																												
Community and Cultural Facilities Uses																												
Cemetery ¹⁸²	P	P	S	S							P															A	A	4.2.4(D)(1)

¹⁶⁹ This carries forward the use "Patio garden homes" permitted in the R-24, R-24-t, PGH-35, and PGH-40 districts.

¹⁷⁰ This carries forward and renames the use "Single family dwellings," permitted in all residential and agricultural districts except for R-99-p and R-99s, where it is prohibited.

¹⁷¹ This is a new use based on the use "Residential structures containing two, three, or four family units," permitted in the R-75-m, R-65-m, R-60-m, and R-60-a districts, and permitted as a special exception in the R-60-d district.

¹⁷² This carries forward the existing use, permitted in the R-75-m, R-65-m, R-60-m, R-60-a, R-24-t, and R-20-t districts.

¹⁷³ This consolidates the uses "Residential structures containing two, three, or four family units," permitted in the R-75-m, R-65-m, R-60-m, and R-60-a districts, and permitted as a special exception in the R-60-d district, and "Residential structures containing two family units," permitted in the R-75-d, R-75-m, R-65-d, R-65-m, R-60-d, R-60-m, and R-60a districts, and as a special exception in the R-50 district.

¹⁷⁴ This is a new use.

¹⁷⁵ This is a new use.

¹⁷⁶ This is a new use.

¹⁷⁷ This is a new use.

¹⁷⁸ This is a new use.

¹⁷⁹ This is a new use.

¹⁸⁰ This carries forward and consolidates the "Rooming and boarding houses" and "Lodging and boarding houses" uses permitted as a special exception in the O-0, O-1, and O-2 districts.

¹⁸¹ This is a new use which was included in a class of uses entitled "Corrections related housing and facilities including prisons, jails, halfway houses, or group housing for any corrections related purpose including community-based corrections or treatment for inmates, parolees, convicts, or end of sentence convicts," permitted as a special exception in the I district.

¹⁸² This carries forward the existing use permitted by right in the AGR-2 district and as a special exception in the AGR-1 district.

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Use Category/Type	Zone Districts																									
	Ag.	Residential							Inst.	Commercial							Ind.	PD	Use-Specific Standards							
	AGR	AGR-RES	RSF-20	RSF-12	RSF-8.4	RSF-6	RME-8.4	RFM-7.2	RMH-s	RMH-p	INST-PK-O	INST-G	INST-U	CN	CC	CG	CCOR	CR		CH	CBD	OC	OP	IL	IG	PD
Club, lodge, or community-oriented association ¹⁸³	S	S	S	S	S	S	S	P			P		P	P		P	P	P								A
Community facility ¹⁸⁴											P	P	S	P	P	P	P	P	P						A	A
Community recreation center ¹⁸⁵	S	S	S	S	S	P	P	P			P	P	P	P	P	P	P	P							A	A
Correctional institution ¹⁸⁶											S												S	S		
Day care center ¹⁸⁷		S	S	S	S	S	S	P			P	P	P	S	S	S	S	S							A	A
Government facility ¹⁸⁸	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			A	A
Library ¹⁸⁹			S	S	S	P	P	P			P	P	P	P	P	P	P	P	P	P					A	A
Place of worship ¹⁹⁰	S	S	S	S	S	S	S	S	S	S	P	P	S	S	S	S	S	S	S	S	S	S			A	A
Post office ¹⁹¹											P	P	P	P	P	P	P	P	P	P	P				A	A
Public assembly, indoor ¹⁹²	S	S	S	S	S	S	P	P	S		P	P	P	P	P	P	P	P	P	S	S				A	A
Zoo ¹⁹³	S	S									S	S													A	A
Educational Uses																										
College or university ¹⁹⁴											P	P			S	S	S	S	S	P	P	P	S	A	A	
School, private, or parochial ¹⁹⁵	S	S	S	S	S	S	S	S			P	P		S	S	S	S	S	S	S					A	A
School, public ¹⁹⁶	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P		S			A	A
Funeral Services Uses																										

¹⁸³ This carries forward and consolidates the uses "Lodges and clubs, not operated for a profit," permitted in the R-99-p and R-99-s districts, and permitted as a special exception in the R-60-m and R-60-a districts, and permitted as a special exception only to residents of the immediate area in the R-24-t and R-20-t districts, and the use "non-profit clubs" permitted by right in the AGR-2 district and as a special exception in the AGR-1 district.

¹⁸⁴ This is a new use.

¹⁸⁵ This is a new use.

¹⁸⁶ This is a new use which was included in a class of uses entitled "Corrections related housing and facilities including prisons, jails, halfway houses, or group housing for any corrections related purpose including community based corrections or treatment for inmates, parolees, convicts, or end of sentence convicts," permitted as a special exception in the I district.

¹⁸⁷ This is a new modern use that incorporates elements from several uses in the current Zoning Ordinance, including "Nurseries or kindergartens" and "summer camps."

¹⁸⁸ This is a new use that builds on several current sets of uses that permit public buildings, permitted in most districts by right in the current Zoning Ordinance.

¹⁸⁹ This is a new use based on the current use "Public buildings of a governmental nature, including public schools and libraries" permitted by right in all districts.

¹⁹⁰ This carries forward the use "churches" which is included in the definition of semipublic buildings, which is permitted in all districts as a special exception and by right in the I district.

¹⁹¹ This is based on the existing "post office" use that is included in several classes of uses and is permitted in all Business districts and in the PUD district.

¹⁹² This is a new use.

¹⁹³ This is a new use.

¹⁹⁴ This is based on the use "colleges" which is included in the definition of semipublic buildings, which is permitted in all districts as a special exception and by right in the I district.

¹⁹⁵ This carries forward the use "private school" which is included in the definition of semipublic buildings, which is permitted in all districts as a special exception and by right in the I district.

¹⁹⁶ This is a new use based on the current use "Public buildings of a governmental nature, including public schools and libraries" permitted by right in all districts.

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Use Category/Type	Zone Districts																			Use-Specific Standards								
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	AGR	AGR-RES	RSF-20	RSF-12	RSF-8.4	RSF-6	RME-8.4	RFM-7.2	RMH-s	RMH-p	INST-PK-O	INST-G	INST-U	CN	CC	CG	CCOR	CR	CH		CBD	OC	OP	IL	IG	PD	PD-TND	
Crematory ¹⁹⁷																							P	P	A	A		
Funeral home or mortuary ¹⁹⁸								S	S						P	P	P	P	S	S	S		P		A	A	4.2.4(D)(3)	
Health Care Uses																												
Hospice ¹⁹⁹								S	S				P			P	P	P	P	P	P	P	P			A	A	
Hospital ²⁰⁰												P						S	S	P	S	S			A	A		
Medical or dental clinic ²⁰¹								S				P	P	P	P	P	P	P	P	P	P	P			A	A		
Medical or dental laboratory ²⁰²								S				P			P	P	P	P	P	P	P	P			A	A		
Nursing home ²⁰³			S	S	S	S	S	S	S			P		S	P	P	P	P	P	P	P				A	A		
Parks and Open Space Uses																												
Community garden ²⁰⁴	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			A	A		
Public park, playground, or greenway ²⁰⁵	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	
Transportation and Utility Uses																												
Air transportation and support facility ²⁰⁶	S																								S	A	A	
Communications tower and equipment ²⁰⁷	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	A	A	4.2.4(D)(3)	
Parking facility (as a principal use) ²⁰⁸												P	P		S	P	P	P	P	P					A	A		
Passenger terminal, surface transportation ²⁰⁹												S	S		S	P	P	P	P	P	P	P	P	P	A	A		
Solar energy collection facility, large scale ²¹⁰																	S	S	S		P	P	P	P	A	A	4.2.4(D)(5)	
Solar energy collection facility, small scale ²¹¹	P	P	S	S	S	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P	P	A	A		
Utility, major ²¹²															S	S	S	S	S	S	S	S	S	S	A	A		

¹⁹⁷ This is a new use.
¹⁹⁸ This is a new use.
¹⁹⁹ This is a new use.
²⁰⁰ This carries forward and consolidates the similar uses "General hospitals for humans," permitted in all districts as a special exception, the use "Hospitals for humans," permitted as a special exception in the PGH-35 and PGH-40 districts, and the use "Hospitals," permitted in the O-0, O-1, and O-2 districts.
²⁰¹ This is a new use.
²⁰² This is a new use.
²⁰³ This carries forward, renames, and modernizes the use "Nursing homes," permitted in all districts as a special exception, and also permitted by right in the I, O-0, O-1, and O-2 districts.
²⁰⁴ This is a new use.
²⁰⁵ This carries forward and updates the use "Recreational facilities, including parks, playgrounds, stadiums, etc.," permitted in all districts.
²⁰⁶ This is a new use based on the use "Aircraft landing fields, including hangars and equipment" permitted by right in the AGR-2 district and as a special exception in the AGR-1 district.
²⁰⁷ This is a new use for wireless communications towers, primarily for cell phones.
²⁰⁸ This carries forward and renames the use "Parking lots," permitted in the O-0, O-1, and O-2 districts.
²⁰⁹ This is a new use.
²¹⁰ This is a new use.
²¹¹ This is a new use.
²¹² This is a new use that includes those utility uses with significant impacts, such as power plants or water treatment plants.

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	AGR	AGR-RES	RSF-20	RSF-12	RSF-8.4	RSF-6	RME-8.4	RFM-7.2	RMH-s	RMH-p	INST-PK-O	INST-G	INST-U	CN	CC	CG	CCOR	CR		CH	CBD	OC	OP	IL	IG	PD	PD-TND			
Utility, minor ²¹³	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	A	A	
Commercial Uses																														
Animal Care Uses																														
Animal kennel ²¹⁴	P	S													S	P	P	P	P	P	P				P		A	A		
Animal shelter ²¹⁵															S	P	P	P	P	P	P	P	P			P		A	A	
Pet care service ²¹⁶							S								P	P	P	P	P	P	P	S	S				A	A		
Veterinary hospital or clinic ²¹⁷															S	P	P	P	P	P	P	S	S				A	A		
Food and Beverage Services Uses																														
Bar or tavern ²¹⁸														S	S	P	P	P	P	P	P						A	A	4.2.4(E)(1)	
Nightclub ²¹⁹																P	S	S	P	P							A	A	4.2.4(E)(2)	
Restaurant, drive-in ²²⁰																P	P	P	P	S				S			A	A		
Restaurant, sit-down ²²¹							S				S	S	P	P	P	P	P	P	P	P	S	S	S	S			A	A		
Office Uses																														
Broadcasting studio ²²²							S				S	S			P	P	P	P	P	P	P	P	P				A	A		
Call center ²²³																P	P	P	P	P	P	P	S				A	A		
Contractor's yard ²²⁴																P	P	P	P		S	S	P	P			A	A		
Data center ²²⁵																					P	P	P	P			A	A		
Office, general ²²⁶							S				P	P	S	P	P	P	P	P	P	P	P	P	P	S			A	A		
Recording studio ²²⁷														S	P	P	P	P	P	P	P	P	P	S			A	A		
Personal Services Uses																														

²¹³ This is a new use that includes utility uses with minimal impacts, such as utility lines and pump stations.

²¹⁴ This consolidates the uses "Animal clinic, hospital, or kennels," permitted in the M-3 district and as a special exception in the M-1 district and the B-1-b district.

²¹⁵ This is a new use.

²¹⁶ This is a new use.

²¹⁷ This consolidates the uses "Animal clinic, hospital, or kennels," permitted in the M-3 district and as a special exception in the M-1 district and the B-1-b district, and "Veterinary officers and/or hospitals," permitted as a special exception in the PGH-35 and PGH-40 districts.

²¹⁸ This is a new use.

²¹⁹ This is a new use.

²²⁰ This carries forward and consolidates the uses "Drive-in restaurant" and "Drive-in eating places," permitted in the B-1b, B-2, B-3, B-4, and B-5 districts.

²²¹ This consolidates a number of uses including "coffee shops," permitted in the O-1 district and as a special exception in the O-0 district; "Restaurants and refreshment stands" permitted in the W-R district, and "Restaurants" permitted in PUD.

²²² This is a new use based on "Radio and television stations and towers," permitted in the U district only.

²²³ This is a new use.

²²⁴ This is a new use.

²²⁵ This is a new use.

²²⁶ This consolidates the uses "Business or professional offices," permitted in the O-0, O-1, and O-2 districts and "Offices," permitted by right in the B-1-a, B-1-b, B-2, B-3, B-4, and B-5 districts, allowed in a PUD, and permitted with a special exception in the R-60-m and R-60-a districts.

²²⁷ This is a new use.

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Dry cleaning and laundry pick-up services ²²⁸							S							P	P	P	P	P	P	P		S	S			A	A
Dry cleaning, laundry, and garment services ²²⁹							S							S	P	P	P	P	P	P					A	A	
Laundry, self-service ²³⁰							S							P	P	P	P	P	P	P					A	A	
Personal grooming or well-being service ²³¹							S							P	P	P	P	P	P	P	S	S			A	A	
Personal or household goods repair ²³²							S							P	P	P	P	P	P	P	S	S			A	A	
Recreation/Entertainment Uses																											
Event venue															S	S	S	P	P							A	A
Golf course, public or private ²³³	P	P	P	P	P	P	S	S		P					S											A	A
Performing arts center ²³⁴							S				P	P		S	P	P	P	P	P	P			S			A	A
Recreation facility, indoor ²³⁵							S				P	P	S	P	P	P	P	P	P			S				A	A
Recreation facility, outdoor ²³⁶										P	P	P			P	P										A	A
Shooting range, indoor ²³⁷	S	S													P	P							S			A	A
Shooting range, outdoor	A																									A	A
Stadium, arena, or amphitheater ²³⁸											P	P			S	P				P			S			A	A
Retail Sales and Services Uses																											
Alternative financial institution ²³⁹															P	P	P	P	P	P			S	S		A	A
Bank or other financial institution ²⁴⁰							S				S	P	P	P	P	P	P	P	P	P	P					A	A

²²⁸ This carries forward and renames the use “Small dry cleaning and laundry pick-up stations,” permitted by right in the B-1-a, B-1-b, B-2, B-3, B-4, and B-5 districts, and that is allowed in a PUD.

²²⁹ This is a new use.

²³⁰ This carries forward, renames, and revises the use “Self-service laundry,” permitted by right in the B-4 and B-5 districts.

²³¹ This is a new use that integrates existing uses relating to personal grooming including “Barber [shops] and beauty shops,” permitted in the B-1-a, B-1-b, B-2, B-3, B-4, and B-5 districts and allowed in a PUD; and “Barber shops” permitted by right in the O-1 district and as a special exception in the O-0 district.

²³² This is a new use that integrates the repair use “Shoe repair,” permitted in the B-1-a, B-1-b, B-2, B-3, B-4, and B-5 districts and allowed in a PUD.

²³³ This is a use that is permitted in the I district and integrates the “country club” use that is part of the definition of Semipublic building and is permitted as a special exception in all districts.

²³⁴ This is a new use.

²³⁵ This is a new use that includes the “YMCA and YWCO” use permitted in the I district.

²³⁶ This is a new use type for private recreational facilities, based on the use “Recreational facilities, including parks, playgrounds, stadiums, etc.” permitted in all districts.

²³⁷ This is a new use.

²³⁸ This is a new use based on the use “Recreational facilities, including parks, playgrounds, stadiums, etc.” permitted in all districts.

²³⁹ This carries forward and renames the use “Financial Institution (Article X),” permitted in the B-2, B-3, B-4, B-5, O-1, O-2, M-1, M-3, and commercial PUD districts.

²⁴⁰ This carries forward and renames the use “Banks” permitted in the B-1-a, B-1-b, B-2, B-3, B-4, and B-5 districts.

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Convenience store ²⁴¹							S				S	S	P	P	P	P	P		P	P	P					A	A
Farmers' market ²⁴²							S				P	P	S	P	P	P	P	P	P	P			P		A	A	
Package store ²⁴³															P										A	A	
Retail sales and services, general ²⁴⁴							S				S	S	P	P	P	P	P	P	P	S	S		S		A	A	
Tobacco and vape products store ²⁴⁵							S								P	S	S	S	S						A	A	
Vehicle Sales and Services Uses																											
Car wash ²⁴⁶														S	P	S	S	P						P		A	A
Commercial vehicle repair and maintenance ²⁴⁷															S	S	S	P						P	P	A	A
Commercial vehicle sales and rentals ²⁴⁸															S	S	S	P						P	P	A	A
Gas station ²⁴⁹															S	P	P	P	P					P	P	A	A
Light vehicle repair and maintenance ²⁵⁰															S	P		S	P					P	P	A	A
Light vehicle sales and rentals ²⁵¹															S		S	P						P		A	A
Vehicle towing and wrecker service ²⁵²																			P					P	P	A	A
Visitor Accommodations Uses																											
Bed and breakfast ²⁵³	S	S			S	S	P	P					S													A	A
Campground ²⁵⁴	S	S																								A	A
Hotel or motel ²⁵⁵							S	S							S	P	P	P	P							A	A
Recreational vehicle (RV) park ²⁵⁶															S	P	S	P	P	P						A	A
Water-Related Uses																											

²⁴¹ This is a new use.

²⁴² This is a new use.

²⁴³ This is a new use.

²⁴⁴ This new general use consolidates multiple retail sales uses listed in different use classifications in the current Zoning Ordinance.

²⁴⁵ This is a new use.

²⁴⁶ This is a new use.

²⁴⁷ This is a new use.

²⁴⁸ This is a new use.

²⁴⁹ This builds on the "Automobile filling station" use, permitted in the B-1-a, B-1-b, B-2, B-3, B-4, and B-5 districts.

²⁵⁰ This builds on the "Automobile repair" use, permitted in the B-1-a, B-1-b, B-2, B-3, B-4, and B-5 districts.

²⁵¹ This is a new use.

²⁵² This is a new use.

²⁵³ This is a new use.

²⁵⁴ This is a new use.

²⁵⁵ This carries forward, renames, and revises the uses "Hotels," permitted in the B-1-a, B-1-b, B-2 and B-3 districts, permitted as a special exception in the R-60-m, R-60-a, and B-4 districts, "Hotels and motels," permitted as a special exception in the O-1 and O-2 districts, and "Motels," permitted in the B-1-b, B-2, B-3, B-4, and B-5 districts, and permitted as a special exception in the B-1-a district.

²⁵⁶ This builds on the use "Travel trailer parks," permitted as a special exception in the B-2 and B-3 districts, and the use "Travel trailer parks, in areas designated for travel trailer parks," permitted by right in the R-99-p district.

