402 LEE STREET
DECATUR, ALABAMA 35601
NOVEMBER 4, 2024

Council Chambers	**Regular City Council Meeting**	**6:00 PM**

I. CALL MEETING TO ORDER:

II. INVOCATION:

III. PLEDGE OF ALLEGIANCE:

IV. ROLL CALL OF ELECTED OFFICIALS:

Council President Jacob Ladner, District 5
Council Pro-Tempore Kyle Pike, District 2
Council Member Billy Jackson, District 1
Council Member Carlton McMasters, District 3
Council Member Hunter Pepper, District 4

V. AGENDA RELATED PUBLIC COMMENTS:

VI. APPROVAL OF MINUTES:

A. October 14, 2024 - 5:00 PM Council Work Session
10.14.2024 WS.pdf

B. October 21, 2024 - 9:30 AM Council Work Session
10.21.2024 WS.pdf

C. October 21, 2024 - 10:00 AM Council Meeting
10.21.2024 CM.pdf

VII. PUBLIC HEARINGS:

A. Ordinance No. 24-4594: Approve Zoning Ordinance Rewrite and Zoning Map
Public Hearing was set October 7, 2024
Ord_No_24-4594_Zoning_Rewrite_Document.pdf
LEGAL_NOTICE_Zoning_Rewrite.docx
LEGAL NOTICE 2 Zoningrewrite.docx

Zoning Resolutions.pdf
2024 Zoning FINAL Sept 2024.docx

VIII.RESOLUTIONS:

A. Resolution No. 24-244: Approve request for final suspension or revocation of the City of Decatur Business license for Tio Juan Mexican Grill operating at 1318 6th Avenue SE, Decatur AL 3560l, or any location within the City of Decatur, due to multiple tax delinquencies
Res_No_24-244_Tio_Juan_Final_suspension.pdf

B. Resolution No. 24-253: Award Bid #24-036 to North Alabama Glass for 7th Floor Office Wall
Res_No_24-253_Bid_24-036.pdf
24-036 Bid Tab (Recovered) (Recovered).xlsx

C. Resolution No. 24-258: Approve 7th Floor Renovations for Court Payment Center
Res_No_24-258_7th_Floor_Reno_Court_Payment_Center.pdf
CCE10142024_0001.pdf
City Of Decatur 7th Floor Renovations for Court Payment Center.pdf
City Hall 7th floor Quote 10-17-24.pdf

D. Resolution No. 24-259: Approve Amendment to the Professional Services Agreement for Recreation Center
Res_No_24-259_Amend_Professional_Services_Agreement_GMC.pdf
G802-2017 - Amendment Decatur Rec-R2 attachments.pdf

E. Resolution No. 24-260: Accept 2024-25 Family Matters Grant for Children's Trust Fund
Res_No_24-260_Family_Matters_Grant.pdf
Signed Beason Hammond.pdf

F. Resolution No. 24-261: Authorize the Mayor to purchase 523 11th Ave NW from the State of Alabama
Res_No_24-261_Purchase_523_11th_Ave_NW.pdf
Scanned from a Xerox Multifunction Printer (013).pdf

G. Resolution No. 24-262: Approve the Amendment to Recycling Partnership Grant Agreement
Res_No_24-262_Recycling_Partnership_Grant_Amendment.pdf

H. Resolution No. 24-263: Approve the purchase of recycling carts from Toter, LLC
Res_No_24-263_Recycling_Carts__TRP_Grant.pdf
Toter Cart Quote20241017_09040472.pdf

I. Resolution No. 24-264: Approve agreement with ContainerPros Professional Waste Services for the unloading, assembly, and delivery of recycling carts
Res_No_24-264_ContainerPros_Cart_Delivery.pdf
ContainerPro Agreement Revised 10.28.2024.pdf

J. Resolution No. 24-265: Retirement of K-9 Officer Baron

Res_No_24-265_K-9_Officer_Baron_Retirement.pdf

K. Resolution No. 24-266: Approve Executive Recruitment for Director of Planning
Res_No_24-266_Executive_Recruitment_for_Director_of_Planning.pdf

IX. ORDINANCES:

A. Ordinance No. 24-4596: Annexation 378-24 5.06 Acres at 2612 Old Moulton Road
Ord No 24-4596 Annexation_378-24.pdf
Aerial Map.pdf
Annexation Packet.pdf

X. BOARDS AND COMMITTEES:

A. Appoint Bonnie Hurst to the Library Board with term expiring June 30, 2025

B. Appoint Flor Gonzalez as a Full Board Member to the Board of Zoning Adjustment with term ending December 31, 2026

C. Appoint Mark Moody as Supernumerary to the Board of Zoning Adjustment with term ending December 31, 2026

XI. PUBLIC COMMENT:

XII. ADJOURNMENT:

The next Council Work Session will be held on November 18, 2024 at 9:00am.
The next Regular Council Meeting will be held on November 18, 2024 at 10:00am.
Note: Changes to a City Council Agenda may be necessary prior to the City Council meeting. Such changes may not be included on the City Council Agenda on the website.

PLEASE BE ADVISED: ANYONE PLANNING TO MAKE A PRESENTATION TO THE COUNCIL AT A WORK SESSION OR RELATED TO AN ITEM BEING ADDRESSED AT A COUNCIL MEETING THAT WILL REQUIRE AUDIO/VISUAL EQUIPMENT (I.E. POWERPOINT, SCREEN, PROJECTOR, ETC.) ARE REQUIRED TO NOTIFY THE INFORMATION SYSTEMS DEPARTMENT **TWO BUSINESS DAYS** BEFORE THE PRESENTATION AT 256-341-4700.

AGENDA ITEM NO. VI.A

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 4, 2024

SUBMITTED BY: Stephanie Simon,City Clerk

ITEM TYPE: Minutes

AGENDA SECTION: APPROVAL OF MINUTES:

SUBJECT: October 14, 2024 - 5:00 PM Council Work Session

FINANCIAL IMPACT: NA

SUGGESTED ACTION:

ATTACHMENTS:
10.14.2024 WS.pdf

CITY HALL, DECATUR, ALABAMA, OCTOBER 14, 2024 – 5:00 PM WORK SESSION

The members of the City Council of the City of Decatur, Alabama met on Monday, October 14, 2024 at 5:00 p.m. in the Council Chambers on the 1st floor of Decatur City Hall located at 402 Lee Street, Decatur, AL.

The following members were present: Ladner, McMasters, Jackson & Pike
Absent: Pepper

Present at the work session were Mayor Bowling, City Attorney Herman Marks, CFO Kyle Demeester, Revenue Manager Lori Rossetti, Chief Thornton, Development Director Dane Shaw, Community Development Manager Allen Stover, Community Development Inspector Josh Sloan, City Planner Tommie Williams, IS Director Brad Phillips, Purchasing Agent Jeremy Sherrill, City Engineer Carl Prewitt, Building Manager Kurt Johnson, Parks & Recreation Director Jason Lake, Decatur Utilities Representatives Gary Borden, Lisa Terry, Tom Cleveland, Glenn Boyles, Jimmy Evans and City Clerk Stephanie Simon.

Council reviewed the October 21, 2024 agenda.

Mike Faruqui questioned multiple agenda items.

Decatur Utilities Representatives Gary Borden, Tom Cleveland, Glenn Boyles and Jimmy Evans presented to Council the FY25 MUB expenditure items that exceed $100,000.

Mayor Bowling left at 6:15pm

Public Comment:

Mike Faruqui questioned Chief Pinion's plan, requested updates on it and his FOIA request.

Mr. Marks stated the FOIA request submitted by Mr. Faruqui was not subject to release according to the public records law.

Craig Johnson spoke on hypocrisy and the Face Book post made by Mayor Bowling.

Sarah French questioned why there was no discipline against Mayor Bowling for his social media post but there was with Kevin Jackson's. She also spoke on how those fighting for justice have become family.

There being no further business the meeting adjourned at 6:27pm.

AGENDA ITEM NO. VI.B

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 4, 2024
SUBMITTED BY:	Stephanie Simon,City Clerk
ITEM TYPE:	Minutes
AGENDA SECTION:	APPROVAL OF MINUTES:
SUBJECT:	October 21, 2024 - 9:30 AM Council Work Session
FINANCIAL IMPACT:	NA
SUGGESTED ACTION:	

ATTACHMENTS:
10.21.2024 WS.pdf

CITY HALL, DECATUR, ALABAMA, OCTOBER 21, 2024 – 9:30 AM WORK SESSION

The members of the City Council of the City of Decatur, Alabama met on Monday, October 21, 2024 at 9:30 a.m. in the Council Chambers on the 1st floor of Decatur City Hall located at 402 Lee Street, Decatur, AL.

The following members were present: Ladner, McMasters & Pike
Absent: Jackson & Pepper

Present at the work session were Mayor Bowling, City Attorney Herman Marks, CFO Kyle Demeester, Chief Thornton, Development Director Dane Shaw, IS Director Brad Phillips, Building Manager Kurt Johnson, Parks & Recreation Director Jason Lake, Decatur Utilities Representatives Lisa Terry, Gary Borden, Tom Cleveland, Glenn Boyles, Jimmy Evans, and City Clerk Stephanie Simon.

Council reviewed the October 21, 2024 agenda.

Resolution No. 24-236 for weed abatement at 213 6th Ave NW was removed from the agenda as it had been paid.

CFO Kyle Demeester updated Council on Tio Juan's status with non-payment of taxes and his concerns as the business was in the same position one year ago. Mr. Demeester stated tax returns May 2024 to August 2024 and liquor tax returns May 2024 to July 2024 have been received but no payments have been made and the manager had asked to pay a portion of what is due.

Council President Ladner has asked for the 7th floor renovation agenda items to be tabled to the November 4th meeting as was requested by Councilman Jackson.

There being no further business the meeting adjourned at 9:39am.

AGENDA ITEM NO. VI.C

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 4, 2024
SUBMITTED BY:	Stephanie Simon,City Clerk
ITEM TYPE:	Minutes
AGENDA SECTION:	APPROVAL OF MINUTES:
SUBJECT:	October 21, 2024 - 10:00 AM Council Meeting
FINANCIAL IMPACT:	NA
SUGGESTED ACTION:	

ATTACHMENTS:
10.21.2024 CM.pdf

MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 21, 2024 – 10:00 AM

I. CALL MEETING TO ORDER:
Council President Ladner called the meeting to order at 10:00am.

II. INVOCATION:
City Attorney Herman Marks provided the invocation.

III. PLEDGE OF ALLEGIANCE:
City Attorney Herman Marks led the Pledge of Allegiance.

IV. ROLL CALL OF ELECTED OFFICIALS:
Present - Council President Jacob Ladner, District 5
Present - Council Pro-Tempore Carlton McMasters, District 3
Absent - Council Member Billy Jackson, District 1
Present - Council Member Kyle Pike, District 2
Absent - Council Member Hunter Pepper, District 4

V. REORGANIZATION OF COUNCIL:

A. Elect Council President
Councilman McMasters nominated Jacob Ladner for Council President.

Moved by Carlton McMasters; seconded by Kyle Pike to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

B. Elect Council Pro-Tempore
Councilman McMasters nominated Councilman Pike as Pro-Tempore.

Moved by Carlton McMasters; seconded by Kyle Pike to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

VI. AGENDA RELATED PUBLIC COMMENTS:

Council President Ladner stated the changes are for Council to be able to conduct business but also to give the public a chance to speak on agenda items.
Mike Faruqui questioned AP checks to vendors in relation to Chief's plan and how United Health Care will impact it.
Mr. Marks stated United Health Care is coverage for city retirees and neither will be affected.

VII. APPROVAL OF MINUTES:

A. September 18, 2024 - 2:00 PM Special Called Council Work Session

09.18.2024 SCCWS.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

B. September 30, 2024 - 5:00 PM Council Work Session

09.30.2024 WS.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

C. October 7, 2024 - 5:30 PM Council Work Session

10.07.2024 WS.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

D. October 7, 2024 - 6:00 PM Council Meeting

10.07.2024 CM.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 2- 1
Voting For: Jacob Ladner, Kyle Pike
Voting Against: Carlton McMasters

VIII. APPROVE MONTHLY BILLS:

A. Approve September 2024 Monthly Bills

September 2024 Checks.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

IX. SET PUBLIC HEARINGS:

A. Ordinance No. 24-4595: Pre-Zoning Request No. 1425-24 2612 Old Moulton Road SW November 18, 2024 at 6:00pm.
Ord_No._24-4595 Pre-Zoning_-_1425-24_-_2612_Old_Moulton_Rd.pdf
Exhibit A - Pre-zoning 1425-24.pdf
Legal_1_document_-_1425-24 2612 Old Moulton.pdf
Legal_2_document_1425-24 2612 Old Moulton.pdf
Aerial Map.pdf

X. PUBLIC HEARINGS:

A. Ordinance No. 24-4589: Approve Rezoning 1426-24 for 410 Railroad Street
Public Hearing was set September 16, 2024
This being the date, time and place set for the public hearing Council President Ladner opened the meeting for comment. There being none he closed the hearing and asked Council for a motion.
Ord_No_24-4589_Zoning_1426-24_410_Railroad_Street.pdf
Legal_1_-_Zoning_1426-24.pdf
Legal_2_-_Zoning_1426-24.pdf
Sec._25_11.___Business_district_requirements. (1).pdf
Rezoning Map.pdf

Moved by Carlton McMasters; seconded by Kyle Pike to Approve .

Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

XI. WEED ABATEMENTS:

A. Resolution No. 24-234: Assess $348.00 against 219 4th Ave. NW for cost of abatement of nuisance

Res No 24-234 219 4th Ave NW.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

B. Resolution No. 24-235: Assess $348.00 against 301 4th Ave. NW for cost of abatement of nuisance

Res no 24-235 301 4th Ave NW.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

C. Resolution No. 24-236: Assess $348.00 against 213 6th Ave. NW for cost of abatement of nuisance
This weed abatement was removed from the agenda during the work session as it had been paid.

D. Resolution No. 24-237: Assess $348.00 against 110 7th Ave. NW for cost of abatement of nuisance

Res No 24-237 110 7th Ave NW.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

E. Resolution No. 24-238: Assess $348.00 against 507 13th Ave. NW for cost of abatement of nuisance

Res No 24-238 507 13th Ave NW.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

F. Resolution No. 24-239: Assess $348.00 against 502 14th Ave. NW for cost of abatement of nuisance

Res No 24-239 502 14th Ave NW.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

G. Resolution No. 24-240: Assess $348.00 against 506 14th Ave. NW for cost of abatement of nuisance

Res No 24-240 506 14th Ave.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

H. Resolution No. 24-241: Assess $348.00 against 709 7th Ave. SE for cost of abatement of nuisance

Res No 24-241 709 7th Ave SE.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

I. Resolution No. 24-242: Assess $365.00 against 1213 Mill St. SE for cost of abatement of nuisance

Res No 24-242 1213 Mill.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

XII. RESOLUTIONS:

A. Resolution No. 24-243: Preliminary Approval of MUB FY25 Expenditures Expected to Exceed $100,000

Res No 24-243 Preliminary Approval FY25 MUB.pdf
Council Letter 10 21 24.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

B. Resolution No. 24-244: Approve request for final suspension or revocation of the City of Decatur Business license for Tio Juan Mexican Grill operating at 1318 6th Avenue SE, Decatur Al 3560l, or any location within the City of Decatur, due to multiple tax delinquencies
CFO Kyle Demeester stated there has been little to no communication and tax forms were just received for the months of July to August and no payments.
Tio Juan's manager Mirna Cendejas stated she had a certified check for partial payment and the rest would be paid by 5:00pm today.
Council discussed tabling to November 4th and possibly a conditional revocation because non payment happened again.

Res No 24-244 Tio Juan Final suspension.pdf

Moved by Carlton McMasters; seconded by Kyle Pike to Approve
This motion was withdrawn.

Moved by Kyle Pike; seconded by Carlton McMasters to Table to November 4, 2024 at 6:00pm.
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

C. Resolution No. 24-245: Vacation 551 for Flint Church of Christ

Res No 24-245 Flint_Church_of_Christ_Vacation.pdf
Vacation Map Before & After .pdf
Declaration of Vacation.pdf
Flint Church of Christ vacation PC.pdf

Mike Thompson Obit for Vacation.pdf

Moved by Carlton McMasters; seconded by Kyle Pike to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

D. Resolution No. 24-246: Authorize Mayor to Accept National Park Grant Carnegie Historic Structures Report

Res No 24-246 CLG Carnegie Historic Structures.pdf
24-10017_City of Decatur_Grant Agreement_Carnegie.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

E. Resolution No. 24-247: Authorize Mayor to Accept National Park Service Grant for Albany Commercial District Nomination

Res No 24-247 National Register Resolution.pdf
24-10016_City of Decatur_Grant Agreement_NR New Decatur.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

F. Resolution No. 24-248: Authorize Mayor to Accept All-Star Parents Grant from Child Trust Fund

Res No 24-248 AllStar Parents Grant.pdf
Signed Stipulations.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

G. Resolution No. 24-249: Authorize Mayor to Accept ADECA Grant for Island removal at Red Hat Road and Mallard Fox Road

Res No 24-249 Red Hat Road.pdf
City of Decatur AL-LI-24-030.pdf

Moved by Carlton McMasters; seconded by Kyle Pike to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

H. Resolution No. 24-250: Approve Additional Funding for Point Mallard Indoor Pickleball and Indoor Tennis Facilities

Res No 24-250 Addl Pickleball Tennis Funding.pdf

Moved by Carlton McMasters; seconded by Kyle Pike to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

I. Resolution No. 24-251: Award Bid #24-033 to VSC Fire & Security for Fire Protection for Point Mallard Indoor Tennis & Pickleball Facilities

Res No 24-251 Bid 24-033.pdf
24-033 Bid Tab (Recovered).xlsx

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

J. Resolution No. 24-252: Award Bid #24-034 for Bituminous Plant Mix to Rogers Group

Res No 24-252 Bid 24-034.pdf
Bid Tab 24-034.xlsx

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

K. Resolution No. 24-253: Award Bid #24-036 to North Alabama Glass for 7th Floor Office Wall

Res No 24-253 Bid 24-036.pdf
24-036 Bid Tab (Recovered) (Recovered).xlsx

Moved by Kyle Pike; seconded by Carlton McMasters to Table to November 4, 2024 meeting.
Motion : 3- 0

Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

L. Resolution No. 24-254: Award Bid #24-037 to Rosewood Nursery for Nursery Plants for Sportsplex

Res No 24-254 Bid 24-037.pdf
24-037 Bid Tab (Recovered).xlsx

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

M. Resolution No. 24-255: Approve Agreement - Right of Way for ALDOT on 6th Avenue Project Agreement

Res No 24-255 ALDOT-City_Agreement-6th_Ave-Memorial_Bridge_for_access_improvements.pdf
ALDOT-City_Agreement_-_Improvements-6th_Avenue__Prospect_Dr_to_Hudson_Memorial_Bridge.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

N. Resolution No. 24-256: Approve Agreement - Right of Way for ALDOT on 6th Avenue Project Maintenance

Res No 24-256 ALDOT-City_Agreement-6th_Ave-Memorial_Bridge_for_access_improvements.pdf
ALDOT-City_Maint_Agreement-6th_Av-Prospect_Dr-Memorial_Bridge.pdf

Moved by Kyle Pike; seconded by Carlton McMasters to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

O. Resolution No. 24-257: Approve Riley Bridge Co, Inc Washington Street Bridge Repair

Res No 24-257 Riley_Bridge_Co_-__Washinton_Street_Bridge_Repair.pdf
Riley_Bridge_Co__Inc.-Washington_St_Bridge_Repair.pdf

Moved by Carlton McMasters; seconded by Kyle Pike to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

P. Resolution No. 24-258: Approve 7th Floor Renovations for Court Payment Center

Res_No_24-258_7th_Floor_Reno_Court_Payment_Center.pdf
CCE10142024_0001.pdf
City Of Decatur 7th Floor Renovations for Court Payment Center.pdf
City Hall 7th floor Quote 10-17-24.pdf

Moved by Carlton McMasters; seconded by Kyle Pike to Table to November 4, 2024, 6:00pm meeting.
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

XIII. ORDINANCES - FIRST READING:

A. Ordinance No. 24-4596: Annexation 378-24 5.06 Acres at 2612 Old Moulton Road

Ord No 24-4596 Annexation_378-24.pdf
Aerial Map.pdf
Annexation Packet.pdf

XIV. ORDINANCES:

A. Ordinance No. 24-4593: Authorizing the Issuance of $5,000,000 Revolving Line of Credit

Ord_No_24-4593_5M_Revolving_Line_of_Credit.pdf
MUB Letter - Revolving Line of Credit Approval.pdf

Moved by Carlton McMasters; seconded by Kyle Pike to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

XV. BOARDS AND COMMITTEES:

A. Re-Appoint Susan Bedsole to the Animal Services Board - Term Expiring October 31, 2029

Moved by Carlton McMasters; seconded by Kyle Pike to Approve .
Motion Passed: 3- 0

Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

B. Re-Appoint Laura Graham to the Animal Services Board - Term Expiring October 31, 2029

Moved by Carlton McMasters; seconded by Kyle Pike to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

C. Re-Appoint Greg Clemons to the Decatur Downtown Redevelopment Authority - Term Expiring June 1, 2030

Moved by Carlton McMasters; seconded by Kyle Pike to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

D. Re-Appoint John Joseph to the Decatur Downtown Redevelopment Authority - Term Expiring June 1, 2030

Moved by Carlton McMasters; seconded by Kyle Pike to Approve .
Motion Passed: 3- 0
Voting For: Jacob Ladner, Carlton McMasters, Kyle Pike
Voting Against: None

E. Mayoral Appointment of Ross Terry to the Planning Commission with term expiring December 31, 2026
Filling unexpired term of Joseph Wynn

XVI. PUBLIC COMMENT:

Mayor Bowling and Councilman Pike gave an update on street lighting at the Alabama Center for the Arts dormitories and future dance studio as well as the Farmers Market.
P&R Director Jason Lake stated meeting dates will be announced this week for input on the Parkway Park and the dog park.
Ryan Mixon spoke about his son who was struck by a vehicle on Sandlin Road and the need to install traffic devices so drivers will slow down.
Mike Stovall spoke on the need to see more than just an outline of Chief's plan and is concerned about safety.
Mike Faruqui spoke on a Chamber of Commerce meeting he attended that focused on how and what the city needed to do to move forward.

XVII. ADJOURNMENT:

The next Council Work Session will be held on October 28, 2024 at 5:00pm.

The next Regular Council Meeting will be held on November 4, 2024 at 6:00pm.
Note: Changes to a City Council Agenda may be necessary prior to the City Council meeting. Such changes may not be included on the City Council Agenda on the website.

Council President Ladner reminded everyone the Zoning Rewrite meeting being held by the Planning Department is scheduled for Tuesday, October 22, 2024 at Turner Surles Community Center from 4:30pm- 6:00pm.

There being no further business the meeting adjourned at 10:57am.

AGENDA ITEM NO. VII.A

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 4, 2024

SUBMITTED BY: Tommie Williams,Planning

ITEM TYPE: Ordinances

AGENDA SECTION: PUBLIC HEARINGS:

SUBJECT: Ordinance No. 24-4594: Approve Zoning Ordinance Rewrite and Zoning Map
Public Hearing was set October 7, 2024

FINANCIAL IMPACT: NONE

SUGGESTED ACTION:

ATTACHMENTS:
Ord_No_24-4594_Zoning_Rewrite_Document.pdf
LEGAL_NOTICE_Zoning_Rewrite.docx
LEGAL NOTICE 2 Zoningrewrite.docx
Zoning Resolutions.pdf
2024 Zoning FINAL Sept 2024.docx

ORDINANCE NO. 24-4594

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DECATUR, ALABAMA AS FOLLOWS:

Zoning Text Amendment 250-24

The effect of the proposed amendment will be to amend the current City of Decatur Zoning Ordinance and Zoning Map.

Section 1. Adoption of New Zoning Ordinance & Map:

The City of Decatur, Alabama hereby adopts the new zoning ordinance and zoning map as presented, attached and incorporated herein to be made a part of this Ordinance in its entirety; which supersedes the previous zoning ordinance and zoning map in its entirety and is enforceable throughout the entire Decatur Corporate Limits.

Copies of the proposed zoning ordinance and zoning map are on display at Decatur City Hall in the City Clerk's Office and also the Planning Department. The Zoning Ordinance is also available for review on the City of Decatur, Alabama website.

Section 2. Purpose and Intent:

The purpose of this new zoning ordinance is to regulate land use and development in the City of Decatur, Alabama in a manner that promotes the public health, safety, and welfare, while also allowing for economic development, preservation of natural resources, and enhancement of the overall quality of life for the residents of City of Decatur.

Section 3. Zoning Districts:

The City of Decatur is hereby divided into zoning districts, which are designated on the official zoning map. Each zoning district shall have specific regulations and standards for land use, development, and building within its boundaries. The Map depicting the various Districts shall display the entire Decatur Corporate Limits.

Section 4. Zoning Regulations and Standards:

All land use, development, and building within the City of Decatur, Alabama shall comply with the regulations and standards set forth in this new zoning ordinance. Any proposed land use, development, or building that does not comply with these regulations and standards shall require a variance or special exception from the appropriate zoning board.

Section 5. Severability:

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6.

Effective Date: January 1, 2025

APPROVED this the _____ day of _____, 2024.

ADOPTED this the _____ day of _____, 2024.

BY:

_____
Mayor

ATTESTED this the _____ day of _____, 2024.

BY:

_____
City Clerk

LEGAL NOTICE

Notice of a proposed amendment to the Zoning Ordinance of the City of Decatur, Al, heretofore adopted by Section 27-1, Code of Decatur, Alabama, 1956, now Chapter 25 Code of Decatur, Alabama, as thereafter amended.

Pursuant to instructions given by the City Council of the City of Decatur, Alabama, notice is hereby given that the proposed amendment hereinbelow set forth to the Code of Decatur, Alabama, will be considered by the City Council of the City of Decatur, Alabama, at a meeting of said City Council in the Council Chambers in the City Hall of Decatur, Alabama, at 402 Lee Street, NE, at _____, on _____, 20_____.

Zoning Text Amendment 250-24

The effect of the proposed amendment will be to amend the current City of Decatur Zoning Ordinance and Zoning Map.

Section 1. Adoption of New Zoning Ordinance & Map:

The City of Decatur, Alabama hereby adopts the new zoning ordinance and zoning map as presented, which supersedes the previous zoning ordinance and zoning map in its entirety and is enforceable throughout the entire Decatur Corporate Limits.

Copies of the proposed zoning ordinance and zoning map are on display at Decatur City Hall in the City Clerk's Office and also the Planning Department. The Zoning Ordinance is also available for review on the City of Decatur, Alabama website.

Section 2. Purpose and Intent:

The purpose of this new zoning ordinance is to regulate land use and development in the City of Decatur, Alabama in a manner that promotes the public health, safety, and welfare, while also allowing for economic development, preservation of natural resources, and enhancement of the overall quality of life for the residents of City of Decatur.

Section 3. Zoning Districts:

The City of Decatur is hereby divided into zoning districts, which are designated on the official zoning map. Each zoning district shall have specific regulations and standards for land use, development, and building within its boundaries. The Map depicting the various Districts shall display the entire Decatur Corporate Limits.

Section 4. Zoning Regulations and Standards:

All land use, development, and building within the City of Decatur, Alabama shall comply with the regulations and standards set forth in this new zoning ordinance. Any proposed land use, development, or building that does not comply with these regulations and standards shall require a variance or special exception from the appropriate zoning board.

Section 5. Severability:

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6.

Any person wishing to comment or hear additional information on the proposed Ordinance and Zoning Map may appear at the time and place listed above.

Section 7.

Effective Date: January 1, 2025

APPROVED this the _____ day of _____, 2024.

ADOPTED this the _____ day of _____, 2024.

BY:

_____
Mayor

ATTESTED this the _____ day of _____, 2024.

BY:

_____
City Clerk

LEGAL NOTICE

The City Council of the City of Decatur, Alabama, will consider at their regular meeting of _____, at _____ in the Council Chambers of the City Hall at 402 Lee Street, N.E., the proposed amendment to the Zoning Ordinance of the City of Decatur set forth in Ordinance No. _____, as published in The Decatur Daily on _____.

Zoning Text Amendment 250-24

The effect of the proposed amendment will be to amend the current City of Decatur Zoning Ordinance and Zoning Map.

Section 1. Adoption of New Zoning Ordinance & Zoning Map:

The City of Decatur, Alabama hereby adopts the new zoning ordinance and zoning map as presented, which supersedes the previous zoning ordinance and zoning map in its entirety and is enforceable throughout the entire Decatur Corporate Limits.

Copies of the proposed zoning ordinance and zoning map are on display at Decatur City Hall at 402 Lee Street N.E. in the City Clerk's Office and also the Planning Department. The Zoning Ordinance is also available for review on the City of Decatur, Alabama website.

Section 2. Purpose and Intent:

The purpose of this new zoning ordinance and map is to regulate land use and development in the City of Decatur, Alabama in a manner that promotes the public health, safety, and welfare, while also allowing for economic development, preservation of natural resources, and enhancement of the overall quality of life for the residents of City of Decatur.

Section 3. Zoning Districts:

The City of Decatur is hereby divided into zoning districts, which are designated on the official zoning map. Each zoning district shall have specific regulations and standards for land use, development, and building within its boundaries. The Map depicting the various Districts shall display the entire Decatur Corporate Limits.

Section 4. Zoning Regulations and Standards:

All land use, development, and building within the City of Decatur, Alabama shall comply with the regulations and standards set forth in this new zoning ordinance. Any proposed land use, development, or building that does not comply with these regulations and standards shall require a variance or special exception from the appropriate zoning board.

Section 5. Severability:

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6.

Any person wishing to comment or hear additional information on the proposed Ordinance and Zoning Map may appear at the time and place listed above.

Section 7. Effective Date:

January 1, 2025

ADOPTED this the _____ day of _____, 2024.