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	AGR	AGR-RES	RSF-20	RSF-12	RSF-8.4	RSF-6	RME-8.4	RFM-7.2	RMH-s	RMH-p	INST-PK-O	INST-G	INST-U	CN	CC	CG	CCOR		CR	CH	CBD	OC	OP	IL	IG	PD
Boat sales, rental, service, or repair ²⁵⁷												P												P	S	A
Marina ²⁵⁸										S	P														A	A
Shoreline structure ²⁵⁹	S	S								S	P														A	A
Industrial Uses																										
Manufacturing and Processing Uses																										
Aboveground bulk storage ²⁶⁰																							S	P	A	A
Industrial launderer ²⁶¹														S									P	P	A	A
Manufacturing, assembly, or fabrication, artisanal ²⁶²														S	S	P	P	P	P	S	S		P	P	A	A
Manufacturing, assembly, or fabrication, heavy ²⁶³																								S	A	A
Manufacturing, assembly, or fabrication, light ²⁶⁴																							P	P	A	A
Manufacturing, assembly, or fabrication, medium ²⁶⁵																								P	A	A
Warehousing, Freight Movement, and Wholesale Sales Uses																										
Auction yard ²⁶⁶																							P	P	A	A
Cold storage plant ²⁶⁷																							P	P	A	A
Self-storage ²⁶⁸														P	P	P	P						P	P	A	A
Truck or freight terminal ²⁶⁹																							P	P	A	A

²⁵⁷ This builds on the uses “Boat rentals, boat livery and boats for hire,” “Boat and marine motor sales and display,” and “Retail sale of boating, fishing, diving and bathing supplies and equipment, permitted in the W-R district.

²⁵⁸ This carries forward and renames the use "Boat docks, slips, piers, wharves, anchorage and moorages for yachts and pleasure boats," permitted in the W-R district.

²⁵⁹ This builds on the use "Fishing pier," permitted in the W-R district if approved as a conditional use (though there is no conditional use permit procedure in the current Zoning Ordinance).

²⁶⁰ This updates the use “Gasoline, oil gas, or alcohol storage above ground in excess of 500 gallons,” permitted in the M-3 district and as a special exception in the M-1 district.

²⁶¹ This carries forward, renames, and revises the use “Large dry cleaners and laundries,” permitted in the B-1-b, M-1, M-2, and M-3 districts, and permitted as a special exception in the B-1-a, B-2, B-3, B-4, and B-5 districts.

²⁶² This is a new use for small-scale artisanal manufacturing that integrates the use “Manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically prohibited herein,” permitted in the B-1-b, M-1, M-2, and M-3 districts, and permitted as a special exception in the B-1-a, B-2, B-3, B-4, and B-5 districts.

²⁶³ This is a new heavy industrial use that replaces the long list of individual industrial uses permitted as a special exception in the M-3 district.

²⁶⁴ This is a new heavy industrial use that replaces the long list of individual industrial uses permitted in the M-1 district..

²⁶⁵ This is a new use for heavier industrial uses that could be permitted by right in the IG district.

²⁶⁶ This is a new use.

²⁶⁷ This carries forward and renames the use “Cold storage plants,” permitted in the M-1, M-2, and M-3 districts.

²⁶⁸ This is a new use.

²⁶⁹ This carries forward, renames, and revises the uses “Trucking terminals and similar types,” permitted in the M-1, M-2, and M-3 districts.

Table 4-1: Principal Use Table																											
P = Permitted A = Allowed In PD S = Special Exception Blank = Not Permitted																											
Use Category/Type	Zone Districts																										
	Ag.	Residential						Inst.		Commercial						Ind.		PD	Use-Specific Standards								
	AGR	AGR-RES	RSF-20	RSF-12	RSF-8.4	RSF-6	RME-8.4	RFM-7.2	RMH-s	RMH-p	INST-PK-O	INST-G	INST-U	CN	CC	CG	CCOR	CR		CH	CBD	OC	OP	IL	IG	PD	PD-TND
Wholesale, heavy or hazardous materials ²⁷⁰																									P	A	A
Wholesale sales ²⁷¹																								P	P	A	A
Wholesale, florist and nursery supply ²⁷²	S																						P	P	A	A	
Waste-Related Uses																											
Hazardous waste collection and disposal ²⁷³																								S	A	A	
Junk, salvage, scrap, or wrecking yard ²⁷⁴																								S	A	A	
Landfill or dump ²⁷⁵																							S	P	A	A	
Recycling collection center ²⁷⁶																							P	P	A	A	
Recycling processing center ²⁷⁷																								S	P	A	A
Waste composting facility ²⁷⁸																								S	P	A	A
Waste transfer facility ²⁷⁹																								S	P	A	A

4.2.3. Classification of Principal Uses

(A) Purpose

This section is intended to provide a framework for identifying, describing, categorizing, consolidating, and distinguishing land uses in a way that makes it easier to determine whether a particular use, activity, or combination of activities should be considered a use listed as an allowable principal use in the use table in Table 4-1: Principal Use Table, or is subject to other use-specific provisions in this Ordinance.

(B) Structure of Principal Use Classification System

The following three-tiered hierarchy of use classifications, use categories, and use types is used to organize allowable uses in Table 4.2.2, Principal Use Table, and the use-specific standards in Section 4.2.4, Standards Specific to Principal Uses.

(1) Use Classifications

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

²⁷⁰ This is a new use.

²⁷¹ This carries forward and updates the use “Wholesale business,” permitted by right in the B-1-b, B-2, and B-3 districts, and permitted as a special exception in the B-1-a and B-4 districts.

²⁷² This is a new use.

²⁷³ This is a new use.

²⁷⁴ This carries forward, renames, revises, and consolidates the uses “Auto wrecking,” permitted in the M-3 district and as a special exception in the M-1 district; and “Auto salvage yard” and “Junk yards,” permitted as a special exception in the M-3 district and “Auto salvage yard,”

²⁷⁵ This is a new use.

²⁷⁶ This is a new use.

²⁷⁷ This is a new use.

²⁷⁸ This is a new use.

²⁷⁹ This is a new use.

(2) Use Categories

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

(3) Use Types

Use Types identify specific principal land uses whose characteristics are considered to fall within the various use categories. For example, Recreation facility, indoor and Performing arts center are use types within the Recreation/Entertainment Uses category. Use types are defined in Section 8.3, Definitions.

(C) Agricultural Uses Classification

(1) Agriculture and Forestry Uses

The Agriculture and Forestry Uses category includes use types related to the production of field crops, fruits, vegetables, ornamental and flowering plants, and the breeding, raising, or keeping of livestock, poultry, swine, bees, or other animals for food or other marketable products. This category also includes use types that provide support and services to agricultural uses or are otherwise closely related to agricultural production and/or rural character in their form and function, as well as urban agriculture uses. This use category does not include the processing of animal or plant products for wholesale or retail sale purposes off the site of where the agricultural product is grown or raised, which is generally considered an industrial use. Accessory uses may include offices, storage areas, barns, irrigation systems, and repair facilities related to the agricultural or forestry activities.

(D) Residential Uses Classification

(1) Household Living Uses

The Household Living category includes use types providing for the residential occupancy of a dwelling unit by a family. Tenancy is generally arranged on a month-to-month or longer basis. Use types include single-family detached dwellings, townhouse dwellings, cottage home dwellings, patio-garden home dwellings, two-family dwellings (duplexes), three-family dwellings (triplexes), four-family dwellings (fourplexes), mobile home dwellings, mobile home parks, multifamily dwellings, and tiny house communities. This use category does not include residential use types that generally involve some level of managed personal care for a larger number of residents (e.g., group home), which are categorized as the Group Living category. Accessory uses common to Household Living uses include recreational activities, raising of domestic pets, gardens, and parking of the occupants' vehicles. Some accessory uses (e.g., home occupations) are subject to additional regulations (see Sec. 4.3 Accessory Uses and Structures).

(2) Group Living Uses

The Group Living use category includes use types providing for the residential occupancy of a group of living units by persons who may or may not constitute a single family and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities (though some do have such facilities), but unlike a hotel or motel, are generally occupied on a monthly or longer basis. Use types include assisted living facility, continuing care retirement facility, dormitory, fraternity or sorority house, group home, rooming or boarding house, and supportive housing. This use

category does not include use types where persons generally occupy living units for periods of less than 30 days (e.g., hotels or motels), which are categorized in the Visitor Accommodations uses category. It also does not include use types where residents or inpatients are routinely provided with more than modest health care services (e.g., nursing home), which are categorized in the Health Care Uses category. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

(E) Public, Civic, and Institutional Uses

(1) Community and Cultural Facilities Uses

The Community and Cultural Facilities use category includes use types of a public, nonprofit, or charitable nature providing a local service directly to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. The uses may provide special counseling, education, or training of a public, nonprofit, or charitable nature. Use types include club, lodge, or community-oriented association; cemeteries; community facility; community recreation center; correctional institution; day care center; government facility; library; place of worship; post office; public assembly, indoor; zoo. This use category does not include uses with a residential component or counseling in an office setting (categorized in the Office Use category). Accessory uses may include offices, meeting areas, food preparation and dining areas, health and therapy areas, and recreation and athletic facilities.

(2) Educational Uses

The Educational Facilities use category includes use types such as public schools and private schools (including charter schools) at the elementary, middle, or high school level that provide State-mandated basic education or a comparable equivalent. This use category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. Accessory uses at all education uses may include offices, play areas, recreational and sport facilities, cafeterias, theaters, auditoriums, and before- or after-school day care. Accessory uses may additionally include food service, laboratories, health care facilities, meeting areas, athletic facilities and fields, maintenance facilities, bookstores, and other supporting uses typically associated with an educational institution. At colleges or universities they may also include dormitories and living facilities.

(3) Funeral Services Uses

The Funeral and Mortuary Services use category includes establishments that provide services related to the death of a human being or an animal. Uses include crematory and funeral home or mortuary.

(4) Health Care Uses

The Health Care Services use category includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, hospice, memory care facilities, preventative care, diagnostic and laboratory services, rehabilitation services, and physical therapy, as well as mental health treatment. Health care services may be provided on an inpatient or outpatient basis, or routinely to residents of the facility. Use types include hospice, hospital, medical or dental clinic, medical or dental laboratory, and nursing home. This use category does not include group homes, which focus primarily on providing personal care rather than medical care to residents, or assisted living facilities. Accessory uses may include offices, food preparation and dining facilities, recreation areas, meeting rooms, teaching facilities, maintenance facilities, staff residences, and limited accommodations for members of patients' families.

(5) Parks and Open Space Uses

The Parks and Open Areas use category includes use types focusing on open space areas largely devoted to natural or curated landscaping and outdoor recreation and tending to have few or no structures. Use types include community gardens, and public parks, playgrounds, or greenways. This use category does not include golf driving ranges or other primarily outdoor recreation uses. Accessory uses may include caretaker's quarters, clubhouses, recreational structures, statuary, fountains, maintenance facilities, concessions, and parking.

(6) Transportation and Utility Uses

The Transportation and Utility Facilities use category includes use types providing for facilities to accommodate transportation needs and local infrastructure relating to electrical, cable TV, water, sewer, and gas service, and other basic service needs. Accessory uses may include freight handling areas, concessions, offices, maintenance, limited storage, and fueling facilities. Use types include air transportation and support facilities, communication towers and equipment, parking facilities (as a principal use), passenger terminal for surface transportation, large solar energy facilities, small solar energy facilities, major utilities, and minor utilities.

(F) Commercial Uses

(1) Animal Care Uses

The Animal Care Uses use category is characterized by use types related to the provision of medical services, general care, and boarding services for household pets and domestic animals. Use types include animal kennel, animal shelter, pet care service, and veterinary hospital.

(2) Food and Beverage Services Uses

The Food and Beverage Services category consists of establishments primarily engaged in the preparation and serving of food or beverages for on- or off-premises consumption. Use types include bars or taverns, nightclubs, drive-in restaurants, and sit-down restaurants. Accessory uses may include areas for outdoor seating, drive-through service facilities, facilities for live entertainment, and valet parking services.

(3) Office Uses

The Office use category includes office buildings that house activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on the provision of business services, professional services (e.g., accountants, attorneys, engineers, architects, planners), financial services (e.g., lenders, brokerage houses, tax preparers), or small-scale video or audio production services that are entirely conducted indoors (e.g. video editing, podcast recording and production). Use types include broadcasting studio, call center, contractor's yard, data center, general office, and recording studio. This use category does not include offices that are a component of or accessory to a principal use in another use category, such as banks or other financial institutions (categorized in the Retail Sales and Services use category). Accessory uses may include cafeterias, lunch rooms, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the offices.

(4) Personal Services Uses

The Personal Services category consists of establishments primarily engaged in providing frequent or recurrent needed services of a personal nature. Use types include dry cleaning and laundry pick-up services; dry cleaning, laundry, and garment services; self-service laundry; personal grooming or well-being services (e.g., nail and beauty salons, barber shops, and spas), and personal or household goods repair.

(5) Recreation/Entertainment Uses

The Recreation and Entertainment use category includes use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include golf courses, performing arts centers, indoor recreation facilities, outdoor recreation facilities, indoor and outdoor shooting ranges, and a stadium, arena, or amphitheater. This use category does not include recreational facilities that are accessory to parks (categorized in the Parks and Open Areas use category), that are reserved for use by a residential development's residents and guests (e.g., accessory community swimming pools and other recreation facilities), or that are primarily oriented around the water (e.g., marinas). Accessory uses may include offices, concessions, snack bars, and maintenance facilities.

(6) Retail Sales and Services Uses

The Retail Sales and Services use category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer, as well as financial services. Use types include alternative financial institutions, banks or other financial institutions, convenience stores, event venues, farmers' markets, package stores, general retail sales and services, and tobacco and vape products stores. This use category does not include sales or service establishments related to vehicles (categorized in the Vehicle-Related Uses use category), establishments primarily selling supplies to contractors or retailers (categorized in the Warehousing, Freight Movement, and Wholesale Sales use category), the provision of financial, professional, or business services in an office setting (categorized in the Office use category), or uses providing recreational or entertainment opportunities (categorized in the Recreation and Entertainment use category). Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, Automatic Teller Machines (ATM), and outdoor displays of merchandise.

(7) Vehicle Sales and Services Uses

The Vehicle Sales and Services Uses use category includes use types involving the direct sales and servicing of motor vehicles, including automobiles, trucks, motorcycles, and recreational vehicles, as well as trailers whether for personal transport, commerce, or recreation. Use types include car washes, commercial vehicle repair and maintenance, commercial vehicle sales and rentals, gas stations, light vehicle repair and maintenance, light vehicle sales and rentals, and vehicle towing and wrecker service. Accessory uses may include offices, sales of parts, maintenance facilities, and vehicle storage

(8) Visitor Accommodations Uses

The Visitor Accommodations category includes use types providing lodging units or rooms for short-term stays of typically less than 30 days for rent or lease. Use types include bed and breakfast establishments, campgrounds, hotels and motels, and recreational vehicle (RV) parks. This use category does not include boarding or rooming houses, which are generally occupied for tenancies of a month or longer and are categorized in the Group Living Uses category. Accessory uses may include pools and other recreational facilities, restaurants, bars, limited storage, laundry facilities, gift shops, supporting commercial activities, meeting facilities, and offices.

(9) Water-Related Uses

The Water-Related Uses category includes use types involving the direct sales and servicing of boats and other consumer watercraft, whether for recreation, commerce, or personal transport. This use category also includes use types related to the docking and storage of watercraft. Use types include boat sales, rental, service, or repair; marina, and shoreline structure. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and boat storage.

(G) Industrial Uses

(1) Manufacturing and Processing Uses

The Manufacturing and Production use category includes use types involved in the manufacturing, processing, production, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally sold on the wholesale market, transferred to other plants, or made to order for firms or consumers. This use category includes aboveground bulk storage; industrial launderer; artisanal manufacturing, assembly, or fabrication; heavy manufacturing, assembly, or fabrication; light manufacturing, assembly, or fabrication; and medium manufacturing, assembly, or fabrication. Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the site. Accessory uses may include wholesale sales, offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, and security and caretaker's quarters.

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

The Warehousing, Freight Movement, and Wholesale Sales category includes uses involving the movement, storage, and distribution of goods. Goods are generally delivered to other firms or the final consumer. There is little on-site sales activity with the customer present, and any sales are typically made to other businesses, not individual consumers. Use types include auction yard; cold storage plant; self-storage; truck or freight terminal; wholesale of heavy or hazardous materials; wholesale sales; and wholesale of florist and nursery supply. Accessory uses may include offices, truck fleet parking, outdoor storage, maintenance areas, greenhouses (for plant nurseries), and repackaging of goods.

(3) Waste-Related Uses

The Waste-Related use category includes use types receiving solid or liquid wastes from others for on-site disposal, storage, processing, or transfer to another location for processing or disposal, or uses that manufacture or produce goods or energy from the composting of organic material or reuse, recycling, or processing of scrap or waste material. This use category also includes use types that receive hazardous wastes from others. Use types include hazardous waste collection and disposal; junk, salvage, scrap, or wrecking yard; landfill or dump; recycling collection center; recycling processing center; waste composting facility; and waste transfer facility. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.

4.2.4. Standards Specific to Principal Uses

(A) General

This section sets forth the standards that apply to specific principal uses, which are identified in the right-most column of Table 4-1: Principal Use Table. Unless stated to the contrary, the standards set forth in this section shall apply to the individual principal use, regardless of the review procedure by which it is approved or the district in which it is located.

(B) Agricultural Uses

(1) Agriculture

In the FH: Flood Hazard district, no structure used or intended for the use of housing animals shall be placed within 200 feet of a lot line adjacent to a property in a Residential district.²⁸⁰

²⁸⁰ This carries forward the existing standards relating to agricultural uses in the Flood Hazard district at Article VII, Section 10 of the current Zoning Ordinance.

(C) Residential Uses²⁸¹

(1) Dwelling, Cottage Home²⁸²

A cottage home development shall comply with the following standards.

(a) Development Plan Required

Approval of a development plan in accordance with Section 2.5.7, Development Plan, is required before any construction may begin on a cottage home development.

(b) Cottage Home Development Dimensional Standards

1. A cottage home development shall be between 15,000 and 35,000 square feet in size.
2. A cottage home development shall include at least four dwellings. The maximum density for a cottage home development is set forth in Table 4-2: Cottage Home Development Maximum Density.