APPROVED this the _____ day of _____, 2024.

BY:

_____
Mayor

ATTESTED this the _____ day of _____, 2024.

BY:

_____
City Clerk

CITY OF DECATUR Alabama

A Grand City on a CHARMING SCALE

Planning Department

RESOLUTION 007-24

2024 ZONING ORDINANCE UPDATE

WHEREAS, the City of Decatur, Alabama recognizes the importance of proper land use and development to ensure public health, safety, and welfare; and

WHEREAS, the current zoning ordinance has become outdated and no longer aligns with the current needs and vision of the City of Decatur; and

WHEREAS, the City has conducted extensive research, analysis, and community engagement to develop a new zoning ordinance that reflects the City's goals, vision, and values;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DECATUR, ALABAMA AS FOLLOWS:

BE IT FURTHER RESOLVED that the Planning Commission recommends the New Zoning Ordinance to be ADOPTED January 1st 2025.

APPROVED this 21st day of May, 2024.

City of Decatur, Alabama Planning Commission

By: J. Kent Lawrence

J. Kent Lawrence, Chairman

REBECCA A RICHARD
My Commission Expires
NOTARY PUBLIC
October 6, 2027
ALABAMA STATE AT LARGE

Rebecca A. Richard

Planning Department – City of Decatur
308 Cain St. NE • Post Office Box 488 • Decatur, AL 35602-0488
Phone (256) 341-4720 • Fax (256) 341-4727 • www.DecaturAlabamaUSA.com

CITY OF DECATUR Alabama

A Grand City on a CHARMING SCALE

Planning Department

RESOLUTION 008-24

2024 MAP ORDINANCE UPDATE

WHEREAS, the City of Decatur, Alabama recognizes the importance of proper land use and development to ensure public health, safety, and welfare; and

WHEREAS, the current zoning Map has become outdated and no longer aligns with the current needs and vision of the City of Decatur; and

WHEREAS, the City has conducted extensive research, analysis, and community engagement to develop a new zoning ordinance that reflects the City's goals, vision, and values;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DECATUR, ALABAMA AS FOLLOWS:

BE IT FURTHER RESOLVED that the Planning Commission recommends the New Zoning Map to be ADOPTED _____2025.

APPROVED this 21st day of MAY, 2024.

City of Decatur, Alabama Planning Commission

By: _____
J. Kent Lawrence, Chairman

REBECCA A RICHARD
My Commission Expires
NOTARY PUBLIC
October 6, 2027
ALABAMA STATE AT LARGE

Rebecca A. Richard

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Zoning Ordinance Rewrite

Decatur, Alabama

Article 25-1: General Provisions
Article 25-2: Administration
Article 25-3: Zoning Districts
Article 25-4: Use Regulations
Article 25-5: Development Standards
Article 25-6: Nonconformities
Article 25-7: Enforcement
Article 25-8: Definitions and Rules of Measurement

Prepared by:
CLARION
planning NEXT

Contents

Article 25-1. General Provisions 1-1

Section 25-1.1. Title 1-1

Section 25-1.2. Authority 1-1

Section 25-1.3. General Purpose and Intent 1-1

Section 25-1.4. Applicability 1-2

Section 25-1.5. Comprehensive Plan 1-3

Section 25-1.6. Relationship with Other Laws, Covenants, or Deeds 1-3

Section 25-1.7. Official Zoning Map 1-4

Section 25-1.8. Transitional Provisions 1-4

Section 25-1.9. Severability 1-7

Section 25-1.10. Effective Date 1-7

Article 25-2. Administration 2-1

Section 25-2.1. Summary Table of Development Review Responsibilities 2-1

Section 25-2.2. Advisory and Decision-making Bodies 2-2

Section 25-2.3. Standard Application Requirements and Procedures 2-8

Section 25-2.4. Application Specific Review Procedures and Decision Standards 2-17

Article 25-3. Zoning Districts 3-1

Section 25-3.1. General Provisions 3-1

Section 25-3.2. Base Districts 3-5

Section 25-3.3. Planned Development Districts 3-35

Section 25-3.4. Overlay Districts 3-47

Article 25-4. Use Regulations 4-1

Section 25-4.1. Organization of This Article 4-1

Section 25-4.2. Principal Uses 4-1

Section 25-4.3. Accessory Uses and Structures 4-26

Section 25-4.4. Temporary Uses and Structures 4-37

Article 25-5. Development Standards 5-1

Section 25-5.1. Mobility, Circulation, and Connectivity Standards 5-1

Section 25-5.2. Off-Street Parking and Loading Standards 5-13

Section 25-5.3. Landscaping and Buffer Standards 5-37

Section 25-5.4. Open Space Set-Aside Standards 5-48

Section 25-5.5. Fence and Wall Standards 5-56

Section 25-5.6. Exterior Lighting Standards 5-60

Section 25-5.7. Development Form and Design Standards 5-66

Section 25-5.8. Neighborhood Compatibility Standards 5-79

Section 25-5.9. Sign Standards 5-86
Section 25-5.10. Floodplain Management 5-103
Section 25-5.11. Stormwater Management Standards 5-147
Section 25-5.12. Green Building Incentives 5-148
Article 25-6. Nonconformities 6-1
Section 25-6.1. General Applicability 6-1
Section 25-6.2. Nonconforming Uses 6-2
Section 25-6.3. Nonconforming Structures 6-3
Section 25-6.4. Nonconforming Lots of Record 6-5
Section 25-6.5. Nonconforming Signs 6-6
Section 25-6.6. Nonconforming Site Features 6-7
Article 25-7. Enforcement 7-1
Section 25-7.1. Purpose and Intent 7-1
Section 25-7.2. Compliance Required 7-1
Section 25-7.3. Violations 7-1
Section 25-7.4. Responsible Persons 7-2
Section 25-7.5. Enforcement Generally 7-3
Section 25-7.6. Remedies and Penalties 7-4
Article 25-8. Definitions and Rules of Measurement 8-1
Section 25-8.1. General Rules for Interpretation 8-1
Section 25-8.2. Rules of Measurement 8-3
Section 25-8.3. Definitions 8-8

1

GENERAL PROVISIONS

Section 25-1.1.	Title	1-1
Section 25-1.2.	Authority	1-1
Section 25-1.3.	General Purpose and Intent	1-1
Section 25-1.4.	Applicability	1-2
Sec. 25-1.4.1.	General Applicability	1-2
Sec. 25-1.4.2.	Applicability to Government Entities	1-2
Section 25-1.5.	Comprehensive Plan	1-3
Section 25-1.6.	Relationship with Other Laws, Covenants, or Deeds	1-3
Sec. 25-1.6.1.	Conflicts with Provisions of Adopted Codes or Ordinances	1-3
Sec. 25-1.6.2.	Conflicts with State or Federal Law	1-3
Sec. 25-1.6.3.	Relationship to Restrictive Covenants and Deed Restrictions	1-3
Section 25-1.7.	Official Zoning Map	1-4
Sec. 25-1.7.1.	Establishment	1-4
Sec. 25-1.7.2.	Maintenance and Distribution	1-4
Sec. 25-1.7.3.	Interpretation of District Boundaries	1-4
Section 25-1.8.	Transitional Provisions	1-4
Sec. 25-1.8.1.	Violations Continue	1-4
Sec. 25-1.8.2.	Completed Applications Upon Which No Final Action Taken	1-5
Sec. 25-1.8.3.	Approved Applications	1-5
Sec. 25-1.8.4.	New Applications	1-5
Sec. 25-1.8.5.	Zoning District Transition	1-5
Section 25-1.9.	Severability	1-7
Section 25-1.10.	Effective Date	1-7

Article 25-1. General Provisions

SECTION 25-1.1. TITLE

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

SECTION 25-1.2. AUTHORITY

The Decatur City Council is authorized to adopt this Ordinance pursuant to the enabling authority contained in the Code of Alabama, 1975, including Title 11, Chapter 19, Sections 1-24; Title 11, Chapter 45, Sections 1-11; Title 11, Chapter 52, Sections 1-85; Title 41, Chapter 9, Section 166; and all other relevant laws of the state of Alabama.

SECTION 25-1.3. GENERAL PURPOSE AND INTENT

The purpose of this Ordinance is to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the citizens and landowners of Decatur, and to implement the goals, objectives, and policies of the Comprehensive Plan and other City-adopted plans addressing the City’s growth and development. The Zoning Ordinance is enacted to exercise the full range of authority available to the City in accordance with state law to:

(a) Provide for adequate light, air, and open space;

(b) Prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;

(c) Facilitate the creation of a convenient, attractive, and harmonious community that includes a walkable City;

(d) Protect and preserve scenic, historic, or ecologically sensitive areas;

(e) Regulate the density and distribution of populations and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports, water supply, sanitation, protection against floods, public activities, and other purposes in a way that creates a quality place, improves the mobility of residents, enhances prosperity of the community, enhances the amenities of the community, and strengthens the community;

(f) Secure safety from fire, flood, and other dangers;

(g) Facilitate the harmonious, orderly, and continuing development of land within the City that maintains strong neighborhoods and protects their character;

(h) Encourage development of land within the City that renders it economically sound;

(i) Ensure orderly and harmonious display of signs within the community;

(j) Ensure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments, so that development patterns are well connected and support multiple modes of travel;

(k) Ensure the provision of appropriate public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes;

(l) Facilitate, in general, the wise and timely development of new areas, and redevelopment of previously developed areas; and

(m) Carry out such other purposes in the public interest as may be specifically cited in this Ordinance.

SECTION 25-1.4. APPLICABILITY

Sec. 25-1.4.1. General Applicability

(a) Unless stated otherwise in this Ordinance, and to the extent allowed by state and federal law, the standards and regulations set forth in this Ordinance shall apply to any use or development of land within the zoning jurisdiction of the City of Decatur, Alabama.

(b) Development shall not occur except in accordance with the requirements of this Ordinance and all other applicable City, county, state, and federal ordinances, laws, statutes, and regulations.

(c) Unless stated otherwise, the standards and requirements of this Ordinance are minimum requirements.

Sec. 25-1.4.2. Applicability to Government Entities

(a) The provisions of this Ordinance shall apply to development by the City or its agencies and departments, or on land owned or otherwise controlled by the City.

(b) To the extent allowed by law, the provisions of this Ordinance shall apply to development by the county, state, or federal government or its agencies, departments, or corporate services, or on land owned or otherwise controlled by the county, state, or federal government.

SECTION 25-1.5. COMPREHENSIVE PLAN

This Ordinance is intended to implement objectives of the City's Comprehensive Plan and ensure that all development in the City's jurisdiction is in accordance with the Comprehensive Plan.

SECTION 25-1.6. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DEEDS

Sec. 25-1.6.1. Conflicts with Provisions of Adopted Codes or Ordinances

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

(b) When there is a conflict between an overlay zoning district and an underlying base zoning district, the provisions of the overlay district shall control. When there is a conflict between provisions of two or more applicable overlay zoning districts, unless otherwise stated in this Ordinance, the more restrictive provision controls.

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

Sec. 25-1.6.2. Conflicts with State or Federal Law

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

Sec. 25-1.6.3. Relationship to Restrictive Covenants and Deed Restrictions

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

SECTION 25-1.7. OFFICIAL ZONING MAP

Sec. 25-1.7.1. Establishment

Land subject to this Ordinance is divided into the various base, planned development, and overlay zoning districts established in Article 25-3; Zoning Districts. The location and boundaries of the zoning districts shall be shown on a map entitled, “Zoning Map of City of Decatur, Alabama,” which may also be referred to as the “Official Zoning Map.” The Official Zoning Map, including all its notations, is incorporated herein by reference and made part of this Ordinance. The Official Zoning Map shall be the final authority as to the status of the zoning district classification of land in the City.

Sec. 25-1.7.2. Maintenance and Distribution

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

Sec. 25-1.7.3. Interpretation of District Boundaries

The Director is authorized to interpret the exact location of zoning district boundaries shown on the Official Zoning Map in accordance with Sec. 25-2.4.19, Interpretation. The Board of Zoning Adjustment is authorized to hear appeals of the Director’s interpretation, in accordance with Sec. 25-2.4.18, Appeal of Administrative Decision.

SECTION 25-1.8. TRANSITIONAL PROVISIONS

Sec. 25-1.8.1. Violations Continue

Any violation of any provision repealed and replaced by this Ordinance (see Section 25-1.10; Effective Date) shall continue to be a violation under this Ordinance unless the development complies with the express terms of this Ordinance.

Sec. 25-1.8.2. 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 and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, the application shall expire, and future development shall be subject to the requirements and standards of this Ordinance.

(b) To the extent an application reviewed and approved in accordance with subsection (a) above, proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 25-6: Nonconformities.

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

Sec. 25-1.8.3. Approved Applications

Any development approvals granted before ___ [*insert the effective date of this Ordinance*] shall remain valid until their expiration date. 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, provided the permit or approval is valid and has not expired. If the prior approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance. To the extent the prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 25-6: Nonconformities.

Sec. 25-1.8.4. 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.

Sec. 25-1.8.5. Zoning District Transition

On __ [*insert the effective date of this Ordinance*], land zoned with a zoning district classification from the previous zoning regulations shall be reclassified to one of the zoning district classifications in this Ordinance as set forth in Article 25-3, Zoning Districts. Table 25-1.8.5: Zoning District Transition, summarizes the translation or reclassification of the zoning districts used in the previous zoning ordinance to the zoning districts used in this Ordinance. (For example, Table 25-1.8.5 ideally shows that lands classified as R-3 in the previous zoning regulations (under the column titled “Zoning District in Previous Ordinance”) would be classified RS-7 in this Ordinance (under the column titled “Zoning District in this Ordinance”). However, in those cases where the reclassification of the property would make said property "non-conforming", an alternate zone will be chosen that is more closely aligned with the city's long range plan and more in character with the current use of the neighborhood. There should be no cases where the new zone would change the ability of the current

owner to continue to use the property under its current legal use as was previously approved by the building department.

The current multifamily R-4 and R-4 zero lot line zoning is not applied as a default classification to the new RM-M and RM-H, but are instead applied based on an individualized determination of the appropriate district.