Zone District	Maximum Density
RSF-8.4	8 du/acre
RSF-6	10 du/acre
RME-8.4	12 du/acre
RMF-7.2	12 du/acre

du/acre = dwelling units per acre

(c) Cottage Home Dimensional Standards

Each cottage home shall be placed on an individual lot in accordance with the standards in Table 4-3: Cottage Home Individual Lot Dimensional Standards.

Standard	Value
Lot area, min (sf)	[1]
Lot width, min (ft)	20
Height, max (ft stories)	24 ft 1 ½ stories [2]
Setbacks, min (ft)	
Front	5 [3]
Side	15 0 [4]
Rear	20 0 [5]

du/acre = dwelling units per acre

NOTES:

[1] If the lot fronts a street on the perimeter of the cottage home development, the minimum lot area is 75 percent of the minimum lot area that applies to single-family development in the district. For all other cottage home lots, there is no minimum lot area.

[2] Maximum height is 24 feet or 1 ½ stories, whichever is less.

²⁸¹ The current Zoning Ordinance, in Section 10, contains design guidelines for group housing projects, defined as a housing development on one or more acres of land that is not subdivided into separate lots and contains multiple buildings. We have not carried forward these standards and recommend that standards for the design of multi-building residential developments be integrated into the standards in Section 5.8, Form and Design Standards.

²⁸² These are new standards for cottage homes, a type of development which involves small detached homes organized around a central green. In exchange for significantly reduced lot sizes, the homes in the cottage home development are required to meet site and building design standards. The goal is to allow increased housing density in moderately-sized individual residences that can fit into existing neighborhoods.

Table 4-3: Cottage Home Individual Lot Dimensional Standards

Standard	Value
[3] If the lot fronts a street on the perimeter of the cottage home development, the front setback is equal to the minimum front setback that applies to single-family development in the district. If the lot fronts the common open space in the cottage home development, the front setback is 10 feet.	
[4] Side setback is 15 feet on one side, 5 feet on the other side.	
[5] Rear setback is 20 feet for a lot with a driveway and 10 feet for other lots.	


(d) Minimum Percentage of Dwellings Fronting Open Space

At least 60 percent of the dwellings in a cottage home development shall front common open space.

(e) Open Space Standards

1. A cottage home development shall include common open space that comprises at least 30 percent of the total site. The common open space shall include a central green or lawn area fronting some or all of the dwellings, one or more shared surface off-street parking areas located away from the dwellings and common area, and a perimeter buffer area that incorporates landscaping materials, existing vegetation, or other features to buffer the cottage neighborhood development from adjacent development.
2. The central green or lawn area shall include at least 375 square feet of area for each dwelling in the cottage neighborhood development.
3. A common building located within the common open space area may be included as an accessory use, but in no instance shall the common building be larger than 1,500 square feet or serve as a permanent dwelling unit.
4. Open space areas shall include improved pedestrian walkways that provide pedestrian access to each dwelling, shared parking areas, any common buildings, and the public sidewalk network.
5. Ownership of the open space shall remain either with the developer or be conveyed to a homeowners' association or comparable legal entity under state law.
6. Maintenance of the land as permanent open space shall be ensured via the recordation of covenants or similar documents with the Montgomery County Probate Judge and noted (or referenced) on the development plan or final plat. This documentation shall also prescribe the nature and extent of continuing maintenance to the open space designed to preclude the creation of any nuisances.

(f) Transitional Buffer²⁸³

Along lot lines shared with existing single-family detached dwellings, the cottage home development shall provide a  buffer.

(g) Internal Streets

Vehicular entryways into a cottage home development and internal streets serving the development shall be privately maintained with a maximum pavement width of 22 feet.

(h) Surface Parking

1. A cottage home development shall include at least one shared parking area that accommodates resident or guest parking.

²⁸³ This will be updated when the transitional buffer standards are drafted as part of Section 5.3, Landscaping Standards.

2. Surface parking areas shall include at least one parking space for each dwelling unit plus one designated guest parking space for every four dwelling units.
3. Provision of resident parking spaces within a shared parking area is not required in cases where resident parking is provided through individual driveways, garages, or by parking spaces along internal streets or alleys.
4. A surface parking area shall not be located more than 300 linear feet from the dwelling it serves.

(I) Detached Shared Garages

Detached garages serving more than one dwelling shall not exceed five car bays or include individual garage doors wider than 12 feet each.

(J) Homeowners' Association

in the event the developer has transferred ownership of the common areas, a cottage home development shall include a homeowner's or property owner's association, or comparable legal entity, which maintains control of common areas and takes responsibility for maintenance of common features in the development. Homeowner's association documents shall be submitted to and reviewed by the City prior to approval of a subdivision of land for a cottage home development.

(K) Individual Lot Configuration

Development on individual lots within a cottage home development shall comply with the following standards, except to the extent these standards conflict with standards for property in a historic district for which a certificate of appropriateness from the Architectural Review Board is required in accordance with Section 15-126 of the City Code.

1. Dwelling Size

A dwelling shall be between 600 and 2,000 gross square feet in size, excluding garages.

2. Dwelling Orientation

A dwelling that fronts an internal or perimeter street shall be oriented so that the front door of the dwelling faces the street.

3. Front Porch

A dwelling shall incorporate a covered front porch having a minimum width of ten feet and a minimum depth of six feet between the front facade of the dwelling and the street, provided the front of the porch is at least three feet from the street.

4. Windows

I. The front façade shall incorporate a sufficient amount of transparency to facilitate observation of the common area from within the dwelling.

II. Windows on the side of the dwelling facing a side yard subject to a no-build easement held by an adjoining land owner shall remain opaque or be located above eye level to ensure privacy in the side yard of the abutting dwelling unit.

III. A window placement on an exterior wall shall not be configured in a manner that allows direct sight into the interior of another dwelling located within 30 feet of the window.

5. Fences

I. Fences within front yards or side yards forward of the front façade plane shall not exceed three feet in height.

- II. Fences in rear yards or side yards behind the front façade plane shall not exceed six feet in height.
- III. In no instance shall a fence be placed within a no-build easement.

6. Refuse Collection Containers

Each dwelling shall maintain individual refuse collection containers, which shall be screened from view and located to the side or rear of the dwelling.

7. No-Build Easement

Any lot abutting another lot used for residential purposes in a cottage residential development shall include a no-build easement on one side that extends from the lot line to the exterior wall of the dwelling. The purpose for the use easement is to ensure that the adjoining property owner can use the entire side yard as private outdoor space.

(2) Dwelling, Mobile Home²⁸⁴

- (a) Mobile home dwellings, whether on their own lot or in a mobile home park, shall comply with the following standards:
 - 1. Mobile home dwellings shall not contain any additions or modifications other than those provided by the mobile home dwelling manufacturer, except that a canopy or porch may be placed on three sides.
 - 2. All mobile home dwellings shall be anchored against wind or storm damage in accordance with a method approved by the Building Department.
 - 3. All mobile home dwellings shall be placed on pads approved by the Building Department, except if the mobile dwelling wheels are sunk in the ground and the mobile dwelling is at ground level.
 - 4. Space under a mobile home dwelling shall not be used for storage.
 - 5. Except within the RMH-P district, each mobile home dwelling shall be on its own lot.
- (b) In the AGR or AGR-RES districts, no mobile home dwelling may be installed until a permit has been obtained from the Building Department. The permit shall be valid for two years and may be renewed upon application to the Building Department.²⁸⁵

(3) Dwelling, Mobile Home Park²⁸⁶

Mobile home parks shall comply with the following standards:

(a) Dimensional Standards

Each mobile dwelling space shall comply with the dimensional standards in Table 4-4: Mobile Home Space Dimensional Standards.

Table 4-4: Mobile Home Space Dimensional Standards	
Standard	Value
Lot area, min (sf)	4,000
Setbacks, min (ft)	
Side	20
End	15

²⁸⁴ This carries forward the standards in Article VI, Section 10.3 of the current Zoning Ordinance that apply to mobile home dwellings themselves, whether located on an individually owned lot or in a mobile home park.

²⁸⁵ This carries forward the building department permit requirement from Article VI, Section 10.3 (development standards – subsection f) of the current Zoning Ordinance. The last sentence, which notes that a mobile dwelling on land in the agricultural districts will be deemed nonconforming if the land is rezoned to another district, duplicates the general standard regarding nonconforming uses and has been removed.

²⁸⁶ This builds on the standards that apply to mobile home parks in Section 10.3 of the current Zoning Ordinance.

Table 4-4: Mobile Home Space Dimensional Standards

min = minimum sf = square feet

(b) Mobile Home Park-Specific Standards

1. Each mobile home dwelling space shall have proper attachments for waste disposal and water supply that are connected to approved sewerage and water systems.
2. No mobile home park office building or service building shall be closer than 80 feet from a public street right-of-way.
3. Access to the mobile home park shall largely be by collector or arterial roads, not by minor residential streets.
4. All access driveways, interior streets, and walkways shall be surfaced with a hard material such as asphalt or concrete and lighted in accordance with the street lighting standards in Section 5.4, Fence and Wall Standards,
5. All access driveways and interior streets shall be at least 30 feet in width.
6. A 25-foot of landscaping strip, planted with vegetation in accordance with the standards in Section 5.3, Landscaping Standards, shall be installed along the perimeter of the site.

(c) Dwelling-Specific Standards

Each mobile home dwelling shall be provided at least 200 cubic feet of enclosed storage area, which is located no more than 100 feet from the applicable mobile home dwelling space.

(d) Mobile Home Dwelling Standards

Mobile home dwellings shall comply with the standards for a mobile home dwelling in subsection (2) above.

(4) Dwelling, Patio-Garden Home²⁸⁷

A patio-garden home shall comply with the following standards:

(a) General

1. A lot shall be designated for patio-garden use at the time of subdivision.
2. A patio-garden home may only be connected to one other patio-garden home.
3. No permitted encroachment shall restrict or obstruct any drainage or drainage easement.
4. A privacy fence or wall is permitted on any side or rear lot line behind the required front setback, provided that gates or other openings are provided to

²⁸⁷ This carries forward the standards that apply to patio-garden homes in the PGH-35 district (Section 10.8) and PGH-40 district (Section 10.9) in the current Zoning Ordinance, with the following changes: 1) New two-story height limit and maximum building size standard added. Because these uses are allowed in more districts, not just patio-garden home specific districts, the maximum building size prevents these provisions from being used to build large, zero-lot line homes using the reduced setback requirements for this use; 2) Adds a requirement that the lot be designated for patio-garden homes at the time of subdivision, building on the requirement in Section 10.8c(12) and 10.9c(12) that the adjacent lot to the zero-lot line of the house be held in common ownership at the time of construction of the home. We are not sure what it means that, if not under common ownership, "ten-foot side setback shall be required, provided the adjacent property is not zoned for patio homes or is not a permitted use in the adjacent zoning district." 3) The allowance of encroachments for fireplaces and chimneys will be relocated to general standards. 4) Privacy wall is not permitted in front of the front yard setback; 5) Off-street parking requirements will be consolidated in Section 5.2, Off-Street Parking and Loading Standards. 6) Accessory structure standards have been consolidated in Section 4.3.3, Standards for All Accessory Uses and Structures.

allow access for fire protection. A privacy fence or wall located between the lot line and the rear or side setback line shall be no more than eight feet in height.²⁸⁸

5. No part of the principal structure or accessory structures shall project over the lot line, except that a roof overhang may penetrate the maintenance and drainage easement of an adjacent lot up to two-and-a-half feet, if the roof's water runoff is directed to the drainage easement.

(b) Zero-Lot Line

If the outside wall of a patio-garden home is within three feet of the lot line, or shared with the adjacent patio-garden home, the following standards apply:

1. No windows, doors, or other openings are permitted on the side of the home near or on the lot line.
2. If adjacent dwellings do not share a wall, each property owner shall provide:
 - I. A perpetual wall maintenance easement three feet in width along and parallel to the lot line; and
 - II. A perpetual drainage easement. It shall be approved by the City Department of Engineering, with a hold harmless agreement granted to the City. Fences and walls may be located on or along this easement, provided gates or other openings that will not block local lot drainage are maintained.

(c) Dimensional Standards

Patio garden homes shall comply with the dimensional standards in Table 4-5: Patio-Garden Home Dimensional Standards:

Table 4-5: Patio-Garden Home Dimensional Standards		
Standard	Zone Districts	
	RSF-8.4	RSF-6 RME-8.4 RME-7.2
Lot area, min (sf)	4,000	3,500
Lot width, min (ft)	40	35
Height, max (ft stories)	30 2	30 2
Building area, max	50%	60%
Living area, max (sf)	1,200	1,200
Required yard, min (sf) [1]	600	525
Setbacks, min (ft)		
Front	20	20
Side	[2]	[3]
Rear	15	15

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

Notes:

- [1] The required yard shall be open space on the lot that may be used by occupants of the home. It shall be screened from view of streets or neighboring property by a privacy wall or fence, or vegetation.²⁸⁹
- [2] One side setback shall be at least eight feet, and the average side setback shall be no less than eight feet. The yard along the eight-

²⁸⁸ New fence standards may be drafted as part of Section 5.3, Landscaping Standards and may replace these standards.

²⁸⁹ This builds on the requirement that the yard be “reasonably secluded from view of streets or neighboring property” at Section 10.8c(6) and 10.9c(6) of the current Zoning Ordinance.

Table 4-5: Patio-Garden Home Dimensional Standards

- foot side setback shall be kept permanently free of obstructions, accessory structures, and ungated walls and fences
- [3] One side setback shall be at least eight feet, and the average side setback shall be no less than six feet. The yard along the eight-foot side setback shall be kept permanently free of obstructions, accessory structures, and ungated walls and fences.

(d) Garage and Carport Standards

An unattached garage and carport is permitted and does not count against the lot coverage limit for accessory structures in Section 4.3.3, Standards for All Accessory Uses and Structures, in accordance with the following standards:

1. The garage or carport shall be no more than 600 square feet in area and one-and-one-half stories in height.
2. The garage or carport shall not be placed in between a lot line and a front, side, or street side setback.
3. The garage or carport shall be at least five feet from any other structure on the same lot.

(5) Dwelling, Single-Family Detached

In the Agricultural and Residential zone districts, a modular dwelling may be used as a single-family detached residence if it complies with the underlying standards of the district and:²⁹⁰

- (a) The modular dwelling is at least 20 feet in width;
- (b) The modular dwelling is placed on a permanent foundation with material used in conventional single-family detached dwellings, and is attached and anchored in accordance with all application regulations and the manufacturer's specifications.
- (c) The minimum distance from top of the foundation to the eaves of the dwelling is eight feet as measured at the highest elevation of the foundation to the lowest elevation of the eaves.
- (d) The modular dwelling has a pitched roof composed of material customarily used on single-family detached dwellings such as fiberglass, shake, asphalt, or tile.²⁹¹

(6) Dwelling, Townhouse²⁹²

Townhouse dwellings shall comply with the following standards:

- (a) No more than six contiguous townhouses shall be built in a row.

²⁹⁰ This carries forward the regulations relating to modular dwellings in Article VI, Section 10.7 of the current Zoning Ordinance and allows them in all districts where single-family dwellings are permitted. In the current Zoning Ordinance, is allowed it by right in the AGR and AGR-RES districts. Here, and in other parts of the code, we have removed references to restrictive covenants and other private deed restrictions. Such deed restrictions are private agreements enforced by the owners of the property and are typically not referred to or enforced by local government. In many cases, it can be disputed whether a particular covenant or restriction is valid or enforceable, which is why it is unwise for local governments to reference them in decision-making. Let us know if we should reverse this change.

²⁹¹ We have removed "asbestos" as a roofing material option.

²⁹² The current Zoning Ordinance includes form and design standards for townhouses in Section 10.1c, including required façade setbacks for rows of townhouses greater than six units in length. These will be updated and consolidated with other form and design standards in Section 5.8, Form and Design Standards. In addition, off-street parking standards will be consolidated in Section 5.2, Off-Street Parking and Loading Standards, and open space requirements in Section 5.5, Open Space Set-Aside Standards. Required distance between ends of townhouses has been reduced to 15 feet and is included in the district dimensional standards. In this Ordinance, townhouses are units on their own lot; a townhouse style development with units sold in a condominium format will be subject to standards for a multifamily use.

- (b) Each townhouse shall have at least 400 square feet of open space on the lot that may be used by occupants of the home and which is screened from view of streets or neighboring property by a privacy wall or fence, or vegetation.²⁹³

(7) Tiny House Community²⁹⁴

(a) Dimensional Standards

A tiny house community shall comply with the dimensional standards in Table 4-6: Tiny House Community Dimensional Standards.

Table 4-6: Tiny House Community Dimensional Standards	
Standard	Value
Project area, min max	20,000 sf 2 acres
Density, max	22 du/acre
Open space, min	10% of project area
Height, max	20 ft
<i>min = minimum max = maximum du = dwelling unit ft = feet sf = square feet</i>	

(b) Minimum Land Area Per Dwelling Unit

1. Each tiny house community shall contain a defined area for the use of each tiny house that is individually platted and contains at least 1,500 square feet of land area or one-and three quarters (1 ¾) times the gross floor area of the tiny house, whichever is larger.
2. No defined area for a tiny house may be within a mapped flood hazard area.

(c) Open Space

Parking areas, internal streets and driveways, or defined area for each tiny house do not count as open space for the purposes of the tiny house community.

(d) Setbacks and Separation

1. No designated area for a tiny house shall be located within 50 feet of an adjacent Residential zone district or within 20 feet of any public right-of-way adjacent to the tiny house community.
2. No tiny house may be located within 15 feet of another tiny house, measured by the shortest distance between the two tiny houses.

(e) Installation

Each tiny house shall be installed on a permanent foundation and shall be connected to public water, sewer, and electric utilities before occupancy for any period of time. Septic systems, community sewerage systems, and wells are prohibited.

(f) Landscaping, Buffering, and Screening

1. The perimeter of the tiny house community shall comply with the standards in Section 5.3, Landscaping Standards.
2. Laundry drying yards and outdoor storage yards shall be screened from view from any adjacent public right-of-way in accordance with Section 5.3, Landscaping Standards.

(g) Off-Street Parking

Each tiny house community site shall contain one parking space per designated tiny house dwelling site, unless the Land Use Control Administrator determines that some

²⁹³ This builds on the requirement that the yard be “reasonably secluded from view of streets or neighboring property” at Section 10.1c(7) of the current Zoning Ordinance.

²⁹⁴ New standards for a new use.

or all of such spaces are not necessary due to the intended use or operation of the tiny house community or restrictions on resident motor vehicle ownership contained in recorded covenants on the tiny house community property.