TABLE 25-1.8.5: ZONING DISTRICT TRANSITIONS

ZONING DISTRICT IN PREVIOUS ORDINANCE	ZONING DISTRICT IN THIS ORDINANCE
BASE DISTRICTS	
AG-1 Agricultural District	Agricultural (AG)
AG-2 Agricultural District	
R-1E Residential Estate District (Large Lot Open Space)	Residential Single-Family Estate (RS-E)
R-1 Residential District (Single-Family)	Residential Single-Family 10 (RS-10)
R-2 Residential District (Single-Family)	
R-3 Residential District (Single-Family)	Residential Single-Family 7 (RS-7)
R-4 Residential District (Multifamily)	Residential Mixed Medium Density (RM-M) or Residential Mixed High Density (RM-H)
R-4 Zero Lot Line Multifamily Residential District	
R-5 Residential District (Single-Family Patio Home)	Residential Single-Family 5 (RS-5)
R-5 Zero Lot Line Residential District (Single-Family Patio Home)	
R-MH Residential Manufactured Housing District	Residential Manufactured Housing (RMAN)
R-6 Residential District (Single-Family Semi-Attached)	Residential Single-Family Attached (RS-A)
I-D Institutional District	Institutional District (INST)
MC Medical Center District	
B-1 Business District (Local Shopping)	Commercial Neighborhood District (CN)
B-2 Business District (General Business)	Community Commercial District (CC)
B-3 Business District (Tourist Commercial)	Commercial Neighborhood District (CN) or Community Commercial District (CC)
B-3R Riverfront Commercial District	
B-4 Business District (Regional Shopping)	Commercial Regional District (CR)
M-1A Expressway Commercial District	
B-5 Business District (Central Business District)	Central Business District (CB)
Redevelopment District (RD)	Urban Corridor Mixed Use District (UC-MX)
Redevelopment District-2 (RD-2)	
B-6 Business District (Office District)	Office Mixed Use District (O-MX)
M-1 Industrial District (Light Industry)	Light Industrial District (LI)
M-2 Industrial District (General Industry)	Industrial District (I)

TABLE 25-1.8.5: ZONING DISTRICT TRANSITIONS

ZONING DISTRICT IN PREVIOUS ORDINANCE	ZONING DISTRICT IN THIS ORDINANCE
PLANNED DEVELOPMENT DISTRICTS	
All PRD Districts (Current PRD are all Residential)	Residential Planned Development District (R-PD)
	Traditional Neighborhood Planned Development District (TN-PD)
OVERLAY DISTRICTS	
Historic (H) District	Historic Overlay District (H-O)
Sidewalk Café District	Sidewalk Café Overlay District (SC-O)
Arts and Entertainment District	Arts and Entertainment Overlay District (AE-O)

SECTION 25-1.9. SEVERABILITY

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 25-1.10. EFFECTIVE DATE

This Ordinance shall become effective on __ [*insert the effective date of Ordinance*]. It repeals "Zoning Ordinance of the City of Decatur, Alabama" as originally adopted on June 3, 1958 and subsequently amended.

2

ADMINISTRATION

Section 25-2.1.	Summary Table of Development Review Responsibilities	2-1
Section 25-2.2.	Advisory and Decision-making Bodies	2-2
Sec. 25-2.2.1.	City Council	2-2
Sec. 25-2.2.2.	Planning Commission	2-3
Sec. 25-2.2.3.	Board of Zoning Adjustment (BOZA)	2-3
Sec. 25-2.2.4.	Historic Preservation Commission	2-4
Sec. 25-2.2.5.	Technical Review Committee	2-4
Sec. 25-2.2.6.	Zoning Committee	2-5
Sec. 25-2.2.7.	Board of Zoning Adjustment (BOZA) Technical Review Committee	2-6
Sec. 25-2.2.8.	Director	2-7
Sec. 25-2.2.9.	Building Inspector	2-8
Section 25-2.3.	Standard Application Requirements and Procedures	2-8
Sec. 25-2.3.1.	General	2-8
Sec. 25-2.3.2.	Pre-Development Meeting	2-9
Sec. 25-2.3.3.	Neighborhood Meeting	2-10
Sec. 25-2.3.4.	Application Submission	2-11
Sec. 25-2.3.5.	Application Completeness Determination	2-13
Sec. 25-2.3.6.	Staff or Advisory Committee Review and Action	2-13
Sec. 25-2.3.7.	Scheduling of Public Hearing and Public Notification	2-14
Sec. 25-2.3.8.	Planning Commission Review and Recommendation	2-14
Sec. 25-2.3.9.	Decision-Making Body Review and Decision	2-15
Sec. 25-2.3.10.	Post Decision Actions and Limitations	2-15
Section 25-2.4.	Application Specific Review Procedures and Decision Standards	2-17
Sec. 25-2.4.1.	Text Amendment	2-17
Sec. 25-2.4.2.	Zoning Map Amendment	2-19
Sec. 25-2.4.3.	Planned Development District	2-21
Sec. 25-2.4.4.	Special Exception Permit	2-24
Sec. 25-2.4.5.	Site Plan (Major or Minor)	2-26
Sec. 25-2.4.6.	Special Use Permit (Wireless)	2-30
Sec. 25-2.4.7.	Floodplain Development Permit	2-30
Sec. 25-2.4.8.	Temporary Use Permit	2-30
Sec. 25-2.4.9.	Temporary Occupation Business Permit	2-32
Sec. 25-2.4.10.	Home Occupation Permit	2-34
Sec. 25-2.4.11.	Building Permit	2-35
Sec. 25-2.4.12.	Sign Permit	2-36
Sec. 25-2.4.13.	Certificate of Occupancy	2-37
Sec. 25-2.4.14.	Certificate of Appropriateness	2-37
Sec. 25-2.4.15.	Administrative Adjustment	2-37

Sec. 25-2.4.16.	Variance (Zoning)	2-40
Sec. 25-2.4.17.	Variance (Floodplain)	2-43
Sec. 25-2.4.18.	Appeal of Administrative Decision	2-43
Sec. 25-2.4.19.	Interpretation	2-45

Article 25-2. Administration

SECTION 25-2.1. SUMMARY TABLE OF DEVELOPMENT REVIEW RESPONSIBILITIES

Table 25-2.1: Development Review Responsibilities, identifies the types of development approvals and permits authorized by this Ordinance. It also summarizes the action required by advisory and decision-making bodies for a decision for each type of application.

TABLE 25-2.1: DEVELOPMENT REVIEW RESPONSIBILITIES
D: DECISION R: REVIEW A: APPEAL < >: PUBLIC HEARING

	CITY COUNCIL	PLANNING COMMISSION	BOARD OF ZONING ADJUSTMENT (BOZA)	TECHNICAL REVIEW COMMITTEE	ZONING COMMITTEE	BOZA TECHNICAL REVIEW COMMITTEE	DIRECTOR	BUILDING INSPECTOR
DISCRETIONARY REVIEW								
Text Amendment	<D>	<R>			R		R	
Zoning Map Amendment	<D>	<R>			R		R	
Planned Development District	<D>	<R>			R		R	
Minor Change			<A>	R		R [1]	D	
Special Exception Permit			<D>			R		
SITE DEVELOPMENT								
Site Plan								
Major Site Plan [2]		<D>	<A>	R		R [1]	D	
Minor Site Plan			<A>	R		R [1]	D	
Special Use Permit (Wireless)	*See Sec. 7-306 of the City Code*							
PERMITS								
Floodplain Development Permit	*See Section 25-5.10, Floodplain Management*							
Temporary Use Permit			<A>			R [1]	D	
Temporary Occupation Business Permit			<A>			R [1]	D	
Home Occupation Permit			<A>			R [1]	D	
Building Permit	*See the Building Code and Chapter 7 of the City Code*							
Sign Permit			<A>			R [1]	D	
Certificate of Occupancy	*See the Building Code and Chapter 7 of the City Code*							
Certificate of Appropriateness [3]	*See Chapter 18 of the City Code*							

TABLE 25-2.1: DEVELOPMENT REVIEW RESPONSIBILITIES
D: DECISION R: REVIEW A: APPEAL < >: PUBLIC HEARING

	CITY COUNCIL	PLANNING COMMISSION	BOARD OF ZONING ADJUSTMENT (BOZA)	TECHNICAL REVIEW COMMITTEE	ZONING COMMITTEE	BOZA TECHNICAL REVIEW COMMITTEE	DIRECTOR	BUILDING INSPECTOR
RELIEF								
Administrative Adjustment			<A>			R [1]	D	
Variance - Zoning			<D>			R		
Variance - Floodplain	*See Sec. 25-5.10.7(e)(iii), Drainage paths* shall be provided to guide floodwater around and away from any proposed structure. **(a) Standards for Subdivisions and Other Development** All subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within the drawings, plans, and permits for such proposals the following: **(i)** BFE data; **(ii)** Provisions to minimize flood damage; **(iii)** Public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; **(iv)** Adequate drainage provided to reduce exposure to flood hazards without negatively impacting adjacent properties; **(v)** **Preliminary plans** for review and approval of the platted subdivision which identifies the Special Flood Hazard Area, floodway boundaries, the BFE, and other areas regulated by the community; **(vi)** **Final subdivision plats** that identify the boundary of the special flood hazard area, the floodway boundary, the BFEs, and any drainage easements to reduce the risk for flash flooding.							

TABLE 25-2.1: DEVELOPMENT REVIEW RESPONSIBILITIES
D: DECISION R: REVIEW A: APPEAL < >: PUBLIC HEARING

	CITY COUNCIL	PLANNING COMMISSION	BOARD OF ZONING ADJUSTMENT (BOZA)	TECHNICAL REVIEW COMMITTEE	ZONING COMMITTEE	BOZA TECHNICAL REVIEW COMMITTEE	DIRECTOR	BUILDING INSPECTOR
	(b) Critical Facilities Construction of new and substantially improved critical facilities, which are those for which the effects of even a slight chance of flooding would be too great, shall be located outside the limits of the **SFHA** or other flood hazard area regulated by the community. These types of facilities (hospitals, fire stations, police stations, storage of critical records, etc.) are given special consideration when formulating regulatory alternatives and floodplain management plans. Construction of new critical facilities (including the modification of an existing structure not previously classified as a critical facility) shall be permissible within the SFHA or other area regulated by the community only if no feasible alternative site is available and access to the facilities remains available during a 0.2 percent chance flood (a.k.a., 100-year flood). **(i)** Critical facilities constructed within the SFHAs shall have the lowest floor elevated two feet above the BFE at the site. **(ii)** Floodproofing and sealing measures must be implemented to ensure that any and all on-site toxic substances will not be displaced by or released into floodwaters.							
	Variance Procedures							
Appeal of Administrative Decision			<D>					
INTERPRETATION								
Interpretation			<A>			R [1]	D	

NOTES:

[1] Board of Zoning Adjustment (BOZA) Technical Review Committee review of this type of application is required only if the decision on the application is appealed to the Board of Zoning Adjustment.

[2] The Director may refer a Major Site Plan to the Planning Commission for a final decision. If this occurs, there is no appeal to the Board of Zoning Adjustment.

TABLE 25-2.1: DEVELOPMENT REVIEW RESPONSIBILITIES
D: DECISION R: REVIEW A: APPEAL < >: PUBLIC HEARING

	CITY COUNCIL	PLANNING COMMISSION	BOARD OF ZONING ADJUSTMENT (BOZA)	TECHNICAL REVIEW COMMITTEE	ZONING COMMITTEE	BOZA TECHNICAL REVIEW COMMITTEE	DIRECTOR	BUILDING INSPECTOR

[3] The Historic Preservation Commission (HPC) reviews all applications involving the demolition or erection of a building or structure in a historic district, or any material change in the exterior appearance of a historic property, or of a structure, site, object, or work of art within a historic district.

SECTION 25-2.2. ADVISORY AND DECISION-MAKING BODIES

Sec. 25-2.2.1. City Council

To exercise its authority in accordance with state law, the City Council shall have the following powers and duties under this Ordinance:

(a) To review and decide the following:

(1) Text Amendments (Sec. 25-2.4.1);

(2) Zoning Map Amendments (Sec. 25-2.4.2);

(3) Planned Development Districts (Sec. 25-2.4.3); and

(4) Special Exception Permits (Wireless) (see Sec. 7-306 of the City Code);

(b) To establish fees for permits and development approvals reviewed under this Ordinance; and

(c) To take any other action not assigned or delegated to the Planning Commission, Board of Zoning Adjustment, Technical Review Committee, Zoning Committee, Historic Preservation Commission, Director, Building Inspector, or other decision-making body or staff as the City Council may deem desirable and necessary to implement the provisions of this Ordinance.

Sec. 25-2.2.2. Planning Commission

The Planning Commission is established by Article XI of the City Code.

(a) Powers and Duties

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

(1) To review and decide the following:

(i) Major Site Plans when referred by the Director (Sec. 25-2.4.5);

(2) To review and provide a recommendation on the following:

(i) Text Amendments (Sec. 25-2.4.1);

(ii) Zoning Map Amendments (Sec. 25-2.4.2); and

(iii) Planned Development Districts (Sec. 25-2.4.3); and

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

(b) Appointment of Members, Terms of Office

Appointment of Planning Commission members and their terms of office shall be in accordance with Article XI of the City Code and Sec. 11-52-3, Code of Alabama.

(c) Officers, Rules of Procedure, Meetings

The Planning Commission shall elect officers, adopt bylaws and rules of procedure, and conduct meetings in accordance with Sec. 11-52-4, Code of Alabama.

(d) Staff

The Director shall serve as staff to the Planning Commission.

Sec. 25-2.2.3. Board of Zoning Adjustment (BOZA)

The Board of Zoning Adjustment is hereby established in accordance with state law.

(a) Powers and Duties

The Board of Zoning Adjustment shall have the following powers and duties under this Ordinance:

(1) To review and decide the following:

(i) Special Exceptions (Sec. 25-2.4.4); and

(ii) Variances (Sec. 25-2.4.15(d)(6));

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

(i) Planned Development District Minor Changes (Sec. 25-2.4.3(c)(8)(iii));

(ii) Minor Site Plans (Sec. 25-2.4.5);

(iii) Floodplain Development Permits (Sec. 25-2.4.7);

(iv) Temporary Use Permits (Sec. 25-2.4.8);

(v) Building Permits (Sec. 25-2.4.7);

(vi) Certificates of Occupancy (Sec. 25-2.4.13);

(vii) Administrative Adjustments (Sec. 25-2.4.15);

(viii) Interpretations (Sec. 25-2.4.19); and

(ix) Administrative Enforcement Actions (see Article 25-7: Enforcement); and

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

(b) Membership, Terms of Office, Bylaws and Rules of Procedure, Meetings

The composition and appointment of members, terms of office, rules of procedure, and meetings of the Board of Zoning Adjustment shall be in accordance with Sec. 11-52-80, Code of Alabama.

Sec. 25-2.2.4. Historic Preservation Commission

The Historic Preservation Commission (HPC) is established by Chapter 18 of the City Code. The powers and duties of the HPC in relation to proposed development, including the issuance of certificates of appropriateness, are set forth in Chapter 18 of the City Code.

Sec. 25-2.2.5. Technical Review Committee

The Technical Review Committee is hereby established as a subcommittee of the Planning Commission, in accordance with the bylaws of the Planning Commission.

(a) Powers and Duties

The Technical Review Committee shall have the following powers and duties under this Ordinance:

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

(i) Minor Changes to a Planned Development District (Sec. 25-2.4.3(c)(8)(iii));

(ii) Major Site Plans (Sec. 25-2.4.5); and

(iii) Minor Site Plans (Sec. 25-2.4.5).

(b) Membership

(1) Except as in (2) below, the Technical Review Committee shall be composed of two members of the Planning Commission designated by the Planning Commission and representatives of City departments and other individuals representing departments and agencies with expertise or review responsibilities pertaining to the applications identified in subsection (a) above, including but not limited to representatives from the following departments and agencies:

(i) The Decatur Planning Department, the Decatur Building Department, the Decatur Community Development Department, the Decatur City Street and Environmental Services Department, Geographic Information Services, and the Decatur Police Department (Traffic Division);

(ii) The City Engineer, the City Attorney, the City Parks and Recreation Director, and the Fire Marshall;

(iii) The County Engineer;

(iv) The Decatur City Schools;

(v) The Alabama Department of Transportation and the Metropolitan Planning Organization;

(vi) The appropriate utility and service providers (e.g., water, sewer, gas, electricity, and telephone); and

(vii) The US Postal Service.