(h) Internal Access and Circulation

- 1.** A pedestrian path at least five feet wide shall be provided from at least one adjacent public street to each designated tiny house site. Required paths may be located in public access easements, and each path shall conform to the City's adopted standards unless the Land Use Control Administrator determines that due to low levels of expected use a different standard will provide equivalent or better safety and durability.
- 2.** Any public and private streets within the tiny house community shall be designed and constructed to the City's adopted street standards and specification, unless the Land Use Control Administrator determines that due to low levels of expected use a different standard will provide equivalent or better safety and durability.
- 3.** Each tiny house community shall comply with all adopted standards for fire access required to protect each tiny house.

(i) Accessory Structures

Each tiny house community may include up to 225 square feet per unit for accessory structures, including mail boxes, enclosed bike storage, laundry, groundskeeping, personal storage, or common rooms. Personal storage space may be attached to the tiny home unit or configured as a single storage building for all residents.

(j) Maintenance of Common Areas

A tiny house community shall include a homeowner's or property owner's association, or comparable legal entity, which maintains control of common areas and takes responsibility for maintenance of common features in the development, including open space, pedestrian paths, and private streets.

(D) Public, Civic, and Institutional Uses

(1) Cemetery

- (a)** The operation of a cemetery shall not commence until the owner or operator has applied for and received approval of a Cemetery Development Plan in accordance with Section 2.5.6, Cemetery Development Plan.
- (b)** A cemetery shall comply with Ch. 7, Cemeteries, of the City Code.

(2) Public Assembly, Indoors

This use shall comply with all standards of the City Code, including the business license code at Ch. 16, Art. III.

(3) Funeral Home or Mortuary

A funeral home or mortuary that includes a crematory shall comply with Sec. 7-20, Crematories, of the City Code.

(4) Communications Tower and Equipment²⁹⁵

(a) Applicability

1. General

The standards in this section apply to all communications towers not located within a publicly owned right-of-way, except as follows:

²⁹⁵ These are new, basic standards that regulate the installation of traditional wireless communication towers, which are placed on standalone towers on private property, unlike the newer small cell technology regulated by Ch. 26.5, Art. II of the City Code.

- I. Communications towers installed on land owned by a government entity or public agency if the tower and all antennas are used in whole or in part for public safety purposes.
- II. Small cell technology facilities and support structures, which are regulated by Ch. 26.5, Art. II, Small Cell Technology Facilities, of the City Code.
- III. Antennas used for amateur/ham radio.

2. Repair and Maintenance

Existing communications towers and equipment may be repaired and maintained, and existing equipment may be replaced with new equipment of a similar type.

3. Third-Party Technical Review

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

(b) Collocation or Alternative Technology

No communications tower intended for use by a wireless communications service shall be permitted unless it is demonstrated by sufficient competent evidence that at least one of the following conditions is applicable, and that the condition cannot be reasonably addressed:

1. No existing towers or structures are located within the geographic areas needed to meet the applicant's coverage goals or engineering requirements.
2. Existing towers or other structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or other structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The proposed antenna would cause electromagnetic interference with existing antennas on existing towers or other structures, or existing antenna on other towers or structures would cause interference with the proposed antenna and the interference cannot be prevented at a reasonable cost.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. A fee or cost required by the owner of an existing tower or structure that exceeds new tower development is presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
7. The applicant demonstrates that alternative technologies that do not require the use of towers or structures, are unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(c) Dimensional Standards

1. Minimum Setbacks

- I. Guyed towers shall have their guy anchors located on the tower site at least ten feet from all property lines. Guy wires shall not cross any adjoining property, rights-of-way, or public easements without prior approval of the property owner.
- II. Setbacks shall in all cases be sufficient to contain on site all icefall unless adequate provisions have been incorporated to prevent the buildup of ice.

- III. All structures accessory to a tower, such as equipment cabinets and other support structures, are subject to the dimensional standards of the district in which they are located. Tower setbacks shall be measured from the perimeter of the tower base.

(d) Building Code

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

(e) FAA Regulations

The tower shall comply will all applicable FAA regulations.

(f) Lighting

Only the minimum lighting required by FAA or FCC regulations is permitted on the tower.

(g) Security

Any support structures shall be enclosed by security fencing having a minimum height of six feet and a maximum height of eight feet. It shall be equipped in such a manner as to deter climbing. Access to the tower shall be through a locked gate.

(h) Screening

The tower shall be screened from public rights-of-way and adjacent properties with a landscaped buffer in accordance with Section 5.3, Landscaping Standards.

(5) Solar Energy Collection System, Large Scale²⁹⁶

A large-scale solar energy collection system shall comply with the following standards:

- (a)** The minimum lot size shall be five acres.
- (b)** All equipment and structures shall comply with the dimensional standards that apply to principal buildings in the district in which the facility is located.
- (c)** Except for transmission lines and collector utility structures, all utilities associated with the large-scale solar energy collection system shall be located underground.
- (d)** The facility shall not create glare or shadows on adjacent land.
- (e)** The application for a special exception shall include a decommissioning plan that describes the timeline and manner in which the facility will be decommissioned and the site restored to a condition similar to its condition prior to the establishment of the facility.

(E) Commercial

(1) Bar or Tavern²⁹⁷

A bar or tavern shall be located at least 250 feet from any Residential district, any Residential use existing at the time of establishment of the bar or tavern, or any PD district with residential uses, measured from the closest door of the building (or closest door of a tenant space in a building with multiple tenants) to the district or lot line of the use, measured in a straight line.

(2) Nightclub²⁹⁸

A nightclub shall be located at least 250 feet from any Residential district, any Residential use existing at the time of establishment of the nightclub, or any PD district with residential

²⁹⁶ These are new standards for a new use.

²⁹⁷ This carries forward the standards in the footnotes to multiple zone districts in Article VII of the current Zoning Ordinance.

²⁹⁸ This carries forward the standards in the footnotes to multiple zone districts in Article VII of the current Zoning Ordinance.

uses, measured from the closest door of the building (or closest door of a tenant space in a building with multiple tenants) to the district or lot line of the used, measured in a straight line.

(3) Event Venue

An event venue shall comply with the following standards:

- (a)** No alcohol may be served on the premises except in accordance with Ch.3, Alcoholic Beverages, of the City Code, No alcohol may be sold for off-premises consumption.
- (b)** No overnight accommodations shall be provided.
- (c)** The building may include a commercial kitchen space or catering kitchen.
- (d)** The space shall be used on an invitation-only basis and shall not be open to the general public.

(4) Alternative Financial Institution²⁹⁹

No alternative financial institution shall be located within 2,500 feet of another alternative financial institution, or within 250 feet of a Residential use, place of worship, school, or public park, playground, or greenway. An existing alternative financial institution in operation prior to May 20, 2014, shall be a legal nonconforming use and subject to the standards for a legal nonconforming use in Section <>, except that the authority to operate a nonconforming alternative financial institution use may be transferred to a different business operating in the same building.

(5) Gas Station³⁰⁰

- (a)** Pumping islands shall be at least 10 feet from any lot line, and 20 feet from any lot line in the CH district.
- (b)** All parts of any sign or canopy shall be at least ten feet from the lot line adjacent to a street.

(6) Recreational Vehicle (RV) Park³⁰¹

The following standards apply to recreational vehicle (RV) parks:

- (a)** The minimum lot size shall be 10 acres.
- (b)** An RV Park may have a maximum of 15 recreational vehicle sites per acre of land, not including land used for a transitional buffer in accordance with Section 5.3, Landscaping Standards, land set aside for open space in accordance with Section 5.5, Open Space Set-Aside Standards, or land used for internal streets or driveways.
- (c)** Each recreational vehicle site shall contain a stabilized vehicular parking pad composed of shell, marl, asphalt, or other suitable material.³⁰²
- (d)** Each recreational vehicle shall be parked at least ten feet from any other travel trailer.
- (e)** All streets in an RV park shall be privately maintained and properly stabilized, and at least 12 feet in width for streets that accommodate one-way travel, and 20 feet in width for streets that accommodate two-way travel.
- (f)** The maximum size of a recreational vehicle parked on a recreational vehicle site shall be eight feet in width and 36 feet in length.
- (g)** No permanent external apparatus such as carports, cabanas, or patios shall be attached to a recreational vehicle.

²⁹⁹ This carries forward the standards in Article X of the current Zoning Ordinance.

³⁰⁰ This carries forward existing standards in the current Zoning Ordinance.

³⁰¹ This builds on the standards for a travel trailer park in Section 10.4 of the current Zoning Ordinance. Some specific standards have been relocated to general development standards in Article 5: Development Standards as identified in this section.

³⁰² This builds on Section 10.4b and e of the current Zoning Ordinance but substitutes “paving” for “asphalt.”

- (h) A recreational vehicle shall not be placed on a permanent foundation, and its wheels shall not be removed.
- (l) Each RV Park shall have direct access to a numbered state or federal highway, or be located within 500 feet of an interstate highway interchange measured by a straight line from the part of the site closest to the interchange.³⁰³

(F) Industrial Uses

(1) Self-Storage³⁰⁴

The following standards apply to all self-storage uses:

- (a) The access drive onto the site shall be paved and at least 20 feet in width.
- (b) The maximum building area on the site shall be 50 percent or the maximum building area of the zone district in which the site is located, whichever is lower.
- (c) The minimum front or side setback abutting a street or right-of-way shall be 20 feet or the minimum setback required in the zone district in which the site is located, whichever is greater.
- (d) The use of a rented storage space as a residence or an office use (either retail or wholesale) is prohibited, and the City shall not issue a business license for any such use.
- (e) Open storage of recreational vehicles or travel trailers and dry storage of pleasure boats of the type customarily maintained by persons for their personal use are allowed if they comply with the following standards:
 - 1. Open storage shall occur only within a clearly delineated designated area which shall not exceed 25 percent of the buildable area of the site.
 - 2. Outdoor storage areas shall be located to the rear of the principal structure and screened from all adjacent property classified in a Residential district by a solid fence, wall, or hedge at least six feet in height.
 - 3. All outdoor storage shall comply with the minimum setbacks established in the underlying zone district or this section.
 - 4. Stacking of boats shall be prohibited.

Section 4.3 Accessory Uses and Structures

4.3.1. General

(A) Purpose and Intent

The purpose of this section is to authorize the establishment and continuation of accessory uses and structures, which are uses and structures that are incidental and customarily subordinate to principal uses.

³⁰³ The current Zoning Ordinance requires that the park be “near an interchange.” We have replaced that with a more objective standard. It continues to be under discussion.

³⁰⁴ This carries forward the standards in the Mini-Warehouse Guidelines adopted by the Planning Commission in Resolution No. 2-84, dated February 23, 1984, and adds standards for outdoor storage, with the following additional changes: 1) The general standards are similar to the standards required for a special exception in this Ordinance, and have not been carried forward. 2) Provisions requiring that the use comply with the minimum lot area, minimum lot width, minimum setback, and maximum building height requirements reference the general standards that apply to the underlying zone district, and have not been included; 3) Off-street parking requirements will be included in Section 5.2, Off-Street Parking and Loading Standards; 4) Buffer standards will be incorporated into the general buffering requirements in Section 5.3. Landscaping Standards; 5) Requirements for a development plan have not been included and like other such requirements should be handled administratively. References to build code have been removed. Standards III.5 and III.6 are not included.

(B) Organization of this Section

Table 4-7: Accessory Use and Structure Table, identifies accessory uses and structures and the zone districts in which they are allowed. Section 4.3.3, Standards for All Accessory Uses and Structures, establishes general standards applicable to all accessory uses and structures. Section 4.3.4, Specific Standards for Accessory Uses and Structures, sets out particular standards applicable to specific accessory uses and structures.

4.3.2. Accessory Use and Structure Table

(A) Organization and Applicability

Table 4-7: Accessory Use and Structure Table, lists accessory uses and structures in alphabetical order.

(B) Explanation of Table and Abbreviations

For each listed accessory use or structure in Table 4-7, the first column of each row identifies its name, which is defined in Section 8.3, Definitions. The entries in the cells formed by the intersection of a zone district column and an accessory use or structure row indicate whether an accessory use or structure is allowed in a particular zone district, as follows:

(1) Accessory Uses and Structures Permitted By-Right

- (a)** “P” in a cell other than in the PD or PD-TND district column indicates that the accessory use or structure is allowed by right in the zone district, subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.
- (b)** “A” in a cell in the PD or PD-TND district column means that the accessory use or structure is allowed in the type of planned development district only if it is specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance, unless expressly modified in the PD Plan or PD Agreement for the district. See Section 3.9.3(A), Planned Development (PD) Plan, and Section 3.9.3(B), Planned Development (PD) Agreement.

(2) Prohibited Uses

A blank cell indicates that the accessory use or structure is prohibited in the zone district.

(3) Use-Specific Standards

A particular accessory use or structure may be subject to additional standards that are specific to the particular use. The right-most column in a row includes references to the standards in Section 4.3.4, Specific Standards for Accessory Uses and Structures, that apply to the accessory use or structure.

(C) Unlisted Accessory Uses

The Administrator shall determine whether an unlisted accessory use is similar to an accessory use identified in Table 4-7: Accessory Use and Structure Table, in accordance with Section 2.5.15, Interpretation. In making the interpretation, the Administrator shall consider the following:

- (1)** Accessory uses identified in Table 4-7: Accessory Use and Structure Table;
- (2)** The definition of the accessory use or structure (see Section 8.3, Definitions), and the general accessory use and structure standards established in Section 4.3.3, Standards for All Accessory Uses and Structures.
- (3)** The additional standards for the specific accessory use established in Section 4.3.4, Specific Standards for Accessory Uses and Structures, if applicable;
- (4)** The purpose and intent of the zone district in which the accessory use or structure is located (see Article 3: Zone Districts);

- (5) Any potential adverse impacts the accessory use or structure may have on other lands in the area, compared with other accessory uses or structures permitted in the zone district; and
- (6) The compatibility of the accessory use or structure, including the structure in which it is housed, with other principal and accessory uses allowed in the zone district.

(D) Accessory Use and Structure Table

Table 4-7: Accessory Use and Structure Table																												
P = Permitted A = Allowed In PD Blank = Not Permitted																												
Use Category/Type	Zone Districts																		Use-Specific Standards									
	Ag.	Residential						Inst.		Commercial						Ind.		PD										
	AGR	AGR-RES	RSF-20	RSF-12	RSF-8.4	RSF-6	RME-8.4	RFM-7.2	RMH-s	RMH-p	INST-PK-O	INST-G	INST-U	CN	CC	CG	CCOR	CR		CH	CBD	OC	OP	IL	IG	PD	PD-TND	
Accessory dwelling unit ³⁰⁵		S	S	S																					A	A	4.3.4(A)	
Antenna ³⁰⁶	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	
Automated teller machine (ATM) ³⁰⁷										P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	
Carport or garage ³⁰⁸	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	
Day care home ³⁰⁹	P	P	P	P	P	P	P	P																				4.3.4(B)
Drive-through facility ³¹⁰														P	P	P	P	P	P	P					A	A	4.3.4(C)	
Electric vehicle level 1 or 2 charging station ³¹¹	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	
Electric vehicle level 3 charging station ³¹²	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	
Greenhouse or plant nursery ³¹³	P	P	P	P	P	P	P	P	P																A	A	4.3.4(D)	
Home occupation	P	P	P	P	P	P	P	P	P																A	A	4.3.4(E)	
Outdoor display of merchandise ³¹⁴														P	P	P	P	P							A	A	4.3.4(F)	
Outdoor seating or activity area ³¹⁵										P	P		P	P	P	P	P	P	P						A		4.3.4(G)	
Outdoor storage area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	
Parking, off-street ³¹⁶	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	4.3.4(H)
Satellite dish, accessory ³¹⁷	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A		

³⁰⁵ This is included as a placeholder for discussion purposes.
³⁰⁶ This carries forward the existing antenna use in Article VI, Section 11 of the current Zoning Ordinance.
³⁰⁷ This is a new use.
³⁰⁸ This is a use referenced in multiple sections in the current Zoning Ordinance but not specifically listed or defined.
³⁰⁹ This is a new use that reflects current practice in the City, according to staff.
³¹⁰ This is a new use.
³¹¹ This is a new use.
³¹² This is a new use.
³¹³ This carries forward the existing use which is referenced in Article VI, Section 4(d) of the current Zoning Ordinance.
³¹⁴ This carries forward the existing use in the current Zoning Ordinance.
³¹⁵ This is a new use.
³¹⁶ New accessory use added to address overnight off-street parking of large vehicles such as semi-trucks and buses that are not related to the principal use of a site.
³¹⁷ This is a new use.

Table 4-7: Accessory Use and Structure Table																													
P = Permitted A = Allowed In PD Blank = Not Permitted																													
Zone Districts																													
Use Category/Type	Ag.		Residential								Inst.		Commercial								Ind.		PD		Use-Specific Standards				
	AGR	AGR-RES	RSF-20	RSF-12	RSF-8.4	RSF-6	RME-8.4	RFM-7.2	RMH-s	RMH-p	INST-PK-O	INST-G	INST-U	CN	CC	CG	CCOR	CR	CH	CBD	OC	OP	IL	IG		PD	PD-TND		
Solar energy collection facility, small-scale ³¹⁸	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	4.3.4(I)
Storage building ³¹⁹	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	
Swimming pool ³²⁰	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	
Wind energy facility, small ³²¹	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	4.3.4(K)

4.3.3. Standards for All Accessory Uses and Structures³²²

- (A) All accessory uses and structures shall conform to the applicable requirements of this Ordinance, including the standards for the zone district in which they are located (see Article 3: Zone Districts), the use regulations in this article, and the development standards in Article 5: Development Standards.³²³
- (B) Accessory uses and structures shall not be permitted between a lot line and a required setback unless otherwise allowed by this Ordinance.³²⁴
- (C) On a lot in a Residential zoning district and on a lot used primarily for residential purposes, the following standards apply:
 - (1) Accessory structures shall be:
 - (a) No greater than two stories in height.
 - (b) At least five feet from all lot lines.
 - (c) At least ten feet from any other structure on the same lot.
 - (2) If the lot adjoins another lot in a Residential district along a side lot line, the accessory structure shall not be located within 60 feet of a front lot line.
 - (3) If the lot is on a corner lot, and the lot adjoins another lot in a Residential district along a rear lot line, an accessory structure shall be set back from the side street a minimum distance equal to the front setback that applies in the district. This standard applies to the part of the lot within 25 feet of the lot adjoining along the rear lot line.

³¹⁸ This is a new use.

³¹⁹ This is a new use.

³²⁰ This is a new use.

³²¹ This is a new use.