(2) For the purpose of reviewing a Minor Site Plan only, the Director may convene a Technical Review Committee composed of representatives from the Decatur Planning Department, the Decatur Building Department, and the Decatur Engineering Department.

(c) Meetings and Coordination

The Director shall serve as chair of the Technical Review Committee, schedule all meetings of the committee, coordinate the committee's activities, preside over committee

meetings, prepare committee recommendations, and serve as liaison to the departments, individuals, and agencies involved.

Sec. 25-2.2.6. Zoning Committee

The Zoning Committee is hereby established as a subcommittee of the Planning Commission, in accordance with the bylaws of the Planning Commission.

(a) Powers and Duties

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

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

(i) Text Amendments (Sec. 25-2.4.1);

(ii) Zoning Map Amendments (Sec. 25-2.4.2); and

(iii) Planned Development Districts (Sec. 25-2.4.3).

(b) Membership

The Zoning Committee shall be composed of the following members:

(1) The Planning Commission Chairman;

(2) A member of the Planning Commission other than the Chairman, selected by the Planning Commission;

(3) The Board of Zoning Adjustment Chairman; and

(4) The Director, as a non-voting member.

(c) Advisors

The Building Director and City Attorney shall serve as advisors to the Zoning Committee.

(d) Meetings and Coordination

The Director shall schedule all meetings of the Zoning Committee, coordinate the committee's activities, preside over committee meetings, and prepare committee recommendations.

Sec. 25-2.2.7. Board of Zoning Adjustment (BOZA) Technical Review Committee

The Board of Zoning Adjustment (BOZA) Technical Review Committee is hereby established as a subcommittee of the Board of Zoning Adjustment, in accordance with the bylaws of the Board of Zoning Adjustment.

(a) Powers and Duties

The BOZA Technical Review Committee shall have the following powers and duties under this Ordinance:

(1) To review and make a recommendation on the following types of applications:

(i) Special Exceptions (Sec. 25-2.4.4); and

(ii) Variances (Sec. 25-2.4.15(d)(6));

(2) To review and make a recommendation on appeals of decisions on the following types of applications:

(i) Planned Development District Minor Changes (Sec. 25-2.4.3(c)(8)(iii));

(ii) Major Site Plans (Sec. 25-2.4.5);

(iii) Minor Site Plans (Sec. 25-2.4.5);

(iv) Floodplain Development Permits (Sec. 25-2.4.7);

(v) Temporary Use Permits (Sec. 25-2.4.8);

(vi) Building Permits (Sec. 25-2.4.7);

(vii) Certificates of Occupancy (Sec. 25-2.4.13);

(viii) Administrative Adjustments (Sec. 25-2.4.15);

(ix) Interpretations (Sec. 25-2.4.19); and

(3) Administrative Enforcement Actions (see Article 25-7: Enforcement).

(b) Membership

The BOZA Technical Review Committee shall be composed of the following members:

(1) The Board of Zoning Adjustment Chair;

(2) The Director;

(3) A representative from the Planning Department;

(4) A representative from the Building Department;

(5) A representative from the Legal Department; and

(6) A representative from the Engineering Department.

(c) Meetings and Coordination

The Director shall schedule all meetings of the BOZA Technical Review Committee, coordinate the committee's activities, preside over committee meetings, prepare committee recommendations, and serve as liaison to the departments, individuals, and agencies involved.

Sec. 25-2.2.8. Director

(a) Powers and Duties

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

(i) To review and decide the following:

a. Planned Development District Minor Changes (Sec. 25-2.4.3(c)(8)(iii));

b. Major Site Plans (Sec. 25-2.4.5);

c. Minor Site Plans (Sec. 25-2.4.5);

d. Floodplain Development Permits (Sec. 25-2.4.7);

e. Temporary Use Permits (Sec. 25-2.4.8);

f. Administrative Adjustments (Sec. 25-2.4.15); and

g. Interpretations (Sec. 25-2.4.19);

(ii) At the Director's discretion, refer Major Site Plans (Sec. 25-2.4.5) to the Planning Commission for a final decision.

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

a. Text Amendments (Sec. 25-2.4.1);

b. Zoning Map Amendments (Sec. 25-2.4.2);

c. Planned Development Districts (Sec. 25-2.4.3); and

d. Special Exception Permits (Sec. 25-2.4.4);

(iv) To perform all duties assigned to the Director in Section 25-5.10, Floodplain Management;

(v) To establish application content requirements and a submission schedule for the review of applications;

(vi) 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 Director deems appropriate and relevant to the submittal of, review of, and decision on development applications;

(vii) To maintain the Official Zoning Map and related materials;

(viii) To schedule and conduct the meetings of and coordinate the activities of the Technical Review Committee and the Zoning Committee;

(ix) To enforce this Ordinance in accordance with Article 25-7, Enforcement; and

(x) To carry out any other activities necessary for the administration of this Ordinance that are not within the powers and duties of other bodies or officials.

(b) Delegation

The Director may delegate any authority under this Ordinance to any professional level subordinate staff.

Sec. 25-2.2.9. Building Inspector

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

(a) To review and decide the following:

(1) Building Permits (Sec. 25-2.4.7); and

(2) Certificates of Occupancy (Sec. 25-2.4.13); and

(b) Any powers and duties delegated to the Building Inspector by the Director.

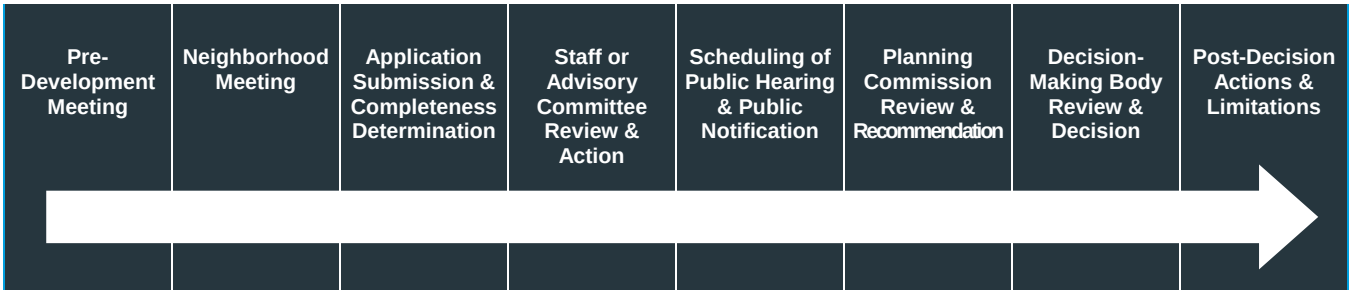
SECTION 25-2.3. STANDARD APPLICATION REQUIREMENTS AND PROCEDURES

Sec. 25-2.3.1. 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 25-2.4, Application Specific Review Procedures and Decision Standards, identifies for each specific type of application which standard procedures are required, and whether there are additions or modifications to the standard procedure. Figure 25-2.3.1: 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.

Figure 25-2.3.1: Summary of Standard Review Procedures



Sec. 25-2.3.2. Pre-Development Meeting

(a) Purpose

The purpose of a pre-development meeting is to provide an opportunity for the applicant to review the submission requirements and the procedures and standards applicable to an anticipated application. A pre-development meeting is also intended to provide an opportunity for City staff to become familiar with, and offer the applicant preliminary comments about the scope, features, and impacts of proposed development as it relates to the standards in this Ordinance.

(b) Applicability

(1) A pre-development meeting is required before the submission of any of the following applications, unless waived by the Director:

- **(i)** Text Amendments (Sec. 25-2.4.1);
- **(ii)** Zoning Map Amendments (Sec. 25-2.4.2);
- **(iii)** Planned Development Districts (Sec. 25-2.4.3);
- **(iv)** Major Site Plans (Sec. 25-2.4.5); and
- **(v)** Special Exception Permits (Sec. 25-2.4.4).

(2) A pre-development meeting may be requested and held at the applicant's option before the submission of any development application not identified in subsection (1) above.

(c) Procedure

(1) Scheduling

Upon receipt of the request for a pre-development meeting, the Director shall schedule the pre-development meeting and notify the applicant of the meeting time and location.

(2) Submission of Materials Prior to Meeting

Before a pre-development meeting is held, the applicant shall submit to the Director a narrative describing the scope of the proposed application.

(3) Conduct of Meeting

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

(d) Effect

The pre-development meeting is intended to facilitate the application review process. Discussions held in accordance with this section are not binding on the City. Processing times for review of development applications do not begin until an application is submitted and determined to be complete in accordance with Sec. 25-2.3.5, Application Completeness Determination.

Sec. 25-2.3.3. Neighborhood Meeting

(a) Purpose

The purpose this section is to establish a uniform procedure for pre-application neighborhood meetings. Pre-application neighborhood meetings are intended to educate owners and residents of nearby lands about a proposed application that is reviewed under this Ordinance, and to provide the applicant an opportunity to hear comments and concerns about the proposal and resolve conflicts and outstanding issues, where possible, before an application is submitted.

(b) Applicability

(1) A pre-application neighborhood meeting is required before the submission of applications for a planned development district (see Sec. 25-2.4.3), unless waived by the Director.

(2) A pre-application neighborhood meeting may be held at the applicant's option before the submission of any development application not identified in subsection (1) above.

(c) Procedure

If a pre-application neighborhood meeting is conducted, it shall comply with the following requirements:

(1) Meeting Time and Location

The meeting shall be held after 5:00 p.m. on a weekday at a location that is convenient and generally accessible to neighbors residing in proximity to the land subject to the proposed application.

(2) Meeting Notification

(i) Mailed Notice

The applicant shall mail notice of the meeting a minimum of ten days before the meeting to the Director and all persons to whom mailed notice of a public hearing on the development application is required by state law. If the proposed development application is not subject to a public hearing, notice shall be mailed to the Director and all owners of land inside the corporate limits that is within 500 feet of the land subject to the proposed application.

(ii) Posted Notice

The applicant shall post notification of the neighborhood meeting in a form established by the Director, on the land subject to the application, a minimum of ten days before the date fixed for the meeting.

(iii) Notice Content

The notification shall state the time and place of the meeting, the purpose of the meeting, the general nature of the development proposal, and the proposed type of development approval or permit being considered.

(3) City Staff Attendance

Staff from the Planning Department, Building Department, or other City departments may attend the meeting. The role of City staff in the meeting shall be limited to responding to questions regarding the standards and requirements of this Ordinance, the Subdivision Regulations, or other relevant provisions of the City Code.

(4) Conduct of Meeting

The meeting shall be open to the public. At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to questions and concerns attendees raise about the proposed application, and discuss ways to resolve any conflicts or concerns.

(5) Written Summary of Meeting

After the conclusion of the meeting, the applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of issues related to the development proposal that were discussed, a compilation of attendee comments and responses by the applicant, and any other information the applicant deems appropriate. The meeting summary shall be included with the application materials. The Director shall retain a copy of the meeting summary, which shall be available for examination by the public in the Planning Department during normal business hours.

(6) Response to Summary

Any person attending the pre-application neighborhood meeting may submit to the Director a written response to the applicant's meeting summary after the application is determined complete (see Sec. 25-2.3.5, Application Completeness Determination). The response may state that person's understanding of attendee comments, discuss issues related to the development proposal, and include any other information deemed appropriate. All written responses to the applicant's summary of the pre-application neighborhood meeting shall be included with the application materials. The Director shall retain a copy of the meeting summary which shall be available for examination by the public in the Planning Department during normal business hours.

Sec. 25-2.3.4. Application Submission

(a) Application Submitted to Planning Department or Building Department

(1) All applications required by this ordinance except those identified in subsection (2) below, shall be submitted to the Planning Department.

(2) Applications for the following shall be submitted to the Building Department:

(i) Building Permits (Sec. 25-2.4.7);

(ii) Certificates of Occupancy (Sec. 25-2.4.13); and

(b) Authority to Submit Applications

All applications for development approvals and permits shall be submitted by the owner(s) of the land upon which the development is proposed, or their authorized agent.

(c) Required Contents and Form

The application contents and form shall be in accordance with requirements established by the Director 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 timeframes for review, shall be established for the specific application type by the Director.

(f) Simultaneous Processing of Applications

Whenever two or more forms of review and approval are required under this Ordinance, the applications for those development approvals or permits may, at the discretion of the Director, be processed simultaneously, so long as all applicable City and state requirements are satisfied. Simultaneous processing of applications may result in additional fees to the applicant. Additionally, revisions to one application may necessitate corresponding revisions to related applications that are reviewed simultaneously.

(g) Maintenance of Application

The Planning Department or the Building Department, whichever receives the application, shall maintain in its offices complete applications received and all associated materials submitted, including those subsequently submitted by the applicant.

(h) 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 of or in opposition to an application, as applicable, in the Planning Department or Building Department, as applicable, during normal business hours.

(i) Amendment or of Withdrawal of Application

(1) Application Amendment

(i) An applicant may submit a revised application to the Planning Department or Building Department, whichever received the initial application, 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 Director 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.

(ii) 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

(i) An applicant may withdraw an application at any time by submitting a letter of withdrawal to the Planning Department or Building Department, whichever received the application.

(ii) 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 Sec. 25-2.3.10(e), Limit on Subsequent Applications.

(iii) 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.

Sec. 25-2.3.5. Application Completeness Determination

(a) General

Upon receipt of an application, the Director 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.

(b) Application Incomplete

If the Director determines that the application is incomplete, the Director shall send notice to the applicant of the application's deficiencies electronically or by mail within 10 business days of receipt of the application, and review of the application shall not proceed. The applicant may correct the deficiencies and resubmit the application for completeness determination.

(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.

Sec. 25-2.3.6. Staff or Advisory Committee Review and Action

If review or a decision on the application by the Director, the Building Inspector, the Technical Review Committee, the Zoning Committee, or the Board of Zoning Adjustment (BOZA) Technical Review Committee is required in accordance with Section 25-2.1, Summary Table of Development Review Responsibilities, the review and/or decision shall be in accordance with this section.

(a) Review and Opportunity to Revise Application

(1) If an application is determined to be complete, the Director shall distribute the application to all appropriate City staff, departments, and other review agencies for review and comment.

(2) The Director, Building Inspector, Technical Review Committee, Zoning Committee, or BOZA Technical Review Committee, whichever is authorized to decide or provide review on the application in accordance with Section 25-2.1, Summary Table of Development Review Responsibilities, shall review the application, any relevant support material, and any comments or recommendations from the appropriate City staff, departments, and other review agencies. If deficiencies in complying with the applicable standards of this Ordinance are identified, the Director shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to revise the application to address them.