³²² This builds in the standards in Article VI, Section 4 of the current Zoning Ordinance. Standards regarding satellite dishes have been relocated to a use-specific standard for the satellite dish accessory use.

³²³ This is a new standard that requires compliance with the general regulations of this Ordinance.

³²⁴ The current Zoning Ordinance only includes restrictions for structures in Residential districts, and only in the front or side yard. We have expanded this to accessory uses in all zone districts.

4.3.4. Specific Standards for Accessory Uses and Structures

(A) Accessory Dwelling Unit³²⁵

An accessory dwelling unit is permitted as an accessory use to a single-family detached dwelling and shall comply with the following standards:

- (1) Only one accessory dwelling unit is permitted on a lot.
- (2) An accessory dwelling unit may be detached or an integral part of the structure with the primary dwelling, and shall include an entrance directly from the outside.
- (3) A detached accessory dwelling unit shall be located to the rear of the primary dwelling.
- (4) The accessory dwelling unit shall be no larger than 75 percent of the gross square footage of the principal dwelling on the lot or 900 square feet, whichever is less.
- (5) The maximum height of an accessory dwelling unit shall be two stories or 35 feet.
- (6) Required setbacks shall be established by the Board of Adjustment..
- (7) A tiny house that otherwise meets the standards of section may be used as an accessory dwelling unit.

(B) Day Care Home³²⁶

A day care home may operate as an accessory use to a single-family or two-family dwelling providing the day care home:

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

(C) Drive-Through Facility³²⁷

- (1) Internal traffic circulation patterns on the site shall not cause vehicles to impede vehicular movement external to the site or block access to any required parking spaces located on the site.
- (2) Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.
- (3) Stacking lanes shall be provided in accordance with Section <>, <>³²⁸.
- (4) No portion of a drive-through facility shall be located within 50 feet of a Residential zone district or a lot containing a Residential use.

(D) Greenhouse or Plant Nursery³²⁹

A greenhouse or plant nursery that is accessory to a principal residential use or a use in a lot in a Residential district shall be subject to the following standards:

- (1) No sales may be made from the site.
- (2) All accessory structures and areas of storage larger than 300 square feet in area shall be setback at least 20 feet from all lot lines and at least 10 feet from any other structure.

³²⁵ These are new standards for accessory dwelling units, a type of dwelling permitted in many communities. Staff is still discussing whether to have an owner-occupancy requirement for the primary dwelling.

³²⁶ These are new basic standards for a use that is allowed pursuant to current practice, that are intended to reduce the impact of the operation of a home day care on surrounding properties.

³²⁷ These are new standards for a new accessory use.

³²⁸ This will be a reference to the parking lot/stacking configuration standards which will be included in Section 5.2, Off-Street Parking and Loading Standards.

³²⁹ This carries forward the standards in Article VI, Section 4(d) of the current Zoning Ordinance.

(E) Home Occupation³³⁰

Home occupations shall comply with the following standards:

- (1) No non-resident employees or clients, customers, patients, or other visitors are permitted.
- (2) No on-site retail sales are permitted.
- (3) The home occupation shall use no more than 25 percent of the total floor area of the dwelling.
- (4) No changes to the dwelling shall be made that changes the residential character of the principal use.
- (5) Only one sign up to two square feet in area is permitted for the home occupation.
- (6) Public display of goods is prohibited.

(F) Outdoor Display of Merchandise³³¹

- (1) All outdoor display of merchandise shall be located immediately adjacent to the principal building and outside of all drive aisles, loading zones, fire lanes, sidewalks, required parking, and required landscaping yards.
- (2) The area used for outdoor display of merchandise shall not exceed 35 percent of the gross floor area occupied by the principal use.

(G) Outdoor Seating or Activity Area³³²

An outdoor seating or activity area as an accessory use shall comply with the following standards:

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

³³⁰ This updates the standards contained in the definition of home occupation in Article VI, Section 11 of the current Zoning Ordinance and adds additional restrictions on outside clients and visitors.

³³¹ These are new standards for a new accessory use.

³³² These are new standards for a new accessory use commonly found in communities.

(H) Parking, Off-Street³³³

- (1)** Except as provided in subsections (2) through (4) below, off-street parking is permitted as accessory to a permitted principal use or uses in accordance with the standards of this Ordinance, including Section 5.2, Off-Street Parking and Loading Standards, to accommodate the off-street parking needs generated by the principal use or uses on the site.
- (2)** Outside of a parking facility (as a principal use), parking that is unrelated to the principal use of the site, such as overnight parking of trucks with a gross vehicle weight of over 10,000 pounds, busses, semi-trucks or trailers (other than at a loading dock), is prohibited.
- (3)** Sem-trailers shall not be parked on property in a Residential zone district.
- (4)** Commercial vehicles or trailers shall not be parked on property in a Residential zone district, unless the commercial vehicle or trailer is:
 - (a)** Directly associated with a nonresidential use that is permitted on the site;
 - (b)** Engaged in an active construction or maintenance project on the site;
 - (c)** Being actively loaded or unloaded; or
 - (d)** Associated with a police, fire, or emergency service response.

(I) Solar Energy Collection Facility, Small-Scale³³⁴

- (1)** The system shall comply with the maximum height standards for the zone district in which it is located.
- (2)** A solar energy collection facility may be located on the roof of an existing structure irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface if the structure is at the maximum height allowed in the zone district.
- (3)** The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the small-scale solar energy collection facility, and recording any such solar easement with the Montgomery County Probate Judge.

(J) Storage Building³³⁵

In the AGR, AGR-RES, and FH districts, a railroad car may be used for storage purposes on a lot at least five acres in size. The Board of Adjustment may grant a variance from the standards of this section in accordance with Section 2.5.12, Variance.

(K) Wind Energy Facility, Small³³⁶

- (1)** Tower-mounted small-scale wind energy systems shall not be located between the front lot line and the principal building on the site.
- (2)** The system shall be set back a minimum distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus five feet from all property lines, public street rights-of-way, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.

³³³ New standards for a new accessory use that is added to address overnight off-street parking of large vehicles such as semi-trucks and buses that are not related to the principal use of a site, as well as parking of commercial vehicles or semi-trucks on a property in a Residential district. This is intended to support the City's restrictions on streets where trucks may operate in Ch. 21, Art. VIII, Div. 2 of the City Code,

³³⁴ These are new standards for a new accessory use.

³³⁵ This carries forward the accessory use described in Article VI, Section 10.11(b) of the current Zoning Ordinance. Section 10.11 also allows the use of railroad cars in certain commercial and industrial districts, following approval by the Planning Commission. This has not been carried forward as a separate use.

³³⁶ These are new standards for a new accessory use.

- (3) The maximum height of a system (including the tower and extended blades) shall be 75 feet if it is free-standing. If a system is mounted on the roof of an existing building, the maximum height shall be 40 feet above the existing building height.
- (4) The noise produced by the wind turbine under normal operating conditions, as measured at the lot line abutting an existing residential use, shall not exceed 55 dBA at any time. The 55 dBA sound level, however, may be exceeded during short-term events that occur which are beyond the property owner's control, such as utility outages or severe windstorms.
- (5) The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray or white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site. Bright, luminescent, or neon colors are prohibited.
- (6) The blade tip or vane of a small-scale wind energy system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.
- (7) The turbine or tower shall not be illuminated unless required by the FAA.
- (8) Wind turbines shall not be readily climbable for the first 15 feet of the turbine.
- (9) Signage shall not be allowed on the wind turbine. Signage may be posted on the fence near the entrance gate(s) or at the base of the tower identifying manufacturer's or installer's identification, appropriate warning signs, or owner identification.
- (10) If use of the facility is discontinued for a continuous period of six months, the City shall deem it abandoned and provide the owner a written notice of abandonment stating that the owner has 90 days from the date of receipt of the notice to either resume use of the facility or file a notice of termination with the City. The owner shall remove the facility (including all towers, turbines, and above-ground structures and equipment) within 90 days after a notice of termination is filed.

Section 4.4 Temporary Uses and Structures

4.4.1 General

The purpose of this section is to authorize the establishment of certain temporary uses and structures, which are uses and structures of a limited duration. This section identifies the zone districts in which temporary uses and structures are allowed, sets out general standards applicable to all temporary uses and structures, and sets out any special standards applicable to particular temporary uses and structures. This section is intended to ensure that such uses or structures do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

4.4.2 Temporary Use and Structure Table

(A) Organization and Applicability

Table 4-8: Temporary Use and Structure Table, lists temporary uses and structures in alphabetical order.

(B) Explanation of Table and Abbreviations

For each listed temporary use or structure in Table 4-8, the first column of each row identifies its name, which is defined in Section 8.3, Definitions. The entries in the cells formed by the intersection of a zone district column and a temporary use or structure row indicate whether a temporary use or structure is permitted in a particular zone district, as follows:

(1) Temporary Uses and Structures Permitted By-Right

- (a) "P" in a cell other than in the PD or PD-TND district column indicates that the temporary use or structure is allowed by right in the zone district, subject to any use-

specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.

- (b) “T” in a cell other than in the PD or PD-TND district column indicates that the temporary use or structure is allowed only following issuance of a temporary use approval in accordance with Section 2.5.9, Temporary Use Approval, and subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.
- (c) “A” in a cell in the PD or PD-TND district column means that the temporary use or structure is allowed in the type of planned development district only if it is specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance, unless expressly modified in the PD Plan or PD Agreement for the district. See Section 3.9.3(A), Planned Development (PD) Plan, and Section 3.9.3(B), Planned Development (PD) Agreement.

(2) Prohibited Uses

A blank cell indicates that the temporary use or structure is prohibited in the zone district.

(3) Use-Specific Standards

A particular temporary use or structure may be subject to additional standards that are specific to the particular use. The right-most column in a row includes references to the standards in Section 4.4.4, Standards Specific to Temporary Uses and Structures, that apply to the temporary use or structure.

(C) Temporary Use and Structure Table

The temporary use and structure table is established in Table 4-8: Temporary Use and Structure Table.

Table 4-8: Temporary Use and Structure Table																												
P = Permitted		T = Permitted with a Temporary Use Approval										A = Allowed In PD				Blank = Not Permitted												
		Zone Districts																										
		Ag.		Residential						Inst.		Commercial						Ind.		PD								
Use Category/Type		AGR	AGR-RES	RSF-20	RSF-12	RSF-8.4	RSF-6	RME-8.4	RFM-7.2	RMH-s	RMH-p	INST-PK-O	INST-G	INST-U	CN	CC	CG	CCOR	CR	CH	CBD	OC	OP	IL	IG	PD	PD-TND	Use-Specific Standards
Construction-related temporary structure		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	A	A	4.4.4(A)
Food truck ³³⁷		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	4.4.4(B)
Model sales home ³³⁸		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	4.4.4(C)
Portable storage unit ³³⁹		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	A	A	4.4.4(D)
Temporary dwelling		T	T	T	T	T	T	T	T	T	T																	4.4.4(E)

4.4.3. Standards for All Temporary Uses and Structures

All temporary uses and structures shall, unless otherwise specified in this Ordinance:³⁴⁰

- (A) Obtain any applicable City, county, state, or federal permits;
- (B) Be compatible with the principal uses on the site;
- (C) Be established only with permission of the landowner of the site;

³³⁷ This references the existing use defined at Sec. 6-491 of the City Code.

³³⁸ This is a new use.

³³⁹ This is a new use.

³⁴⁰ These are new standards.

- (D) Not include permanent alterations to the site;
- (E) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (F) Not have adverse health, safety, noise, or nuisance impacts on any adjoining permanent uses or nearby residential neighborhoods;
- (G) Not violate the applicable conditions of approval that apply to the site or a use on the site; and
- (H) Be located on a site containing sufficient land area to allow the temporary use or structure to occur and accommodate associated pedestrian, parking, and traffic movement without adversely impacting surrounding lands, public facilities, and environmentally sensitive lands.

4.4.4. Standards Specific to Temporary Uses and Structures

(A) Construction-Related Temporary Structure

A temporary structure relating to construction taking place on a site shall comply with the following standards:

- (1) The temporary structure shall not be moved onto the project site prior to the issuance of a building permit and shall be removed within 30 days after issuance of the certificate of occupancy for the building or completed development.
- (2) The temporary structure may be placed on a property adjacent to the construction site if site constraints make it infeasible to locate the structure on the construction site, provided the adjacent site is restored to its previous condition within 60 days after issuance of the certificate of occupancy for the building or completed development.
- (3) Adequate off-street parking for the temporary structure shall be provided.
- (4) A temporary structure, such as a trailer or modular unit, may be used as a real estate sales office in a new development for the sale and promotion of properties within that project and its future phases, or as a contractor's office or for the storage of construction equipment and materials.
- (5) The Administrator shall issue the temporary use permit for an appropriate period of time not to exceed one year and may extend the temporary use permit for an additional period not to exceed one year on finding that the building construction or land development is proceeding in a reasonably timely manner.

(B) Food Truck

Food trucks shall comply with the standards in Ch. 6, Art. XI of the City Code, Sec. 6-491 *et seq.*

(C) Model Sales Home³⁴¹

A model sales home shall comply with the following standards:

- (1) A model sales home shall be located on a lot or building site approved as part of a residential development or within a building approved as part of a residential development.
- (2) There shall be no more than one model sales home per builder in the development.
- (3) The model sales home shall comply with all dimensional standards and other development standards.
- (4) The building shall be aesthetically compatible with the character of the surrounding area in terms of exterior color, predominant exterior materials, and landscaping.
- (5) A model sales home may be used for temporary sales/leasing until the last lot or residential unit is developed. On termination of the temporary real estate sales/leasing use of a model sales home/unit, the home/unit shall be converted into, or removed and replaced with, a

³⁴¹ New standards for a new use.

permanent permitted use, and any excess parking shall be removed and landscaped in accordance with the development permits and approvals for the development.

(D) Portable Storage Unit³⁴²

A portable storage unit may be used for temporary storage on a site in accordance with the following standards:

- (1)** No more than one portable storage unit shall be located on a lot.
- (2)** The storage unit shall be no more than eight feet wide, 16 feet long, and eight feet high.
- (3)** A storage unit may be placed on a lot for no more than 30 consecutive days, and no more than 60 days within any calendar year, unless active construction activity is taking place on the site, in which case the storage unit may be placed on a lot for up to two years or until the construction activity ceases, whichever comes first
- (4)** The unit shall not be placed in the front yard, in the front parking lot of a commercial use, or in fire lanes, passenger loading zones, commercial loading areas, or public rights-of-way.
- (5)** The owner and operator of the lot containing a portable storage unit shall ensure that the unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing, or other holes or breaks. The unit shall be kept locked when not being loaded or unloaded.
- (6)** The owner and operator of the lot containing a portable storage unit shall ensure that no hazardous substances are stored within the unit.

(E) Temporary Dwelling

A temporary dwelling may be placed on a site with a single-family detached dwelling that is the principal use, in accordance with the following:

- (1)** A temporary dwelling may be placed on a site if needed to facilitate a caregiver's provision of care for a family member who is a mentally or physically impaired person and who needs assistance with activities of daily living such as bathing, dressing personal hygiene, ambulation, or locomotion, provided the temporary dwelling is removed within 30 days of the date on which it was last needed for the caregiver's assistance.
- (2)** A temporary dwelling may be placed on a site if the principal dwelling was damaged or destroyed by a fire, tornado, or other physical catastrophe, during the repair or reconstruction of the principal dwelling, provided the temporary dwelling is removed within 30 days of issuance of the certificate of occupancy for the permanent principal dwelling, or two years, whichever is sooner.
- (3)** All temporary dwellings shall be connected to all water, sewer, and electric utilities serving the primary residence and pass an inspection by the City in accordance with the Technical Codes of the City of Montgomery, and shall comply with all applicable building, health, and other regulations for a habitable dwelling.

Section 4.5 Interpretation of Unlisted Uses

4.5.1. General

The Administrator shall determine whether a particular use type not expressly listed as an allowable use in a particular zone district in the use tables in Article 4: Use Regulations, is allowable in a particular district, whether by right, as a special exception, or with a temporary use approval, in accordance with the procedure in Section 2.5.15, Interpretation.

³⁴² New standards for a new use.

4.5.2. Standards for Allowing Unlisted Principal and Temporary Uses

The Administrator shall interpret a use not expressly listed as an allowable principal or temporary use in a particular zone district in the principal and temporary use tables in Article 4: Use Regulations, only after finding that the nature, function, and duration of the use and the impact of allowing it in the zone district are so similar to those of a use type or use category that is allowed in the zone district that the unlisted use should be deemed allowed in the same manner (i.e. permitted, special exception, temporary, or with a temporary use approval) as the similar use type or use category and subject to the same use-specific standards. In making such Interpretation, the Administrator shall consider the relevant characteristics of the unlisted use relevant to those of listed and defined use types, use categories, and use classifications described in this section, the purpose and intent statements in this Ordinance for the zone district, and the character of use types allowable in the zone district. The relevant characteristics of the unlisted use that should be considered in making this Interpretation include, but are not limited to, the following:

- (A) Actual or projected characteristics of each activity likely to occur as part of the unlisted use;
- (B) The type, size, orientation, and nature of buildings, and structures devoted to each activity;
- (C) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
- (D) Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;
- (E) Transportation demands, including the volume and frequency of trips generated to and from the site, the split of traffic volume among various means of transportation, and other characteristics of trips and traffic;
- (F) Relative amounts of sales from each activity;
- (G) The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored;
- (H) Customer type for each activity;
- (I) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
- (J) Any special public utility requirements for serving the use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- (K) The impact on adjacent lands created by the use, which should not be greater than that of other use types allowed in the district.

4.5.3. Standards for Allowing Unlisted Accessory Uses.

The Administrator shall interpret a use not expressly listed as an allowable accessory use in a particular zone district in the use table in Section 4.3, Accessory Uses and Structures, in accordance with the standards in Section 4.3.2(C), Unlisted Accessory Uses.

Article 8: Definitions and Rules of Construction, Interpretation, and Measurement

Commentary on Draft:

Article 8: Definitions and Rules of Construction, Interpretation, and Measurement, contains the rules governing construction and interpretations, rules of measurement, and the definitions used in the new Zoning Ordinance.

Section 8.1, Rules of Construction and Interpretation, provides basic rules of construction which supplement the regulations in the City Code.

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

Section 8.3, Definitions, includes the definitions used in the new Zoning Ordinance.