(b) Application Subject to Review by Staff or Advisory Committee

(1) If an application is subject to review by the Director, Technical Review Committee, or Zoning Committee in accordance with Section 25-2.1, Summary Table of Development Review Responsibilities, the appropriate review entity shall, following completion of its review, prepare a written staff report (recommendation) that addresses the application's compliance with applicable review standards and recommends action on the application, including any recommended conditions of approval. Such a report is not required if the Director makes the final decision on the application. The Director shall transmit the application and staff report, if applicable, to the appropriate advisory or decision-making body in accordance with Section 25-2.1, Summary Table of Development Review Responsibilities, 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

(2) If an application is subject to review by the BOZA Technical Review Committee in accordance with Section 25-2.1, Summary Table of Development Review Responsibilities, the Director and other members of the Committee, as appropriate, may make a statement on the application at the Board of Zoning Adjustment’s hearing on the application, based on the Committee’s review of the application.

(c) Application Subject to Decision by Staff

If an application is subject to a final decision by the Director or the Building Inspector in accordance with Section 25-2.1, Summary Table of Development Review Responsibilities, the Director or Building Inspector, as appropriate, shall, after reviewing the application, 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 25-2.4, Application Specific Review Procedures and Decision Standards.

Sec. 25-2.3.7. Scheduling of Public Hearing and Public Notification

If a public hearing is required in accordance with Section 25-2.1, Summary Table of Development Review Responsibilities, the public hearing shall be scheduled and public notification of the hearing provided in accordance with state law.

Sec. 25-2.3.8. Planning Commission Review and Recommendation

If an application requires review by the Planning Commission in accordance with Section 25-2.1, Summary Table of Development Review Responsibilities, the Planning Commission shall review and make a recommendation on the application in accordance with the following requirements:

(a) The Planning Commission shall conduct a public hearing on the application and shall consider the application, relevant support materials, staff or advisory committee reports, and any 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 25-2.4, Application Specific Review Procedures and Decision Standards.

(b) The Planning Commission's recommendation shall state the basis or rationale for the recommended decision.

(c) If permitted for the particular type of application in accordance with Section 25-2.4, 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.

Sec. 25-2.3.9. Decision-Making Body Review and Decision

If an application is subject to a final decision by the City Council, the Planning Commission, or the Board of Zoning Adjustment (decision-making bodies) in accordance with Section 25-2.1, Summary Table of Development Review Responsibilities, such 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 advisory committee reports, and any comments received during the hearing. Following the hearing, the decision-making body shall make 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 25-2.4, 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 or advisory committee, as applicable, for further consideration of any issue.

(d) If permitted for the particular type of application in accordance with Section 25-2.4, 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.

Sec. 25-2.3.10. Post Decision Actions and Limitations

(a) Notification to Applicant of Decision

Within ten days after a final decision on a development application, or within another period of time as required by state law, the Director shall notify the applicant and the owner(s) of the property that is the subject of the decision (if different from the applicant) of the decision. The notification shall be in writing and shall comply with applicable state law. The Director shall also make a copy of the decision available to the public at the Planning Department Office during normal business hours.

(b) 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 or permit is a prerequisite to another development approval or permit (e.g., variance approval prior to a major site plan approval), development may not take place until all required development approvals or permits are obtained. Approval of one development application does not necessarily guarantee approval of any subsequent development application.

(c) Lapse in Approval

(1) Development approvals and permits shall expire as provided in Section 25-2.4, Application Specific Review Procedures and Decision Standards, for each type of development approval or permit. If no expiration period is provided for the specific type of development approval or permit, and if no expiration period is imposed as a part of its approval, the development approval or permit 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 or permit shall not affect the established expiration time period for the development approval or permit.

(d) Amendment of Development Approval or Permit

Unless otherwise specified in the procedure for the particular type of development application in Section 25-2.4, Application Specific Review Procedures and Decision Standards, an amendment of a development approval or permit may only be reviewed in accordance with the procedures and standards established for its original approval.

(e) Limit on Subsequent Applications

(1) Prior Application Denied

(i) 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 (ii), below. Only one request for a waiver of this time limit may be submitted during the one-year period.

(ii) 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 (i), above, along with a fee to defray the cost of processing the request, to the Director, who shall transmit the request to the decision-making body. The decision-making body may grant a waiver of the time limit only on a finding by at least two-thirds of its membership of one or more of the following:

a. 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;

b. 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;

c. The new application proposed to be submitted is not substantially the same as the prior application; or

d. 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 25-2.4. APPLICATION SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS

Sec. 25-2.4.1. Text Amendment

(a) Applicability

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

(b) Procedure for Text Amendment

An application for a text amendment shall be submitted, processed, reviewed, and decided on in accordance with Section 25-2.3, Standard Application Requirements and Procedures, as modified in this section. Figure 25-2.4.1: Summary of Text Amendment Procedure, identifies the standard procedures in Section 25-2.3 that apply to text amendment applications and those that do not apply. Subsections (1) through (6) below, set out the required procedure for text amendment applications, including any modifications to the standard procedures in Section 25-2.3.

Figure 25-2.4.1: Summary of Text Amendment Procedure

☑ Pre-Development Meeting	☒ Neighbor-hood Meeting	☑ Application Submission & Completeness Determination	☑ Staff or Advisory Committee Review & Action	☑ Scheduling of Public Hearing & Public Notification	☑ Planning Commission Review & Recommendation	☑ Decision-Making Body Review & Decision	☒ Post-Decision Actions & Limitations
See (1) below		See (2) below	See (3) below	See (4) below	See (5) below	See (6) below	

☑= Applicable; ☒=Not Applicable

(1) Pre-Development Meeting

A pre-development meeting is required in accordance with Sec. 25-2.3.2, Pre-Development Meeting.

(2) Application Submission and Completeness Determination

(i) Applications shall be submitted in accordance with Sec. 25-2.3.4, Application Submission, except that text amendments may be initiated by the City Council, the Planning Commission, the Director, an owner of land in the City, or a person with a financial or other interest in land in the City. For purposes of this section, a resolution adopted by the City Council or the Planning Commission initiating a text amendment shall constitute the application.

(ii) The Director shall make a determination as whether the application is complete in accordance with Sec. 25-2.3.5, Application Completeness Determination.

(3) Staff Review and Action

The Director and the Zoning Committee shall review the application and provide a recommendation in accordance with Sec. 25-2.3.6, Staff or Advisory Committee Review and Action.

(4) Scheduling of Public Hearing and Public Notification

Public hearings shall be scheduled and notification of the hearings provided in accordance with Sec. 25-2.3.7, Scheduling of Public Hearing and Public Notification.

(5) Planning Commission Review and Recommendation

The Planning Commission shall conduct a public hearing on the application and make a recommendation on the application in accordance with Sec. 25-2.3.8, Planning Commission Review and Recommendation, and Sec. 25-2.4.1(c), Decision-Making Standards for Text Amendment.

(6) Decision-Making Body Review and Decision

The City Council shall conduct a public hearing on the application and make a decision on the application in accordance with Sec. 25-2.3.9, Decision-Making Body Review and Decision, and Sec. 25-2.4.1(c), Decision-Making Standards for Text Amendment. The City Council's decision shall be one of the following:

(i) Adopt the text amendment as proposed;

(ii) Adopt a revised text amendment;

(iii) Deny the text amendment; or

(iv) Remand the text amendment application to the Planning Commission for further consideration.

(c) Decision-Making Standards for Text Amendment

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 adopt or deny the proposed 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 zoning 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.

Sec. 25-2.4.2. Zoning Map Amendment

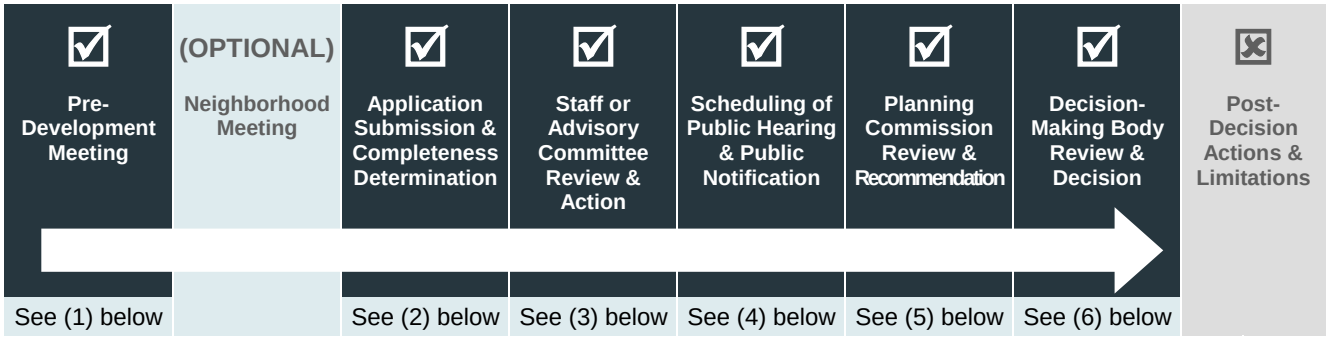
(a) Applicability

Approval of a Zoning Map amendment in accordance with this section is required to amend the Official Zoning Map, except where the amendment is sought as part of a planned development (see Sec. 25-2.4.3, Planned Development District).

(b) Procedure for Zoning Map Amendment

An application for a Zoning Map amendment shall be submitted, processed, reviewed, and decided on in accordance with Section 25-2.3, Standard Application Requirements and Procedures, as modified in this section. Figure 25-2.4.2: Summary of Zoning Map Amendment Procedure, identifies the standard procedures in Section 25-2.3 that apply to Zoning Map amendment applications and those that do not apply. Subsections (1) through (6) below, set out the required procedure for Zoning Map amendment applications, including any modifications to the standard procedures in Section 25-2.3.

Figure 25-2.4.2: Summary of Zoning Map Amendment Procedure



☑= Applicable; ☒=Not Applicable

(1) Pre-Development Meeting

A pre-development meeting is required in accordance with Sec. 25-2.3.2, Pre-Development Meeting.

(2) Application Submission and Completeness Determination

(i) Applications shall be submitted in accordance with Sec. 25-2.3.4, Application Submission, except that Zoning Map amendments may be initiated by the City Council, the Planning Commission, the Director, or the owner(s) of the land upon which the development is proposed, or their authorized agent.

(ii) The Director shall make a determination as whether the application is complete in accordance with Sec. 25-2.3.5, Application Completeness Determination.

(3) Staff Review and Action

The Director and the Zoning Committee shall review the application and provide a recommendation in accordance with Sec. 25-2.3.6, Staff or Advisory Committee Review and Action.

(4) Scheduling of Public Hearing and Public Notification

Public hearings shall be scheduled and notification of the hearings provided in accordance with Sec. 25-2.3.7, Scheduling of Public Hearing and Public Notification.

(5) Advisory Body Review and Recommendation

The Planning Commission shall conduct a public hearing on the application and make a recommendation on the application in accordance with Sec. 25-2.3.8, Planning Commission Review and Recommendation, and Sec. 25-2.4.2(c), Decision-Making Standards for Zoning Map Amendment.

(6) Decision-Making Body Review and Decision

The City Council shall conduct a public hearing on the application and make a decision on the application in accordance with Sec. 25-2.3.9, Decision-Making Body Review and Decision, and Sec. 25-2.4.2(c), Decision-Making Standards for Zoning Map Amendment. The City Council's decision shall be one of the following:

(i) Adopt the zoning map amendment as proposed;

(ii) Adopt a revised zoning map amendment;

(iii) Deny the zoning map amendment; or

(iv) Remand the zoning map amendment application to the Planning Commission for further consideration.

(c) Decision-Making Standards for Zoning Map Amendment

The advisability of a Zoning Map 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 adopt or deny a proposed 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 and policies of the Comprehensive Plan and other applicable plans and planning documents adopted by the City;

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

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

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

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

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

(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; and

(8) Is appropriate due to any changed or changing conditions in the affected area.

Sec. 25-2.4.3. Planned Development District

(a) Purpose

Planned developments are developments that are planned and developed under unified control. They allow more flexible standards and procedures in order to achieve innovative site design, improved appearance, greater compatibility of uses, increased preservation of natural and scenic features, improved service by community facilities, better functioning of vehicular access and circulation, and otherwise higher-quality development than could be achieved through base zoning district regulations. The purpose of this section is to provide a uniform mechanism for amending the Zoning Map to establish any of the planned development districts set forth in this Ordinance.

(b) Applicability

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

(c) Procedure for Planned Development District

An application for a planned development district shall be submitted, processed, reviewed, and decided on in accordance with Section 25-2.3, Standard Application Requirements and Procedures, as modified in this section. Figure 25-2.4.3: Summary of Planned Development District Procedure, identifies the standard procedures in Section 25-2.3 that apply to planned development district applications and those that do not apply. Subsections (1) through (8) below, set out the required procedure for planned development district applications, including any modifications to the standard procedures in Section 25-2.3.

Figure 25-2.4.3: Summary of Planned Development District Procedure

☑ Pre-Development Meeting	☑ Neighborhood Meeting	☑ Application Submission & Completeness Determination	☑ Staff or Advisory Committee Review & Action	☑ Scheduling of Public Hearing & Public Notification	☑ Advisory Body Review & Recommendation	☑ Decision-Making Body Review & Decision	☑ Post-Decision Actions & Limitations
See (1) below	See (2) below	See (3) below	See (4) below	See (5) below	See (6) below	See (7) below	See (8) below

☑= Applicable; ☒=Not Applicable

(1) Pre-Development Meeting

A pre-development meeting is required in accordance with Sec. 25-2.3.2, Pre-Development Meeting.

(2) Neighborhood Meeting

A neighborhood meeting is required in accordance with Sec. 25-2.3.3, Neighborhood Meeting.

(3) Application Submission and Completeness Determination

(i) Applications shall be submitted in accordance with Sec. 25-2.3.4, Application Submission.

(ii) A complete application must include a proposed Planned Development Plan (PD Plan) and a proposed Planned Development Agreement (PD Agreement) addressing all requirements and standards set forth in Section 25-3.3, Planned Development Districts.

(iii) The Director shall make a determination as whether the application is complete in accordance with Sec. 25-2.3.5, Application Completeness Determination.

(4) Staff Review and Action

The Director and the Zoning Committee shall review the application and provide a recommendation in accordance with Sec. 25-2.3.6, Staff or Advisory Committee Review and Action.

(5) Scheduling of Public Hearing and Public Notification

Public hearings shall be scheduled and notification of the hearings provided in accordance with Sec. 25-2.3.7, Scheduling of Public Hearing and Public Notification.

(6) Advisory Body Review and Recommendation

The Planning Commission shall conduct a public hearing on the application and make a recommendation on the application in accordance with Sec. 25-2.3.8, Planning Commission Review and Recommendation, and Sec. 25-2.4.3(d), Decision-making Standards for Planned Development.

(7) Decision-Making Body Review and Decision

The City Council shall conduct a public hearing on the application and make a decision on the application in accordance with Sec. 25-2.3.9, Decision-Making Body Review and Decision, and Sec. 25-2.4.3(d), Decision-making Standards for Planned Development. The City Council's decision shall be one of the following:

(i) Adopt the planned development district subject to the PD Plan and PD Agreement included in the application;

(ii) Adopt a revised planned development district subject to additional or modified conditions related to the PD Plan or PD Agreement;

(iii) Deny the planned development district; or

(iv) Remand the planned development district application to the Planning Commission for further consideration.

(8) Post-Decision Actions and Limitations

(i) Effect of Approval

The approved PD Plan and PD Agreement shall be the zoning text for the planned development district, and any subsequent development approval or permit shall comply with the approved PD Plan and PD Agreement.

(ii) Amendments

An approved PD Plan or PD Agreement may be amended only in accordance with the procedure and standards used for its original approval. Minor deviations as set forth in subsection (iii) below, are not considered amendments of the PD Plan or PD Agreement.

(iii) Minor Deviations

Subsequent applications for development approvals and permits within a planned development district that include minor deviations from the approved PD Plan or PD Agreement that do not materially affect the planned development district's basic concept may be reviewed and decided upon, without the need to amend the planned development district, if in consultation with the Zoning Committee, the Director determines that such deviations consist of only the following:

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

b. A change in a land use designation from multifamily to single-family or a change from any use to open space/passive recreation;

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

d. 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.

(d) Decision-making Standards for Planned Development

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 Sec.

25-2.4.2(c), Decision-Making Standards for 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 25-3.3, Planned Development Districts.

Sec. 25-2.4.4. Special Exception Permit

(a) Purpose

The purpose of this section is to establish a uniform mechanism to ensure that special exception uses are appropriate for the location and district where they are proposed. A use is designated as a special exception use in a zoning district where the use may or may not be appropriate, because of its unique characteristics and potential impacts on the surrounding neighborhood. Special individual consideration of the proposed location, design, and methods of operation, in accordance with the procedure and standards in this section, is required before the use can be deemed appropriate in the district and compatible with its surroundings.

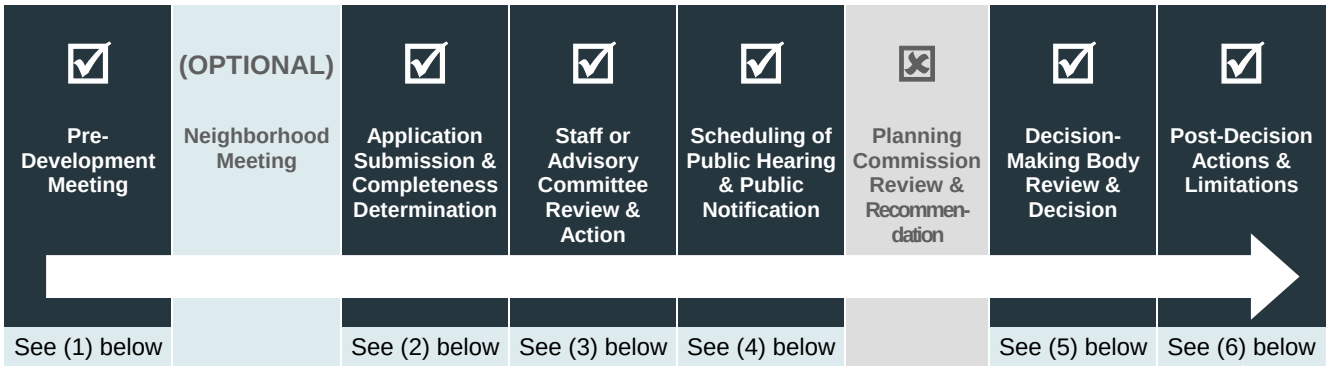
(b) Applicability

Approval of a special exception permit 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 25-4: Use Regulations.

(c) Procedure for Special Exception Permit

An application for special exception permit shall be submitted, processed, reviewed, and decided on in accordance with Section 25-2.3, Standard Application Requirements and Procedures, as modified in this section. Figure 25-2.4.4: Summary of Special Exception Permit Procedure, identifies the standard procedures in Section 25-2.3 that apply to special exception permit applications and those that do not apply. Subsections (1) through (6) below, set out the required procedure for special exception permit applications, including any modifications to the standard procedures in Section 25-2.3.

Figure 25-2.4.4: Summary of Special Exception Permit Procedure



☑= Applicable; ☒=Not Applicable

(1) Pre-Development Meeting

A pre-development meeting is required in accordance with Sec. 25-2.3.2, Pre-Development Meeting.

(2) Application Submission and Completeness Determination

(i) Applications shall be submitted in accordance with Sec. 25-2.3.4, Application Submission.

(ii) The Director shall make a determination as whether the application is complete in accordance with Sec. 25-2.3.5, Application Completeness Determination.

(3) Staff Review and Action

The BOZA Technical Review Committee shall review the application and members of the Committee may make statements at the hearing on the application in accordance with Sec. 25-2.3.6, Staff or Advisory Committee Review and Action.

(4) Scheduling of Public Hearing and Public Notification

The public hearing shall be scheduled and notification of the hearing provided in accordance with Sec. 25-2.3.7, Scheduling of Public Hearing and Public Notification.

(5) Decision-Making Body Review and Decision

The Board of Zoning Adjustment shall conduct a public hearing on the application and make a decision in accordance with Sec. 25-2.3.9, Decision-Making Body Review and Decision, and, Sec. 25-2.4.4(d), Decision-Making Standards for Special Exception Permit. The Board of Zoning Adjustment's decision shall be one of the following:

(i) Approve the special exception permit as proposed;

(ii) Approve the special exception permit, subject to conditions of approval or;

(iii) Deny the special exception permit.

(6) Post Decision Actions and Limitations

Post decision actions and limitations shall be in accordance with Sec. 25-2.3.10, Post Decision Actions and Limitations.

(d) Decision-Making Standards for Special Exception Permit

The Board of Zoning Adjustment shall not approve a special exception permit application unless the Board finds the proposed special exception use:

(1) Complies with all applicable district-specific standards in Article 25-3: Zoning Districts;

(2) Complies with all applicable use-specific standards in Article 25-4: Use Regulations;

(3) Complies with all applicable standards in Article 25-5: Development Standards;

(4) Complies with all relevant subdivision 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.

Sec. 25-2.4.5. Site Plan (Major or Minor)

(a) Purpose

Site plan review is intended to ensure that the layout and general design of proposed development is compatible with surrounding uses and complies with all applicable standards in this Ordinance and all other applicable City and state regulations.

(b) Applicability

(1) Unless exempted by subsection (2) below, all development shall receive site plan approval in accordance with this prior to the issuance of a building permit or a certificate of occupancy, whichever occurs first.

(2) The following development is exempt from the requirements of this section if it disturbs less than one acre of ground surface (see Section 25-5.11, Stormwater Management Standards):

(i) Development of a single-family detached dwelling unit on an individual lot; and

(ii) Alteration of the interior of an existing structure that does not involve an increase in floor area, an increase in the density or intensity, or a change in parking requirements.

(c) Major and Minor Site Plans Distinguished

There are two types of site plan review under this Ordinance: major site plan review and minor site plan review. Phases of a phased project shall be considered cumulatively over a five-year period in determining whether major or minor site plan review is required.

(1) Major site plans are reviewed and decided by the Director, as directed by the Technical Review Committee, in accordance with Sec. 25-2.4.5(d), Procedure for Major Site Plan. The following development shall require major site plan approval:

(i) All commercial, industrial, or multifamily residential development that includes new construction, unless it is determined by the Director, in consultation with the Building, Engineering, and Planning Departments that it should be reviewed as a minor site plan because it will not:

a. Affect traffic flow;

b. Change the building footprint significantly;

c. Negatively affect the character of any surrounding residential neighborhood; and

d. Negatively affect drainage.

(2) All other development (including new commercial, industrial, or multifamily residential development that is determined to be reviewed as a minor site plan in accordance with subsection (1)(i) above), unless exempted, shall require minor site plan approval.

(d) Procedure for Major Site Plan

An application for a major site plan shall be submitted, processed, reviewed, and decided on in accordance with Section 25-2.3, Standard Application Requirements and Procedures, as modified in this section. Figure 25-2.4.5.(d): Summary of Major Site Plan Procedure, identifies the standard procedures in Section 25-2.3 that apply to major site plan applications and those that do not apply. Subsections (1) through (6) below, set out the required procedure for major site plan applications, including any modifications to the standard procedures in Section 25-2.3.

Figure 25-2.4.5.(d): Summary of Major Site Plan Procedure

☑	(OPTIONAL)	☑	☑	(CONDITIONAL) ☑	☒	(CONDITIONAL) ☑	☑
Pre-Development Meeting	**Neighborhood Meeting**	**Application Submission & Completeness Determination**	**Staff or Advisory Committee Review & Action**	**Scheduling of Public Hearing & Public Notification**	**Planning Commission Review & Recommendation**	**Decision-Making Body Review & Decision**	**Post-Decision Actions & Limitations**
See (1) below		See (2) below	See (3) below	See (4) below		See (5) below	See (6) below

☑= Applicable; ☒=Not Applicable

(1) Pre-Development Meeting

A pre-development meeting is required in accordance with Sec. 25-2.3.2, Pre-Development Meeting.

(2) Application Submission and Completeness Determination

(i) Applications shall be submitted in accordance with Sec. 25-2.3.4, Application Submission. The application shall include a site plan that complies with the requirements set forth in Appendix A.

(ii) The Director shall make a determination as whether the application is complete in accordance with Sec. 25-2.3.5, Application Completeness Determination.

(3) Staff Review and Action

(i) The Technical Review Committee shall review the application and provide a recommendation to the Director in accordance with Sec. 25-2.3.6, Staff or Advisory Committee Review and Action. Individual Technical Review Committee members will include a recommendation of whether to refer the application to the Planning Commission.

(ii) The Director shall either make a decision on the application in accordance with Sec. 25-2.3.6, Staff or Advisory Committee Review and Action, and Sec. 25-2.4.5(f), Decision-Making Standards for Site Plan (Major or Minor), or refer the application to the Planning Commission for a decision because the application could potentially have significant impacts on traffic congestion, the provision of other public facilities, or the character of surrounding development. If two or more Technical Review Committee members recommend referral the Site Plan shall be referred to the Planning Commission for a decision.

(iii) If the Director makes the decision on the application, it shall be one of the following:

a. Approve the major site plan application as proposed;

b. Approve a major site plan, subject to conditions of approval; or

c. Deny the site plan.

(4) Scheduling of Public Hearing and Public Notification

If a major site plan is referred by the Director to the Planning Commission for a decision, the public hearing shall be scheduled and notification of the hearing provided in accordance with Sec. 25-2.3.7, Scheduling of Public Hearing and Public Notification.

(5) Decision-Making Body Review and Decision

The Planning Commission shall then conduct a public hearing on the application and make a decision in accordance with Sec. 25-2.3.9, Decision-Making Body Review and Decision, and Sec. 25-2.4.5(f), Decision-Making Standards for Site Plan (Major or Minor). The Planning Commission's decision shall be one of the following:

(i) Approve the major site plan application as proposed;

(ii) Approve the major site plan, subject to conditions of approval; or

(iii) Deny the major site plan.

(6) Post Decision Actions and Limitations

(i) Post decision actions and limitations shall be in accordance with Sec. 25-2.3.10, Post Decision Actions and Limitations.

(ii) If a building permit or certificate of occupancy, as appropriate, is not approved for a portion of the major site plan within two years of the date of approval of the major site plan, approval shall automatically expire and reapplication shall be required.

(7) Appeal

A final decision on the application by the Director may be appealed to the Board of Zoning Adjustment in accordance with Sec. 25-2.4.18, Appeal of Administrative Decision.

(e) Procedure for Minor Site Plan

An application for a minor site plan shall be submitted, processed, reviewed, and decided on in accordance with Section 25-2.3, Standard Application Requirements and Procedures, as modified in this section. Figure 25-2.4.5.(e): Summary of Minor Site Plan Procedure, identifies the standard procedures in Section 25-2.3 that apply to minor site plan applications and those that do not apply. Subsections (1) through (3) below, set out the required procedure for minor site plan applications, including any modifications to the standard procedures in Section 25-2.3.

Figure 25-2.4.5.(e)(3): Summary of Minor Site Plan Procedure

(OPTIONAL)	(OPTIONAL)	☑	☑	☒	☒	☒	☑
Pre-Development Meeting	Neighborhood Meeting	Application Submission & Completeness Determination	Staff or Advisory Committee Review & Action	Scheduling of Public Hearing & Public Notification	Planning Commission Review & Recommen-dation	Decision-Making Body Review & Decision	Post-Decision Actions & Limitations
		See (1) below	See (2) below				See (3) below

☑= Applicable; ☒=Not Applicable

(1) Application Submission and Completeness Determination

(i) Applications shall be submitted in accordance with Sec. 25-2.3.4, Application Submission. The application shall include a site plan that complies with the requirements set forth in Appendix A.

(ii) The Director shall make a determination as whether the application is complete in accordance with Sec. 25-2.3.5, Application Completeness Determination.

(2) Staff Review and Action

The Director shall review the application and, if the Director determines that the proposed development requires Technical Review Committee review because of its complexity or potential impacts, the Director shall obtain a recommendation on the application from the Technical Review Committee in accordance with Sec. 25-2.3.6, Staff or Advisory Committee Review and Action. After reviewing the application and the Technical Review Committee's recommendation, as applicable, the Director shall make a decision on the application in accordance with Sec. 25-2.3.6, Staff or Advisory Committee Review and Action, and Sec. 25-2.4.5(f), Decision-Making Standards for Site Plan (Major or Minor). The Director's decision shall be one of the following:

(i) Approve the minor site plan application as proposed**;**

(ii) Approve the minor site plan, subject to conditions of approval; or

(iii) Deny the minor site plan Application

(3) Post Decision Actions and Limitations

(i) Post decision actions and limitations shall be in accordance with Sec. 25-2.3.10, Post Decision Actions and Limitations.

(ii) If a building permit or certificate of occupancy, as appropriate, is not approved for a portion of the minor site plan within two years of the date of approval of the minor site plan, approval shall automatically expire and reapplication shall be required.

(4) Appeal

A final decision on the application by the Director may be appealed to the Board of Zoning Adjustment in accordance with Sec. 25-2.4.18, Appeal of Administrative Decision.

(f) Decision-Making Standards for Site Plan (Major or Minor)

A site plan (major or minor) shall be approved only on finding the applicant demonstrates all the following standards are met:

(1) The proposed uses in the site plan are allowed in accordance with Article 25-4: Use Regulations;

(2) The development proposed in the site plan and its general layout and design comply with all applicable standards in Article 25-5: Development Standards;

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

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

Sec. 25-2.4.6. Special Use Permit (Wireless)

Applications for special use permits for wireless telecommunications facilities shall be submitted and reviewed in accordance with Sec. 7-306 of the City Code.

Sec. 25-2.4.7. Floodplain Development Permit

Applications for a Floodplain Development Permit shall be submitted and reviewed in accordance with Section 25-5.10, Floodplain Management.

Sec. 25-2.4.8. Temporary Use Permit

(a) Purpose

The purpose of this section is to establish a uniform mechanism for ensuring temporary uses comply with this Ordinance.

(b) Applicability

A temporary use permit is required for any use identified as requiring a temporary use permit by Section 25-4.4, Temporary Uses and Structures.