Section 8.1 Rules of Construction and Interpretation³⁴⁴

This Ordinance shall be construed in accordance with Section 1-2, Definitions and rules of construction, of the City Code, and the following:

8.1.1. Mandatory and Discretionary Terms

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

8.1.2. Used or Occupied

When used in reference to land, the terms “used” or “occupied” shall be interpreted to mean “intended, arranged, or designed to be used or occupied.”

8.1.3. Property³⁴⁵

Unless the context clearly indicates otherwise, the term “property” shall be interpreted to mean real property.

8.1.4. Headings, Illustrations, and Text

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

³⁴⁴ This is a new section. It includes a cross-reference to the Section 1-2 of the City Code, which establishes other general rules of construction and interpretation. Other useful rules that are not addressed in Section 1-2 are included as well.

³⁴⁵ Section 1-2 of the City Code defines the term "property" to include real property, personal property, and mixed property. For purposes of this Ordinance, property refers only to real property.

8.1.5. Time³⁴⁶

A day shall mean a calendar day.

8.1.6. Lists and Examples

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

8.1.7. References to Other Regulations/Publications

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

8.1.8. Public Officials and Agencies

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

8.1.9. Term Not Defined

If a term used in this Ordinance is not defined in this Article 8 or elsewhere in this Ordinance, the Land Use Controls Administrator shall have the authority to provide a definition based on the definitions use in accepted sources including, but not limited to, *A Planners Dictionary*, *A Glossary of Zoning, Development, and Planning Terms*, and *A Survey of Zoning Definitions* (all published by the American Planning Association), as well as general dictionaries such as *Merriam-Webster*, *American Heritage*, *Webster’s New World*, and *New Oxford American* dictionaries.

Section 8.2 Rules of Measurement

8.2.1. Lots

(A) Lot³⁴⁷

A piece, parcel, or tract of land occupied or intended to be occupied by one or more main buildings, accessory buildings, uses customarily incidental to such main buildings, and other areas required in this Ordinance such as open space and parking, or that are intended to be used with such piece, parcel, or tract of land.

(B) Lot Types

[to be drafted]

(C) Lot Line³⁴⁸

The boundary that legally and geometrically demarcates a lot.

(1) Front Lot Line

The lot line separating a lot from a street right-of-way. For a corner lot, the front lot line shall be the lot line with a narrower width of street frontage or, if both frontages are of equal width, the front lot line shall be the side on which the majority of lots front along the block.

³⁴⁶ This is based on the definitions of “month” and “year” in Section 1-2, which are defined to refer to a calendar month and calendar year.

³⁴⁷ Updates the current definition in Article VI, Section 11 of the current Zoning Ordinance.

³⁴⁸ Definition of “lot line” is the definition from the City’s SmartCode. The definitions of the other types of lot lines are adapted from the definitions of front, rear, and side yards in Article VI, Section 11 of the current Zoning Ordinance.

(2) Rear Lot Line

A lot line that is opposite a front lot line, but which does not abut a street. A triangular lot has 2 side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

(3) Side Lot Line

Any lot line other than a front or rear lot line.

(4) Street Side Lot Line

A lot line adjoining a street and which is not a front lot line.

(D) Setback³⁴⁹

The minimum distance between a lot line and a building or structure that is required to remain open, unoccupied, and unobstructed by structures from the ground to the sky except as otherwise provided in this Ordinance.

(1) Front Setback

The setback between the front lot line adjacent to street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the closest part of a lot where a building may be placed. The front setback extends the full width of the lot and is parallel to or concentric with the street right-of-way.

(2) Rear Setback

The setback between the rear lot line and the closest part of a lot where a building may be placed. The rear setback extends the full width of the lot.

(3) Side Setback

The setback between the side lot line and the closest part of a lot where a building may be placed. The side setback extends from the front setback to the rear setback.

(4) Street Side Setback³⁵⁰

The setback between the side setback lot line adjacent to a street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the closest part of a lot where a building may be placed. The street side setback extends from the front setback to the rear setback.

8.2.2. Lot-Related Measurements

(A) Building Area³⁵¹

The portion of the lot occupied by the main building (including porches) and other structures such as carports and accessory buildings.

(B) Lot Area³⁵²

The total area within the lot lines of the lot.

(C) Lot Width³⁵³

The width of a lot measured at the front setback.

³⁴⁹ New definition. The term “setback” is used instead of the use of the term “yard” in the current Zoning Ordinance to represent the areas on a lot that are required to remain unencumbered by structures.

³⁵⁰ New definition for the side street setback (the current Zoning Ordinance references side street yards but does not define a side street yard).

³⁵¹ Updates the definition in Article VI, Section 11 of the current Zoning Ordinance for clarity.

³⁵² New definition.

³⁵³ New definition. In this draft, the zoning district standard “Lot width at building line” that is used in the current Zoning Ordinance is replaced with the term “Lot width,” and the term lot width is defined to reflect the front setback,

8.2.3. Structure-Related Measurements

(A) Story³⁵⁴

The portion of a building included between the surface of any floor and the surface of the next higher floor, or if there be no next higher floor, then the space between the surface of the floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over four feet above the average adjoining ground surface.

(B) Height³⁵⁵

The height of a building or structure is the vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

8.2.4. Exceptions and Variation

The following exceptions apply in all zone districts.

(A) Exceptions to Maximum Building Height³⁵⁶

Except as otherwise provided in this Ordinance, the maximum building height standards in this Ordinance shall not apply to the following structures or structural elements:

- (1)** Steeples, farm structures, barns, silos, granaries, chimneys, flagpoles, utility transmission towers, cooling towers, water tanks, industrial structures, and other similar structures not intended for human occupancy;
- (2)** Antennas, provided they comply with height limits established for the specific use;
- (3)** Roof-mounted small wind energy facilities, in accordance with standards in Section 4.3.4(K), Wind Energy Facility, Small.

(B) Allowable Encroachments³⁵⁷

Fixtures and features that are permitted to encroach into required minimum setbacks are listed in Table 8-1: Allowable Encroachments into Required Minimum Setbacks.

Feature	Allowable Encroachment
Fences, walls	May be located within a required minimum setback in accordance with Section 5.4, Fence and Wall Standards
Eaves, gutters, cornices, and similar minor architectural features	May be located in a required minimum setback
Customary yard accessories, ornaments, and outdoor furniture	May be located within a required minimum setback except as limited elsewhere in this Ordinance

which is the closest point at which a building could be constructed. The current definition of “Building line” is not carried forward. In the current Zoning Ordinance, the term building line is defined as “A line showing the nearest distance to the street property line or lines that it is permissible to build a structure, either to be in compliance with this chapter or in compliance with a plat, deed or private contract.” It is uncommon for a local government to review development applications for compliance with private agreements such as real estate covenants or unrecorded contracts, and we recommend removing this reference.

³⁵⁴ Carries forward the current definition in Article VI, Section 11 of the current Zoning Ordinance and adds a new provision regarding how a basement should be counted.

³⁵⁵ New definition. The current Zoning Ordinance does not include a definition of height.

³⁵⁶ This carries forward the height exceptions in Article I, Section 8 of the current Zoning Ordinance. The exception for hospitals and sanitariums has not been carried forward; the IG district, which accommodates hospital uses, has a 75 foot height limit. We could add a use-specific standard for hospitals allowing extra height. To enhance predictability of this Ordinance, we would recommend that an unlimited height provision not be included.

³⁵⁷ These are new standards for common allowable encroachments into required minimum setbacks.

Play equipment such as a slide, jungle gym, or tree house	May be located within a required minimum side or rear setback except as limited elsewhere in this Ordinance
Porch, stoop, and balcony	May extend up to six feet into a required minimum setback, as long as it remains at least two feet from a lot line
Mailboxes	May be located in any required minimum setback

Section 8.3 Definitions³⁵⁸

A

Aboveground bulk storage³⁵⁹

A facility for the outside, aboveground bulk storage of liquid petroleum, alcohol products, or other products with similar safety profiles in excess of 500 gallons. This definition does not include belowground bulk storage facilities or bulk industrial storage within an industrial building.

Accessory dwelling unit³⁶⁰

A dwelling unit that is accessory, supplementary, and secondary to a single family detached dwelling, located on the same parcel, and internal to or attached to the principal dwelling or in a detached structure.

Accessory structure³⁶¹

A structure which:

- a) Is subordinate to and serves the principal building or principal use;
- b) Is subordinate in area, extent, or purpose to the principal building or principal use served;
- c) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
- d) Is located on the same zoning lot as the principal building or principal use served.

Accessory use³⁶²

A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Agriculture³⁶³

The production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products. This definition does not include community gardens, urban agriculture, feed lots, swine farms, or processing or distribution plants for agricultural products and supplies.

Agriculture, urban³⁶⁴

The cultivation of food and/or horticulture crops, aquaponics, aquaculture, and/or hydroponics. It includes the raising of small animals like bees for the purpose of producing honey and chickens for the purpose of producing eggs, but does not include slaughtering or selling meat or the keeping of any large animals. Such use may include the production and sale of food products from food grown on the premises.

Air transportation and support facility³⁶⁵

All facilities necessary or useful in rendering air transportation service, including without limitation, rights-of-way, bridges, tunnels, motor vehicles, stations, terminals, and all equipment, fixtures, buildings and

³⁵⁸ This includes definitions for terms included in the zoning district and use regulations included in Module 1.

Additional definitions will be added when additional sections of the code are drafted.

³⁵⁹ New definition.

³⁶⁰ New definition.

³⁶¹ Carries forward the current definition in Article VI, Section 11 of the current Zoning Ordinance but removes the reference to off-street parking.

³⁶² Carries forward the current definition in Article VI, Section 11 of the current Zoning Ordinance.

³⁶³ New definition.

³⁶⁴

³⁶⁵ New definition.

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structures and services incidental to or required in connection with the performance of air transportation service. Accessory uses may include restaurants, retail sales, hotels or motels, car rental, and storage facilities.

Alternative Financial Institution³⁶⁶

A business that provides financial services other than a bank or financial institution and that is required to be licensed under either Title 5, Ch. 18A, Deferred Presentment Services Act, or Title 5, Ch.19A, Alabama Pawnshop Act, of the Code of Alabama 1975.

Animal kennel³⁶⁷

An establishment where dogs or cats are boarded for compensation, or where dogs or cats are bred or raised for purposes of sale, animal rescue, or not-for-profit. A kennel may include the grooming and training of animals.

Animal shelter³⁶⁸

A facility which is used to house or contain household pets and which is owned, operated, or maintained by a government entity or a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

Antenna³⁶⁹

A usually metallic structure or device for radiating or receiving radio and television transmission waves for the purpose of carrying, magnifying, and transferring the signals into the interior of buildings.

Assisted living facility³⁷⁰

A facility that provides or offers to provide any combination of residence, health supervision, or personal care to three or more individuals who are in need of assistance with activities of daily living such as bathing, dressing, ambulation, feeding, toileting, grooming, medication assistance, diet, and personal safety. This use does not include residential and personal care services provided by individuals to persons to whom they are personally related. This exception is only for individuals, and does not apply to corporations, partnerships, limited partnerships, limited liability companies, or any other organized entity or business. This use also does not include facilities whose residents are under the care, oversight, or protection of another governmental agency if the government body, agency, or authority has a fiduciary relationship or some other legally recognized and enforceable relationship to the residents of the facility which carries an obligation to oversee the health, safety, and welfare of the residents, and licenses, certifies, or otherwise legally authorizes the facility to provide accommodations and care for the residents.

Assisted living facilities are regulated by Chs. 420-5-4 (Assisted Living Facility) and 420-5-20 (Specialty Assisted Living Facility) of the Alabama Administrative Code.

Auction yard³⁷¹

An open-air area or structure for the sale via auction of heavy machinery (including farm machinery) and vehicles.

³⁶⁶ Carries forward and revises the definition in Article X, Financial Institutions, of the current Zoning Ordinance.

³⁶⁷ New definition.

³⁶⁸ New definition

³⁶⁹ Carries forward the definition in Article VI, Section 11 of the current Zoning Ordinance but removes the reference to satellite reception, as satellite dishes are a separate use in this Ordinance.

³⁷⁰ New definition.

³⁷¹ New definition.

Automated teller machine (ATM)³⁷²

A mechanized device operated by or on behalf of a bank or financial institution that allows customers to conduct automated banking or financial transactions.

B

Bank or financial institution³⁷³

An establishment that provides retail banking services (banks, savings and loans institutions, credit unions, mortgage lending), or similar financial services to individuals and businesses, such as a federally chartered bank, state-chartered bank, credit union, mortgage lender or savings and loan association. This use type does not include alternative financial institutions, or check cashing, auto title, or payday loan businesses or bail bond brokers. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

Bar or tavern³⁷⁴

An establishment where the primary use is the on-premises sale and consumption of beer, wine, or liquor/distilled spirits-based alcoholic beverages. Live entertainment and the incidental sale of prepared food for consumption on the premises are permitted accessory uses.

Bed and breakfast³⁷⁵

An owner-occupied residence where rooms are rented to transient guests on an overnight basis and breakfast is served to these guests.

Boat sales, rental, service, or repair³⁷⁶

A business primarily engaged in the display, sale, rental, repair, or maintenance of new or used boats, marine engines, or marine equipment.

Broadcasting studio³⁷⁷

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

Building³⁷⁸

Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, goods, or materials of any kind or nature.

C

Call center³⁷⁹

An establishment primarily engaged in answering telephone calls and relaying messages to clients or in initiating or receiving communications for telemarketing purposes, such as promoting clients' products or services, taking orders for clients, or soliciting contributions or providing information for clients.

³⁷² New definition.

³⁷³ New definition that incorporates language from Article X, Financial Institutions, of the current Zoning Ordinance

³⁷⁴ New definition.

³⁷⁵ New definition.

³⁷⁶ New definition.

³⁷⁷ New definition.

³⁷⁸ This is a new, more modern definition that replaces the current definition in Article VI, Section 11 of the current Zoning Ordinance.

³⁷⁹ New definition.

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Campground³⁸⁰

An outdoor facility designed for overnight accommodation of persons in travel trailers/recreational vehicles, tents, rustic cabins and shelters for recreation, education, naturalist, or vacation purposes. Accessory uses may include indoor and outdoor recreational facilities, office, retail, laundry facilities, and other commercial uses commonly established in such facilities.

Carport or garage³⁸¹

An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of the occupants in the building to which such garage or carport is accessory. A carport is open on at least two sides, while a garage is enclosed and contains vehicular access doors. A carport or garage is considered an accessory structure if it is detached from the principal building(s) on the site.

Car wash³⁸²

A commercial establishment for the primary purpose of washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by customer.

Cemetery³⁸³

A place used for the permanent internment of deceased human bodies or pet animal bodies. Accessory uses may include columbaria, mausoleums, and necessary maintenance facilities, but not including a crematory. A cemetery may be on its own lot or may be accessory to another institutional use such as a religious facility.

Club, lodge, or community-oriented associations³⁸⁴

Buildings and facilities owned or operated by a nonprofit nonresidential legal entity, organization, or association of persons that operates on membership basis. These entities operate for social, civic, cultural, religious, literary, political, recreational, professional, or other similar purposes to promote the interests of their members and guests only while providing them, but not the general population, facilities for dining, entertainment, and recreation.

Cold storage plant³⁸⁵

An establishment primarily engaged in the cold processing and storage of chilled or frozen food products.

College or university³⁸⁶

An institute of higher education authorized by the State to award associates or higher degrees. Ancillary facilities may include administrative and faculty offices, classrooms, dining halls, meeting areas, dormitories, arenas, stadiums, recreation facilities, and similar features that serve students, teachers, and employees, and not the general population.

Commercial vehicle

A vehicle that is 6,000 pounds or greater in rating and that is designed, intended to be used, or actually used for purposes other than for a private passenger vehicle, including but not limited to for the transportation of people, chattel, or goods, or 2) displays commercial logos or lettering.

³⁸⁰ New definition.

³⁸¹ This is a new definition.

³⁸² New definition.

³⁸³ New definition.

³⁸⁴ New definition.

³⁸⁵ New definition.

³⁸⁶ New definition.

Commercial vehicle repairs and maintenance³⁸⁷

An establishment that repairs, installs, or maintains the mechanical components or the bodies of vehicles with 8,500 pounds or more of gross vehicle weight, mass transit vehicles, large construction or agricultural equipment, or commercial boats. Truck stops and fueling facilities are included. This use does not include establishments that paint vehicles.

Commercial vehicle sales and rentals³⁸⁸

An establishment that sells or provides rental of vehicles with 8,500 pounds or more of gross vehicle weight, mass transit vehicles, large construction or agricultural equipment, or other similar vehicles.

Communications tower and equipment³⁸⁹

A building mounted or ground mounted tower which supports communication equipment for telephone, radio, television, microwave, cellular and similar communications purposes, both for transmission and reception. This use includes radio and television towers, cellular telephone towers, and camouflaged or stealth communication towers, as well as the tower structure and all supports and related facilities and equipment such as cabling, equipment huts, and other associated structures. This use does not include amateur radio operators' equipment, licensed by Federal Communications Commission (FCC), or receiving and transmission facilities used for public emergency services.

Community facility³⁹⁰

A facility owned by a non-profit or government agency that provides a recreational, educational, or cultural service to the community. Examples of this use type include botanical gardens, planetarium, museum, or similar use.

Community garden³⁹¹

Privately or publicly owned land devoted to the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, family, or non-profit organization for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group, and may include common areas maintained and used by group members.

Community recreation center³⁹²

A facility operated by a public or nonprofit entity for the provision of social and recreation programs and facilities. The facility may be designed to accommodate and serve specific residential developments or significant segments of the community, and may include meeting rooms, game rooms, club houses, swimming pools, courts, exercise equipment, snack bars, kitchens, and similar facilities. This use does not include commercial recreation/entertainment establishments, which are categorized in the Recreation/Entertainment category.

Continuing care retirement facility³⁹³

An establishment for care of the elderly that has common facilities and provides licensed intermediate and skilled nursing services for its residents, as well as other supportive services. This use may include a variety of housing types and provide a variety of levels of assistance and care so that its residents may

³⁸⁷ New definition. The 8,500-pound distinction is based on vehicle classification standards from the Environmental Protection Agency for "heavy duty" trucks.

³⁸⁸ New definition. The 8,500-pound distinction is based on vehicle classification standards from the Environmental Protection Agency for "heavy duty" trucks.

³⁸⁹ New definition.

³⁹⁰ This is a new use.

³⁹¹ New definition.

³⁹² New definition.

³⁹³ New definition.

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obtain higher levels of care and service as they age without having to move to another residential care facility.

Construction-related temporary structure³⁹⁴

A temporary structure, facility, or space associated with the staging, management, or security of new construction areas and located on or adjacent to the construction site. This includes a structure, facility, or space used for offices, security, storage, construction waste and recycling, temporary sanitation facilities, outdoor storage, and employee parking.

Contractor's yard³⁹⁵

A building and related outdoor areas used to store and maintain construction equipment and materials, including but not limited to plumbing, electrical, carpentry, roofing, landscaping, road work, and facilities customarily required in the building trade by a construction contractor. This use typically includes office facilities for the contractor.

Convenience store³⁹⁶

An establishment for the retail sale of food products (including limited groceries) and beverages for off-site consumption, household items, newspapers and magazines, and other small convenience items. This is often combined with a gas station use.

Correctional institution³⁹⁷

A place of confinement or incarceration, including places requiring overnight stays only, for persons who have broken the law, are awaiting trial, or have been convicted of criminal offenses.

Crematory³⁹⁸

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

D

Day care center³⁹⁹

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

Day care home⁴⁰⁰

An accessory use licensed by the Alabama Department of Human Resources where daily care is provided in a residential use to no more than five children during all or part of a 24-hour day. This use does not include day care centers, which are a principal use.

Data center⁴⁰¹

An establishment primarily engaged in providing infrastructure (e.g., computer systems and associated components such as telecommunications and storage systems) for data processing and storage and related services.

³⁹⁴ New definition.

³⁹⁵ New definition.

³⁹⁶ New definition.

³⁹⁷ New definition.

³⁹⁸ New definition.

³⁹⁹ New definition. The minimum of 12 children is consistent with the definition in Alabama state law.

⁴⁰⁰ This is a new use added at staff's request to reflect a current use in the City.

⁴⁰¹ New definition.

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Dog daycare facility⁴⁰²

A facility where dogs may socialize and be groomed, trained, and/or exercised, and socialized during the day, for compensation, but not kept overnight, or bred, sold, or let for hire.

Dormitory⁴⁰³

A building used as group living quarters for students attending a college or university or for members of religious orders. Residents use common entrances and hallways, reside in single or group sleeping accommodations, and typically share bath and toilet facilities. Shared cooking and dining facilities may also be provided, while student bedrooms in dormitories are typically rented on an annual basis or for an academic semester or summer term. Accessory uses may include fitness facilities, pools, and similar accessory uses.

Drive-through facility⁴⁰⁴

A facility used to provide goods or services through a special window or station for customers who order from their vehicles and leave after receiving the service. The facility can be located in the principal building or in a separate structure. Use types that commonly use drive-through facilities include restaurants, banks (including ATMs), pharmacies, and car washes.

Dry cleaning and laundry pick-up services⁴⁰⁵

An establishment where laundry or dry cleaning is dropped off and picked up by customers and processed off-site, and where no laundering or dry-cleaning, or related services are done on-site.

Dry cleaning, laundry, and garment services⁴⁰⁶

An establishment where laundry or dry cleaning is dropped off and picked up by customers, and that also includes on-site laundering, dry cleaning activities, or garment tailoring services.

Dwelling unit⁴⁰⁷

A building or a portion of a building, arranged, designed, and intended for occupancy occupied by one family for living and sleeping purposes, with kitchen facilities for the exclusive use of one family.

Dwelling, four-family (fourplex)⁴⁰⁸

A single building on a single lot containing four individual dwelling units under one roof.

Dwelling, mobile home⁴⁰⁹

Any vehicle or similar portable structure mounted or designed for mounting on wheels, used or intended for use for permanent dwelling purposes and connected to utilities, including structural additions, but not including a recreational vehicle. Any vehicle or structure shall be deemed to be a mobile dwelling whether or not the wheels have been removed therefrom and whether or not resting on temporary or permanent foundations. A mobile home built on or after May 28, 1980 shall comply with the Uniform Standards Code for Manufactured Homes Act at Title 24, Ch. 5, Art. 1 of the Code of Alabama, 1975.

⁴⁰² New definition.

⁴⁰³ New definition.

⁴⁰⁴ New definition.

⁴⁰⁵ New definition.

⁴⁰⁶ Carries forward, revises, and modernizes the definition *Dry cleaners: Small dry cleaners* in Article VI, Section 11 of the current Zoning Ordinance.

⁴⁰⁷ Carries forward the current definition in Article VI, Section 11 of the current Zoning Ordinance.

⁴⁰⁸ New definition In the current Zoning Ordinance, the use *Apartment* is defined as a building with three or more dwelling units; this definition in part replaces that use.

⁴⁰⁹ Carries forward and revises the current definition in Article VI, Section 11 of the current Zoning Ordinance.

Dwelling, mobile home park⁴¹⁰

A tract of land under unified control that is designed, arranged, or used for the placement of mobile home dwellings, and provides streets, utilities, landscaping, sanitary facilities, and recreational facilities for the residents of the mobile home dwellings..

Dwelling, modular⁴¹¹

A dwelling unit constructed by the assembly of two or more premanufactured units, sections, or modules to be placed on a permanent foundation, thereby creating a permanent residence.

Dwelling, multifamily⁴¹²

One or more buildings on a single lot containing five or more dwelling units, each of which is arranged, designed, used, or intended to be occupied by one family. This definition excludes duplex, triplex, fourplex, townhouse, and patio-garden home uses, along with any Group Living or Visitor Accommodations uses.

Dwelling, patio-garden home⁴¹³

A single-family dwelling on a single lot, having only one side yard required, or two single-family dwellings connected by a firewall as required by the building code with only one side yard required per dwelling.

Dwelling, single-family detached⁴¹⁴

A building on a single lot containing only one dwelling unit which is not physically attached to any other principal structure and sits on a permanent foundation. This definition excludes mobile homes.

Dwelling, three-family (triplex) ⁴¹⁵

A building on a single lot containing three individual dwelling units.

Dwelling, townhouse⁴¹⁶

A residential structure containing between four and 12 dwelling units that are attached horizontally through, and entirely separated by, common walls, with each dwelling unit occupying space from the lowest floor to the roof of the building, and located on a separate lot. Each unit has its own entrance and is a minimum of two stories.

A single-family residential building on a single lot attached to a series of other single-family residential buildings by not more than two party walls. Townhouses must be built in groups of four to 12 townhouses and be connected by party walls. This definition of "townhouse" refers to single-family residential buildings, as described above, intended for sale to individuals or families, and not to residential units intended for rental purposes, whatever their configuration, and platted or individual lots.

⁴¹⁰ Carries forward and revises the current definition in Article VI, Section 11 of the current Zoning Ordinance.

⁴¹¹ Carries forward the definition in Article VI, Section 11 of the current Zoning Ordinance.

⁴¹² Carries forward and revises the current definition in Article VI, Section 11 of the current Zoning Ordinance and in doing so limits it to housing with five or more dwelling units to accommodate the new dwelling, two-family (duplex), dwelling, three-family (triplex), and dwelling, four-family (fourplex) uses. In the current Zoning Ordinance, the use *Apartment* is defined as a building with three or more dwelling units; this definition in part replaces that use as applied to buildings with five or more dwelling units.

⁴¹³ Carries forward the current definition in Article VI, Section 11 of the current Zoning Ordinance.

⁴¹⁴ Carries forward and revises the current definition in Article VI, Section 11 of the current Zoning Ordinance.

⁴¹⁵ New definition. In the current Zoning Ordinance, the use *Apartment* is defined as a building with three or more dwelling units; this definition in part replaces that use.

⁴¹⁶ Carries forward and revises the current definition in Article VI, Section 11 of the current Zoning Ordinance.

Dwelling, two-family (duplex)⁴¹⁷

A building on a single lot containing two dwelling units which is not physically attached to any other principal structure. Each unit has its own separate exterior entrance.

Dwelling, unit within a professional office building or industrial facility for owner or custodian⁴¹⁸

A residential unit designed to be occupied only by a person engaged to provide security services on the property where the unit is located, and/or by that person's immediate family members, and generally containing no more than one thousand (1,000) square feet of gross floor area.

E

Electric vehicle charging station⁴¹⁹

A vehicle parking space served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

- A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit, such as a typical household power outlet.
- A Level 2 charging station is a medium-speed charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt AC circuit.
- A Level 3, or Direct Current Fast Charging (DCFC) charging station, is a high-speed charging station that operates on a high-voltage Direct Current (DC) circuit and supports the fastest charging times.

Event venue⁴²⁰

A facility which does not have a permanent bar and which hosts, on a daily or occasional basis, events that are not open to the public.

F

FAA

Federal Aviation Administration

Farmers' market (as a principal use)⁴²¹

A collection of vendors using private or publicly owned property or property owned by a not-for-profit organization for the sale of agricultural and horticultural products, or for the sale of baked, canned, or preserved foods, or other value-added items produced by the vendor from any agricultural, horticultural, or forestry products, or for the sale of fresh foods prepared by the vendor. If the farmers' market occurs regularly for all or most of the year, it is considered a principal use. If the farmers' market occurs only occasionally or periodically for a limited time period during the year, it is considered a temporary use.

FCC

Federal Communications Commission

⁴¹⁷ Carries forward and revises the current definition in Article VI, Section 11 of the current Zoning Ordinance. Some communities permit the owner of a duplex to divide the lot along the common lot line, thereby providing fee simple ownership of the dwelling unit and land to each owner. That has not been included here.

⁴¹⁸ New definition.

⁴¹⁹ New definition.

⁴²⁰ New definition for a new use.

⁴²¹ New definition.

Food truck

See Sec. 6-491 of the City Code.

Fraternity or sorority house⁴²²

A building used for lodging by individuals who are members or affiliates of a fraternity or sorority while attending a college or university. It may include common rooms and facilities for cooking and dining for residents, employees, and guests of the residents.

Funeral home or mortuary⁴²³

An establishment providing services such as preparing the human or animal dead for burial, cremating human remains, and arranging and managing funerals, and which may include a crematorium.

G

Garage

See "Carport or garage."

Gas station⁴²⁴

An establishment for the retail sale of gasoline, oil (but no butane or propane fuels), or automobile accessories, and which may offer minor repair services and inspections including but not limited to battery charging, tire repairs, and oil and fluid changes, but not including painting or major repair. A convenience store may be permitted as an accessory use.

Golf course, public or private⁴²⁵

An area of land and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts, and similar recreational or service uses available either to the general public, or only to members and their guests.

Government facility⁴²⁶

An office or other facility of a federal, state, county, or City government or agency. Examples include general offices, employment offices, public assistance offices, motor vehicle licensing and registration services, maintenance and repair centers, equipment, and outdoor storage yards, and administrative offices that support the police, fire, and emergency medical services uses included in the public safety facility use, but excluding the Correctional Institution use.

Greenhouse or plant nursery⁴²⁷

A structure consisting primarily of light-transmitting materials, or an outside area on a residential site, that is used exclusively for growing plants or vegetables.

Group home⁴²⁸

Any premises which provides shelter, food, personal assistance and/or supervision for not more than ten individuals with developmental disabilities or mental illness and which is a permitted use in certain zoning districts in accordance with this Ordinance and Sec. 11-52-75.1 of the Code of Alabama, 1975. Two additional persons who carry out duties in connection with the supervision or management of the group home may also reside on the premises.

⁴²² New definition.

⁴²³ New definition.

⁴²⁴ New definition.

⁴²⁵ New definition.

⁴²⁶ New definition.

⁴²⁷ New definition.

⁴²⁸ New definition for a use required by state and federal law.

H

Hazardous waste collection and disposal⁴²⁹

A facility principally used for the processing, storage, or disposal of solid waste which, because of its quantity, concentration or physical, chemical, or infectious characteristics, may:

- a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Home occupation⁴³⁰

A business or occupation conducted within a dwelling unit by a resident of the dwelling that is incidental and subordinate to the use of the dwelling for residential purposes.

Hospice⁴³¹

An establishment that provides a coordinated program of inpatient care and services including the coordination of nursing care, social services, medical supplies, physician's services, counseling, and bereavement services for patients' families to hospice patients and families, through a medically directed interdisciplinary team, under interdisciplinary plans of care established pursuant to Sec. 22-21-20 of the Code of Alabama, 1975, in order to meet the physical, psychological, social, spiritual, and other special needs that are experienced during the final stages of illness, dying, and bereavement. This use is licensed by the Alabama Department of Public Health in accordance with Ala. Admin Code r. 420-5-17.

Hospital⁴³²

An institution providing health services primarily for human inpatient medical care for the sick or injured and including related facilities such as laboratories, outpatient facilities, emergency medical services, eating establishments, small retail sales establishments, and staff offices which are an integral part of the facility.

Hotel or motel⁴³³

A building or group of buildings in which temporary lodging is offered to guests for compensation, typically for fewer than 30 consecutive days. Guest rooms may have separate individual sleeping and living rooms and may include limited kitchen facilities. Accessory uses may include food and beverage uses, meeting rooms, and small-scale retail sales. This use does not include the bed and breakfast, or rooming or boarding house uses.

I

Industrial launderer⁴³⁴

An establishment where laundry or dry cleaning of clothes, other garments, rugs, carpet, upholstery, and other items is performed in bulk and primarily for commercial and institutional customers. The use does not include facilities where the public drops off or picks up dry cleaning or laundry that is cleaned off-site.

⁴²⁹ New definition.

⁴³⁰ New definition which replaces the existing definition in Article VI, Section 11 of the current Zoning Ordinance. The use standards in the definition have been relocated as a use-specific standard.

⁴³¹ New definition.

⁴³² New definition.

⁴³³ Carries forward and revises the current definition in Article VI, Section 11 of the current Zoning Ordinance. Motor court, which is defined in the current Zoning Ordinance as requiring separate exterior entrance to each guest room, has been consolidated and not carried forward separately.

⁴³⁴ New definition.

J

Junk, salvage, scrap, or wrecking yard⁴³⁵

An establishment or place of business which is maintained, operated, or used for storing, buying, processing, or selling junk or inoperable, unused, wrecked, or dismantled motor vehicles or motor vehicle parts, or equipment or machinery, or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials, or other salvage, waste, or junk materials. This use includes any establishment or place of business upon which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more.

K

Kitchen facility⁴³⁶

A portion of a building used or intended to be used for the preparation of food, and including facilities such as a sink, refrigerator, stove, and oven.

L

Landfill or dump⁴³⁷

A facility for the temporary or permanent storage or disposal of solid waste, such as a landfill, incinerator, or waste transfer station, operated in accordance with all federal, state, and local laws and regulations.

Laundry, self-service⁴³⁸

A facility that provides washing, drying, dry-cleaning, and/or ironing machines for hire for use by customers on the premises. It may or may not have an attendant.

Library⁴³⁹

A public facility for the use and loan, but not sale, of literary, musical, artistic, or reference materials. A library may also include meeting rooms, offices for library personnel, other support facilities, and incidental sales of items including food and beverages.

Light vehicle repair and maintenance⁴⁴⁰

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

Light vehicle sales and rental⁴⁴¹

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

⁴³⁵ New definition.

⁴³⁶ Revises and modernizes the definition in Article VI, Section 11 of the current Zoning Ordinance.

⁴³⁷ New definition.

⁴³⁸ Carries forward and revises the definition in Article VI, Section 11 of the current Zoning Ordinance.

⁴³⁹ New definition.

⁴⁴⁰ New definition. The 8,500-pound distinction is based on vehicle classification standards from the Environmental Protection Agency for "heavy duty" trucks.

⁴⁴¹ New definition.

Living area⁴⁴²

The conditioned (air conditioned or heated) area of a dwelling that is used for purposes of daily living, including sleeping, eating, cooking, and sanitation purposes. This does not include an unheated garage, crawlspace (even if enclosed or conditioned), or unenclosed porch.

M

Manufacturing, assembly, or fabrication, artisanal⁴⁴³

Small-scale fabrication, preparation, or production of arts, crafts, foods, and beverages by an artist, artisan, craftsperson, or cook, on the premises, by hand or with minimal automation. Examples include small-scale welding and sculpting or arts and crafts, small-scale 3D printing, firing of pottery or sculpture in kilns, and local, small-batch bakeries, candy shops, and cheese shops. Accessory uses include retail teaching of these skills to others during fabrication, preparation, or production. This use does not include production of alcoholic beverages or a restaurant.

Manufacturing, assembly, or fabrication, heavy⁴⁴⁴

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, lumber yard or sawmills, primary metal processing, animal slaughtering and processing, grist and flour milling, and fabricated metal product manufacturing.

Manufacturing, assembly, or fabrication, light⁴⁴⁵

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place. Such processes shall be housed entirely within a building. Light manufacturing generally includes processing and fabrication of finished products (such as woodworking, metalworking, or printing), predominantly from previously prepared materials, and includes processes which do not require extensive floor areas or land areas.

Manufacturing, assembly, or fabrication, medium⁴⁴⁶

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 of abrasive products, chemicals, equipment, plastics and rubber, lime and gypsum, mineral wool/fiberglass insulation, large-scale home furniture, glass products, and cut stones.

Marina⁴⁴⁷

A waterfront facility which, for a fee, provides for the berthing, mooring, or water storage of boats. The use may include such facilities as major and minor boat repair; boat docks, piers, and slips; boat fueling; dry land boat maintenance and storage; pumpout stations; fishing piers; beaches; erosion control devices; boat ramps, lifts, and launching facilities; boat sales, including parts; restaurants; ship's store; sale of ice; car and boat trailer parking; laundromat; locker rooms; cabanas; bathhouse; public showers; outdoor playing courts; and picnic areas.

⁴⁴² New definition.

⁴⁴³ New definition.

⁴⁴⁴ New definition.

⁴⁴⁵ New definition.

⁴⁴⁶ New definition.

⁴⁴⁷ New definition.

Maximum extent practicable⁴⁴⁸

The degree to which a project meets an adopted standard in which all possible efforts to comply with the standard or to minimize harmful or adverse effects have been undertaken, but full compliance cannot be achieved, and no feasible or practical alternative exists. Economic considerations may be taken into account but shall not be the overriding factor in determining the maximum extent practicable.

Medical or dental clinic⁴⁴⁹

A public or private facility that provides health services in one or more medical or dental specialty to patients who are not lodged overnight. This includes physician offices, examining rooms, and equipment for the outpatient medical or dental care of the sick and injured, as well as facilities that provide care of chronic medical conditions and treatment services such as dialysis.

Medical or dental laboratory⁴⁵⁰

Facilities and offices for performing services to provide information or materials for use in the diagnosis, prevention, or treatment of a disease or a medical or dental condition. Such services include, but are not limited to, the examination of bodily fluids or tissues and the production or repair of prosthetic dentures, bridges, or other dental appliances. Such facilities may be a part of doctor's or dentist's office.

Model sales home⁴⁵¹

A dwelling unit located in a particular residential development temporarily used for display purposes as an example of a dwelling unit to be available for sale or rental in that development. Model homes may also incorporate sales or rental offices for dwellings within the development.

N

Nightclub⁴⁵²

An establishment, whether public or a private club, including cocktail lounges, which serves a predominantly adult clientele, and whose primary business is the sale of alcoholic beverages for consumption on the premises in conjunction with music and performances, whether live or by a disc jockey. The purchase of food is at the option of the customers and not required by the operator.

Nursing home⁴⁵³

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

O

Office, general⁴⁵⁴

Establishments used for conducting the affairs of various businesses, professions, services, nonprofit organizations, or government agencies—including conducting the affairs of professionals (architects, engineers, attorneys, accountants, planners, etc.), administration, business incubation, research and development, publishing (not including the printing of publications, which is categorized under “manufacturing, assembly, or fabrication, light”), employment services, record keeping, clerical work, and similar business functions, as well as offices for physicians and dentists . Accessory uses may include

⁴⁴⁸ New definition.

⁴⁴⁹ New definition.

⁴⁵⁰ New definition.

⁴⁵¹ New definition.

⁴⁵² New definition.

⁴⁵³ New definition.

⁴⁵⁴ New definition.

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uses that serve the daily needs of office employees, such as cafeterias, restaurants, coffee shops, and limited retail sales intended to serve the users of the office establishment.

Outdoor display of merchandise⁴⁵⁵

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

Outdoor seating or activity area⁴⁵⁶

The provision of on-site outdoor seating or entertainment areas by an eating or drinking establishment where food or beverages are served for consumption or where outdoor entertainment takes place. The accessory use also may include outdoor seating areas on public sidewalks in front of the establishment.

Outdoor storage area⁴⁵⁷

An area that provides for outdoor storage of machinery and equipment, not including vehicles.

P

Package store⁴⁵⁸

A store which sells or offers to sell liquor and other alcoholic beverages as well as other items incidental to the sale of alcoholic beverages, for off-premises consumption.

Parking facility (as a principal or accessory use)⁴⁵⁹

An off-street facility that is used exclusively for the temporary storage of motor vehicles. Parking spaces may be on the surface or in a structure composed of one or more levels. A structured parking facility may be completely below grade or partially or totally above grade, with levels either being open to the sides (deck) or enclosed (garage). A parking facility as a principal use is a parking facility that is not on the same parcel or part of the same development as another principal use which utilizes the parking facility. A parking facility as an accessory use is a parking facility that is typically used to park cars for other uses on the same parcel or development as the parking facility.

Passenger terminal, surface transportation⁴⁶⁰

Any structure or transit facility that is primarily used for the purpose of loading, unloading, or transferring of passengers or accommodating the movement of passengers from one mode of transportation to another. This use does not include bus stops and bus shelters, which are considered to be minor utility uses.

Performing arts center

One or more adjoining structures housing theaters or performance space for dramatic, dance, or musical productions; schools, training centers, or practice space for artists; or cinemas. This use includes accessory office, storage, or workplace areas that support the principal uses, and may include other accessory uses that support patrons such as eating and drinking facilities.

Personal grooming or well-being service⁴⁶¹

A facility that provides hair styling, hair coloring, nail care (including manicures and pedicures), facials, makeup, permanent makeup, and other similar salon services. A beauty salon may also include a day spa that offers massage treatment or other services related to hygiene or body care, or similar services. This

⁴⁵⁵ New definition.

⁴⁵⁶ New definition.

⁴⁵⁷ New definition.

⁴⁵⁸ New definition.

⁴⁵⁹ New definition.

⁴⁶⁰ New definition.

⁴⁶¹ New definition.

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use includes an establishment licensed by the Alabama Board of Massage Therapy that provides therapeutic massages.

Personal or household goods repair⁴⁶²

An establishment primarily engaged in the provision of repair services for consumer goods such as computers and related electronics, televisions, audio equipment, bicycles and sports equipment, clocks, watches, shoes, guns, clothing, appliances, office equipment, or similar products.

Pet care service⁴⁶³

An establishment that provides care to a household pet belonging to people not residing on the premises, that can include washing, manicuring of coat and nails, and daycare. It shall not include the breeding, training, overnight boarding, offering for sale, or the provision of medical treatment.

Place of worship⁴⁶⁴

A structure, together with its accessory buildings and uses, where people regularly assemble to conduct religious worship, ceremonies, rituals, and related education. The structure and its accessory buildings and uses are maintained and controlled by a religious body. Places of worship include chapels, churches, mosques, shrines, synagogues, tabernacles, temples, and other similar religious places of assembly. Accessory uses may include administrative offices, classrooms, meeting rooms, schools, day care facilities, and cooking and eating facilities.

Portable storage unit⁴⁶⁵

A container that is designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods and that does not contain a foundation or wheels for movement. This use includes shipping containers that can be transported by mounting on a chassis, and POD-type boxes that can be transported on a flatbed or other truck.

Post office⁴⁶⁶

A facility that provides mailing services, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for the United States mail.

Public assembly, indoor⁴⁶⁷

Buildings or indoor facilities including banquet, assembly, and dance halls. This use includes public and semi-public auditoriums, exhibition, and convention centers, meeting, event, and conference centers, including kitchens for the preparation of food to be consumed at the premises.

Public park, playground, or greenway⁴⁶⁸

An outdoor area designed and used for public recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty. This includes paved greenways, natural surface trails, open fields, arboreta, botanical gardens, sports fields, dog parks, skate parks, plazas, splash pads, playgrounds, picnic areas, and similar amenities, but does not include commercial amusement parks or commercial outdoor recreation facilities.

Public safety facility⁴⁶⁹

A building used to provide police, fire, or emergency medical services to the surrounding community.

⁴⁶² New definition.

⁴⁶³ New definition.

⁴⁶⁴ New definition.

⁴⁶⁵ New definition.

⁴⁶⁶ New definition.

⁴⁶⁷ New definition.

⁴⁶⁸ New definition.

⁴⁶⁹ New definition.

R

Recording studio⁴⁷⁰

An establishment for the primary purpose producing, editing, and storing audio.

Recreation facility, indoor⁴⁷¹

An establishment for indoor recreation or entertainment-oriented activities. Facilities may include amusement arcades, amusement centers, aquatic centers, health and fitness facilities, recreation courts and facilities (for all sports), climbing centers, paintball or laser tag centers, trampoline centers, bowling alleys, pool halls, skating facilities, and similar uses. Accessory uses may include snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal indoor recreation uses.

Recreation facility, outdoor⁴⁷²

An establishment for outdoor recreation or entertainment-oriented activities. Facilities may include archery or baseball batting cages, athletic fields, miniature golf courses, golf driving ranges, recreation courts, swimming pools, aquatics centers (including water slides), tennis and other racquet courts, and similar activities. Accessory uses may include snack bars, pro shops, and club houses, which are designed and intended primarily for the use of patrons of the outdoor recreation facility.

Recreational vehicle (RV)⁴⁷³

A recreational vehicle (RV) includes the following:

Boat

A recreational vehicle designed or intended for operation on water. Boats and trailers to transport same shall be considered a recreational vehicle, and subject to the same requirements and restrictions applying to other recreational vehicles.

Camping trailer

A vehicular portable structure mounted on wheels, constructed with collapsible partial side walls or fabric, plastic, or other pliable material for folding compactly while being drawn by another vehicle, and when unfolded at the site or location, providing temporary living quarters; and whose primary design is for recreation, camping, or travel use.

Motor home

A structure built on and made an integral part of a self-propelled motor vehicle chassis other than a passenger car, primarily designed to provide temporary living quarters for recreation, camping and travel.

Travel trailer

A vehicular portable structure mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a stock passenger automobile; primarily designed and constructed to provide temporary living quarters for recreation, camping, or travel use.

Truck camper

A portable structure, designed to be loaded onto, or affixed to, the bed/or chassis of a truck, constructed to provide temporary living quarters for recreation, camping or travel use.

⁴⁷⁰ New definition.

⁴⁷¹ New definition.

⁴⁷² New definition.

⁴⁷³ Carries forward the definition in Article VI, Section 11 of the current Zoning Ordinance.

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Recreational vehicle (RV) park⁴⁷⁴

A tract of land under unified ownership that has been designed, arranged, or used for the temporary placement of recreational vehicles and includes permanent sanitary facilities and other services adequate for the number of recreational vehicle spaces available.

Recycling collection center⁴⁷⁵

A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper, or clothing for recycling purposes conducted totally within an enclosed structure or container. This use does not include processing except for can banks that crush cans as they are deposited.

Recycling processing center⁴⁷⁶

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.

Restaurant, drive-in⁴⁷⁷

An establishment that primarily serves food and beverages to customers located in vehicles for consumption on or off premises.

Restaurant, sit-down⁴⁷⁸

An establishment that serves food and beverages to customers primarily seated at tables or self-served with food consumed on the premises. Outdoor dining or drive-through service may be allowed if permitted as an accessory use in the zone district where the establishment is located. This use does not include drive-in restaurants.

Retail sales and services, general⁴⁷⁹

An establishment that that engages in the sale or short-term rental of goods and merchandise to the general public for personal or household consumption. Typical uses include newsstands, food stores, hardware stores, building supply stores, garden supply stores, pet food stores, antique stores, jewelry stores, pharmacies, furniture stores, florists, bakeries, department stores, auto parts stores (without vehicular service), grocery stores, specialty food stores, equipment rental shops, wedding supply rental establishments, sports equipment stores, bicycle sales, electronic equipment stores, and bookstores. This does not include similar uses that are separately defined in this Ordinance, including those in the Retail Sales and Services Uses category in Table 4-1: Principal Use Table and Section 4.2.3(F)(6). Retail Sales and Services Uses.

Roadside agriculture stand⁴⁸⁰

A structure used for the display and sale of agricultural products or wares with no space for customers within the structure itself. This structure may be unenclosed and designed and constructed so it can be easily moved. It may be a principal use or accessory to a primary residential use or agricultural use.

⁴⁷⁴ Carries forward, revises, and modernizes the definition of *Travel trailer park* in Article VI, Section 11 of the current Zoning Ordinance.

⁴⁷⁵ New definition.

⁴⁷⁶ New definition.

⁴⁷⁷ Carries forward, revises, and modernizes the definition in Article VI, Section 11 of the current Zoning Ordinance.

⁴⁷⁸ New definition.

⁴⁷⁹ New definition.

⁴⁸⁰ Carries forward, revises, and modernizes the definition in Article VI, Section 11 of the current Zoning Ordinance.

Rooming or boarding house⁴⁸¹

A building or portion of a building that contains three to nine guest rooms which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation. The compensation may include money, services, or other things of value. Lodging may or may not include the serving of meals to the lodgers, while facilities for lodgers may include sleeping or living quarters or rooms (with or without individual bathrooms) but cannot include individual cooking facilities.

S

Satellite dish, accessory⁴⁸²

A parabolic antenna designed to receive electromagnetic transmissions from extraterrestrial sources such as a satellite.

School, private or parochial

An educational institution operated by an entity other than a public school district that offers a program of education for grades pre-kindergarten through 12th grade meeting state requirements for a school. Accessory uses may include classrooms, laboratories, auditoriums, libraries, cafeterias, after-school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

School, public

An educational institution operated by a public school district, or a public charter school, that offers a program of education for grades pre-kindergarten through 12th grade meeting state requirements for a school. Accessory uses may include classrooms, laboratories, auditoriums, libraries, cafeterias, after-school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

Self-storage⁴⁸³

An enclosed permanent facility that leases storage space to the general public and may provide indoor or outdoor space to store larger items such as cars, boats, and recreational vehicles. No business or service may be allowed to operate out of a rented storage space.

Semi-public use⁴⁸⁴

A service or facility offered by a not-for-profit organization that is generally made available to the general public for no charge or a nominal fee.

Shooting range, indoor⁴⁸⁵

A facility for practice or competition with firearms occurring entirely within a building.

Shooting range, outdoor⁴⁸⁶

A facility for practice or competition with firearms not occurring entirely within a building.

Shoreline structure⁴⁸⁷

A water-related structure which is required to be located at the water's edge to fulfill its basic purpose. Examples include boat ramps, docks, floats, marine railways, piers, kayak launches, and bulkheads/sea walls. This use does not include marinas or boat houses.

⁴⁸¹ Carries forward, revises, and modernizes the definition in Article VI, Section 11 of the current Zoning Ordinance

⁴⁸² New definition.

⁴⁸³ New definition.

⁴⁸⁴ New definition.

⁴⁸⁵ New definition.

⁴⁸⁶ New definition.

⁴⁸⁷ New definition.

Solar energy collection facility, large scale⁴⁸⁸

A facility consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, and storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in water heating or space heating and cooling, or that collects solar energy and converts it into electricity. As a principal use, a solar energy collection system is designed to meet demands for a large area and is typically mounted on the ground.

Solar energy collection facility, small scale⁴⁸⁹

Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roof(s) of principal or accessory structures but may be mounted on other parts of structures or on the ground.

Special event

A temporary commercial or festive activity or promotion at a specific location that is planned or reasonably expected to attract large assemblies of persons. Temporary special events include, but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, equestrian shows and events, corporate receptions, and weddings. This use does not include events on public property included within the definition in Sec. 26-201 of the City Code.

Stadium, arena, or amphitheater

A building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, and maintenance areas.

Storage building⁴⁹⁰

A building accessory to the principal building on the site that is used primarily for the storage of nonhazardous material.

Street⁴⁹¹

Any public right-of-way used or intended to be used for motor vehicles, non-motorized vehicles, and pedestrians. If the public right-of-way existed before the adoption of the City's Zoning Ordinance on September 17, 1963, it is a street if it is at least 21 feet in width. If dedicated after September 1, 1963, the public-right-of-way is a street if it is at least 40 feet in width.

Supportive housing⁴⁹²

Any premises which provides shelter, food, personal assistance, or supervision for individuals who do not have developmental disabilities or mental illness but who require medical, correctional, or other mandated supervision, and whose joint residence does not meet the definition of another use in this Ordinance. This use includes a halfway house that assists residents in transitional from more restrictive custodial confinement back into society, a shelter for persons experiencing homelessness, a group home for persons recovering from drug or alcohol addiction, and a domestic violence shelter. This use shall house not more than eight persons, including staff and clients.

⁴⁸⁸ New definition.

⁴⁸⁹ New definition.

⁴⁹⁰ New definition.

⁴⁹¹ Revises and modernizes the definition in Article VI, Section 11 of the current Zoning Ordinance.

⁴⁹² New definition that is based on the "halfway house" use that is permitted in institutional districts, along with prisons or jails, and includes other types of living arrangement that City staff seek to regulate.

T

Tiny house⁴⁹³

A single-family dwelling unit containing less than 750 square feet of gross floor area, that is installed on an engineered permanent foundation and complies with either the City's adopted building code or is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., as amended.

Tiny house community⁴⁹⁴

A lot or parcel of land held under single ownership or unified control upon which two or more tiny houses, occupied for residential purposes, are located and for which a charge is made for such accommodations, and including any structures used or intended for use as a part of such park to provide amenities or services to its residents.

Tobacco and vape products store⁴⁹⁵

An establishment primarily engaged in the retail sale of cigarettes, cigars, tobacco, other smokers' supplies, or vape products.

Truck or freight terminal⁴⁹⁶

An area or building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis, or where semitrailers, including tractors or trailer units, are parked or stored. This use includes facilities commonly referred to as "freight logistics."

U

Utility, major⁴⁹⁷

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility facilities include private potable water treatment plants, water towers, wastewater treatment plants, solid waste facilities, gas compressor stations, and electrical substations. This use does not include communication towers or equipment, package plants that treat wastewater for a single residential subdivision, or septic systems.

Utility, minor⁴⁹⁸

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

⁴⁹³ New definition for a new dwelling type. The maximum size of a tiny house varies by community, but is generally within 400 and 600 square feet.

⁴⁹⁴ New definition for a new use.

⁴⁹⁵ New definition for a use that communities use to limit the places where these particular retail uses take place.

⁴⁹⁶ New definition.

⁴⁹⁷ New definition.

⁴⁹⁸ New definition.

V

Vehicle towing and wrecker service⁴⁹⁹

An establishment providing the service of transporting individual motor vehicles and providing temporary storage of the vehicles, whether operable or temporarily inoperable, in an impound yard or storage area. This does not include junk, salvage, scrap, or wrecking yards.

Veterinary hospital or clinic⁵⁰⁰

A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals. Accessory uses may include animal grooming services, short-term boarding that is incidental to medical care or treatment, and limited retail sales of pet-related merchandise.

W

Waste composting facility⁵⁰¹

A facility where organic matter derived primarily from off-site is processed by composting or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

Waste transfer facility⁵⁰²

An establishment that receives solid or liquid waste from others for transfer to another location for disposal or other processing.

Wholesale, heavy or hazardous materials⁵⁰³

A facility for the storage, distribution, and handling of flammable, hazardous, or noxious materials and equipment offered for wholesale distribution, and not for direct sale to the general public.

Wholesale, florist and nursery supply⁵⁰⁴

A facility for the storage, distribution, and handling of garden plants, shrubs, trees, or vines for wholesale trade, and not for direct sale to the general public.

Wholesale sales⁵⁰⁵

Establishments or places of business primarily engaged in selling to retail, industrial, commercial, institutional, or professional business users or to other wholesalers, but not to the public at-large, merchandise, including but not limited to drugs and chemicals, dry goods and apparel, electrical goods, farm products, food, grocery products, hardware, plumbing, heating equipment, machinery, motor vehicles, and automobile equipment, but not including goods included in the “Wholesale, heavy or hazardous materials” or “Wholesale, florist and nursery supply” uses. Such use generally includes facilities for storage and distribution of goods and may include display areas.

Wind energy facility, small⁵⁰⁶

A facility that converts the kinetic energy in wind into mechanical energy, with a rated capacity of less than one megawatt or that uses wind energy turbines that do not exceed 200 feet in height.

⁴⁹⁹ New definition.

⁵⁰⁰ New definition.

⁵⁰¹ New definition.

⁵⁰² New definition.

⁵⁰³ New definition.

⁵⁰⁴ New definition.

⁵⁰⁵ New definition.

⁵⁰⁶ New definition.

Z

Zoo⁵⁰⁷

A facility, indoor or outdoor, where animals are kept for viewing by the public. Accessory uses may include office, retail, and other commercial uses commonly established in such facilities.

⁵⁰⁷ New definition.