(c) Procedure for Temporary Use Permits

An application for a temporary use permit shall be submitted, processed, reviewed, and decided on in accordance with Section 25-2.3, Standard Application Requirements and Procedures, as modified in this section. Figure 25-2.4.8: Summary of Temporary Use Permit Procedure, identifies the standard procedures in Section 25-2.3 that apply to

temporary use permit applications and those that do not apply. Subsections (1) through (3) below, set out the required procedure for temporary use permits, including any modifications to the standard procedures in Section 25-2.3.

Figure 25-2.4.8: Summary of Temporary Use Permit Procedure

(OPTIONAL)	(OPTIONAL)	☑	☑	☒	☒	☒	☑
Pre-Development Meeting	**Neighborhood Meeting**	**Application Submission & Completeness Determination**	**Staff or Advisory Committee Review & Action**	**Scheduling of Public Hearing & Public Notification**	**Planning Commission Review & Recommen-dation**	**Decision-Making Body Review & Decision**	**Post-Decision Actions & Limitations**
		See (1) below	See (2) below				See (3) below

☑= Applicable; ☒=Not Applicable

(1) Application Submission and Completeness Determination

(i) Applications shall be submitted in accordance with Sec. 25-2.3.4, Application Submission.

(ii) The Director shall make a determination as whether the application is complete in accordance with Sec. 25-2.3.5, Application Completeness Determination.

(2) Staff Review and Action

(i) The Director shall review the application and make a decision in accordance with Sec. 25-2.3.6, Staff or Advisory Committee Review and Action, and Sec. 25-2.4.8(d), Decision-Making Standards for Temporary Use Permits. The Director's decision shall be one of the following:

a. Approve the application as submitted;

b. Approve the application subject to conditions of approval; or

c. Deny the application.

(ii) The period of validity for the temporary use permit shall be stated in the approved temporary use permit.

(3) Post Decision Actions and Limitations

(i) Post decision actions and limitations shall be in accordance with Sec. 25-2.3.10, Post Decision Actions and Limitations.

(ii) The temporary use permit shall automatically expire when the period of validity specified in the permit ends.

(4) Appeal

A final decision on the application by the Director may be appealed to the Board of Zoning Adjustment in accordance with Sec. 25-2.4.18, Appeal of Administrative Decision.

(d) Decision-Making Standards for Temporary Use Permits

The Director shall approve a temporary use permit only on finding the plans, specifications, and intended use comply with the standards in Section 25-4.4, Temporary Uses and Structures, and all other relevant provisions of this Ordinance and the City Code.

Sec. 25-2.4.9. Temporary Occupation Business Permit

(a) Purpose

The purpose of this section is to establish a uniform mechanism for the approval of temporary occupation businesses

(b) Applicability

A temporary occupation business permit is required prior to any development activities related to the establishment of a temporary occupation business.

(c) Procedure for Temporary Occupation Business Permits

An application for a temporary occupation business permit shall be submitted, processed, reviewed, and decided on in accordance with Section 25-2.3, Standard Application Requirements and Procedures, as modified in this section. Figure 25-2.4.9: Summary of Temporary Occupation Business Permit Procedure, identifies the standard procedures in Section 25-2.3 that apply to temporary occupation business permit applications and those that do not apply. Subsections (1) through (3) below, set out the required procedure for temporary occupation business permits, including any modifications to the standard procedures in Section 25-2.3.

Figure 25-2.4.9: Summary of Temporary Occupation Business Permit Procedure

(OPTIONAL)	(OPTIONAL)	☑	☑	☒	☒	☒	☑
Pre-Development Meeting	Neighborhood Meeting	Application Submission & Completeness Determination	Staff or Advisory Committee Review & Action	Scheduling of Public Hearing & Public Notification	Planning Commission Review & Recommen-dation	Decision-Making Body Review & Decision	Post-Decision Actions & Limitations
		See (1) below	See (2) below				See (3) below

☑= Applicable; ☒=Not Applicable

(1) Application Submission and Completeness Determination

(i) Applications shall be submitted in accordance with Sec. 25-2.3.4, Application Submission.

(ii) The Director shall make a determination as whether the application is complete in accordance with Sec. 25-2.3.5, Application Completeness Determination.

(2) Staff Review and Action

The Director shall review the application and make a decision in accordance with Sec. 25-2.3.6, Staff or Advisory Committee Review and Action, and Sec. 25-2.4.9(d), Decision-Making Standards for Temporary Occupancy Business Permits. The Director's decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

(3) Post Decision Actions and Limitations

(i) Post decision actions and limitations shall be in accordance with Sec. 25-2.3.10, Post Decision Actions and Limitations.

(ii) The temporary occupancy business permit shall automatically expire six months after the date it is issued if action to establish the approved activity has not commenced.

(iii) All temporary occupancy businesses are personal to the applicant and as such are nontransferable to another location and are good for the original time period only and subject to the provisions of this Ordinance.

(iv) Any grant of a permit or approval for a temporary occupancy business shall be deemed a privilege and requires the continual compliance with all rules, regulations, and conditions applied to the permit or approval. At any time after the granting of same, the Building Department or Revenue Department may revoke a previously granted permit or approval upon being presented with evidence of potential violation of the previously granted permit or approval.

(4) Appeal

A final decision on the application by the Director may be appealed to the Board of Zoning Adjustment in accordance with Sec. 25-2.4.18, Appeal of Administrative Decision.

(d) Decision-Making Standards for Temporary Occupancy Business Permits

The Director shall approve a temporary occupancy business permit only on finding the proposed activity complies with the following:

(1) The applicant possesses a zoning verification letter from the Planning Department.

(2) The applicant has signed a Temporary Occupancy Business Requirements Affidavit.

(3) The applicant has presented the zoning verification letter and the Temporary Occupancy Business Requirements Affidavit from the Planning Department to the Revenue Department and received a City business privilege license.

(4) The temporary occupancy business complies with Sec. 25-4.4.4(j), Temporary Occupancy Business.

Sec. 25-2.4.10. Home Occupation Permit

(a) Purpose

The purpose of this section is to establish a uniform mechanism for the approval of home occupation permits

(b) Applicability

A Home Occupation Permit is required prior to the establishment of a Home Occupation Business.

(c) Procedure for Home Occupation Permit

An application for a home occupation permit shall be submitted, processed, reviewed, and decided on in accordance with Section 25-2.3, Standard Application Requirements and Procedures, as modified in this section. Figure 25-2.4.10: Summary of Home Occupation Permit Procedure, identifies the standard procedures in Section 25-2.3 that apply to a home occupation permit application and those that do not apply. Subsections (1) through (3) below, set out the required procedure for home occupation permits, including any modifications to the standard procedures in Section 25-2.3.

Figure 25-2.4.10: Summary of Home Occupation Permit Procedure

(OPTIONAL)	(OPTIONAL)	☑	☑	☒	☒	☒	☑
Pre-Development Meeting	Neighborhood Meeting	Application Submission & Completeness Determination	Staff or Advisory Committee Review & Action	Scheduling of Public Hearing & Public Notification	Planning Commission Review & Recommen-dation	Decision-Making Body Review & Decision	Post-Decision Actions & Limitations
		See (1) below	See (2) below				See (3) below

☑= Applicable; ☒=Not Applicable

(1) Application Submission and Completeness Determination

(i) Applications shall be submitted in accordance with Sec. 25-2.3.4, Application Submission.

(ii) The Director shall make a determination as to whether the application is complete in accordance with Sec. 25-2.3.5, Application Completeness Determination.

(2) Staff Review and Action

The Director shall review the application and make a decision in accordance with Sec. 25-2.3.6, Staff or Advisory Committee Review and Action, and Sec. 25-2.4.10(d)Decision-Making Standards for Home Occupation Permits, the Director's decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

(3) Post Decision Actions and Limitations

(i) Post decision actions and limitations shall be in accordance with Sec. 25-2.3.10, Post Decision Actions and Limitations.

(ii) The home occupation permit shall automatically expire six months after the date it is issued if action to establish the approved activity has not commenced.

(iii) All home occupation permits are personal to the applicant and as such are nontransferable to another location, subject to provisions of this section.

(iv) Any grant of a permit or approval for a home occupation shall be deemed a privilege and requires the continual compliance with all rules, regulations, and conditions applied to the permit or approval. At any time after the granting of same, the Planning Department or Revenue Department may revoke a previously granted permit or approval upon being presented with evidence of potential violation of the previously granted permit or approval.

(v) No entity receiving a permit of approval for a home occupation shall receive thereby any property right or other interest in such approval or permit.

(vi) Should a previously granted permit or approval be revoked, the permit holder shall be allowed 60 days to close the home occupation.

(4) Appeal

A final decision on the application by the Director may be appealed to the Board of Zoning Adjustment in accordance with Sec. 25-2.4.18, Appeal of Administrative Decision.

(d) Decision-Making Standards for Home Occupation Permits

The Director shall approve a home occupation permit only on finding the proposed activity complies with the following:

(1) The applicant possesses a zoning verification letter from the Planning Department.

(2) The applicant has signed a home occupation questionnaire.

(3) The applicant has a City business privilege license for the home occupation.

(4) The applicant has provided the applicable fee.

(5) The home occupation complies with Sec. 25-4.3.4(h), Home Occupation.

Sec. 25-2.4.11. Building Permit

Building permits shall be required for development in accordance with the Building Code and Chapter 7 of the City Code. Applications for a building permit shall be submitted and reviewed in accordance with the Building Code and Chapter 7 of the City Code. The Building Inspector shall not approve any plans or issue a building permit until the Building Inspector has inspected such plans in detail and found them to conform to this Ordinance.

Sec. 25-2.4.12. Sign Permit

(a) Purpose

The purpose of this section is to establish a uniform mechanism for ensuring that the erection and maintenance of signs complies with Section 25-5.9, Sign Standards.

(b) Applicability

A sign permit is required prior to the location, construction, erection, posting, attachment, alteration, or repair of a sign, unless such activity is exempted in accordance with Sec. 25-5.9.4(c), Sign-Related Activities not Requiring a Sign Permit.

(c) Procedure for Sign Permits

An application for a sign permit shall be submitted, processed, reviewed, and decided on in accordance with Section 25-2.3, Standard Application Requirements and Procedures, as modified in this section. Figure 25-2.4.12: Summary of Sign Permit Procedure, identifies the standard procedures in Section 25-2.3 that apply to temporary use permit applications and those that do not apply. Subsections (1) through (3) below, set out the required procedure for temporary use permits, including any modifications to the standard procedures in Section 25-2.3.

Figure 25-2.4.12: Summary of Sign Permit Procedure

(OPTIONAL)	(OPTIONAL)	☑	☑	☒	☒	☒	☑
Pre-Development Meeting	Neighborhood Meeting	Application Submission & Completeness Determination	Staff or Advisory Committee Review & Action	Scheduling of Public Hearing & Public Notification	Planning Commission Review & Recommen-dation	Decision-Making Body Review & Decision	Post-Decision Actions & Limitations
		See (1) below	See (2) below				See (3) below

☑= Applicable; ☒=Not Applicable

(1) Application Submission and Completeness Determination

(i) Applications shall be submitted in accordance with Sec. 25-2.3.4, Application Submission.

(ii) The Director shall make a determination as whether the application is complete in accordance with Sec. 25-2.3.5, Application Completeness Determination.

(2) Staff Review and Action

The Director shall review the application and make a decision in accordance with Sec. 25-2.3.6, Staff or Advisory Committee Review and Action, and Sec. 25-2.4.12(d), Decision-Making Standards for Sign Permits. The Director's decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

(3) Post Decision Actions and Limitations

(i) Post decision actions and limitations shall be in accordance with Sec. 25-2.3.10, Post Decision Actions and Limitations.

(ii) The sign permit shall automatically expire six months after the date it is issued if a building permit for the approved activity has not been obtained or if the activity approved in the sign permit has not commenced.

(4) Appeal

A final decision on the application by the Director may be appealed to the Board of Zoning Adjustment in accordance with Sec. 25-2.4.18, Appeal of Administrative Decision.

(d) Decision-Making Standards for Sign Permits

The Director shall approve a sign permit only on finding the proposed activity complies with all applicable standards in Section 25-5.9, Sign Standards.

Sec. 25-2.4.13. Certificate of Occupancy

Certificates of occupancy shall be required for structures in accordance with the Building Code and Chapter 7 of the City Code. Applications for a certificate of occupancy shall be submitted and reviewed in accordance with the Building Code and Chapter 7 of the City Code. The Building Inspector shall not issue a certificate of occupancy unless the building or premises or part thereof is found to conform to this Ordinance.

Sec. 25-2.4.14. Certificate of Appropriateness

A Certificate of Appropriateness shall comply with Ch. 18, Article II, Division 4, Historic Preservation, Certificate of Appropriateness, of the Code of Ordinances.

Sec. 25-2.4.15. Administrative Adjustment

(a) Purpose

This section establishes a uniform mechanism for the Director to approve minor adjustments from the dimensional or design standards of this Ordinance to better accomplish the purposes of this Ordinance.

(b) Applicability

An administrative adjustment may be requested and granted in accordance with this section for the standards identified in Table 25-2.4.15.(b): Allowed Administrative Adjustments, up to the limits set forth in Table 25-2.4.15.(b).

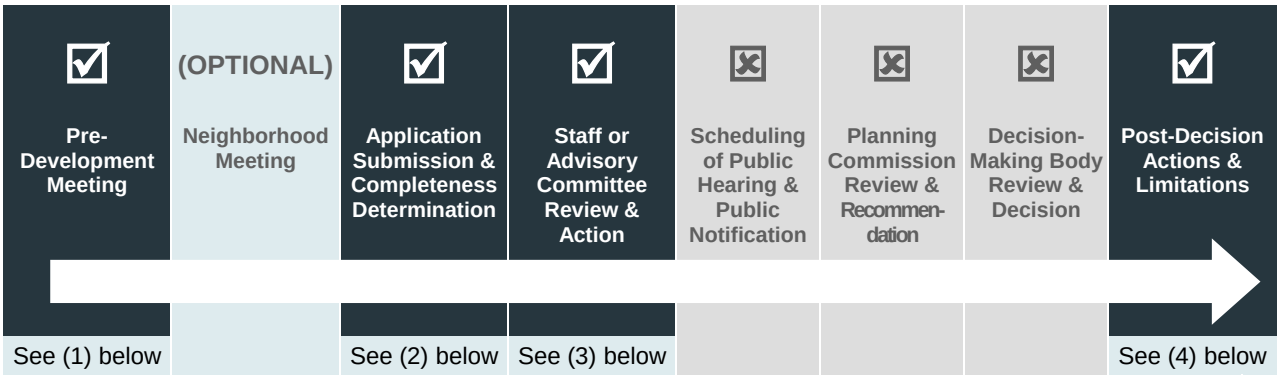
TABLE 25-2.4.15.(B): ALLOWED ADMINISTRATIVE ADJUSTMENTS

STANDARD	ALLOWED ADJUSTMENT
Minimum Building Setbacks	10 percent
Minimum Lot Area	5 percent
Minimum Lot Width	5 percent
Maximum Building Height	10 percent
Required Parking	10 percent

(c) Procedure for Administrative Adjustment

An application for an administrative adjustment shall be submitted, processed, reviewed, and decided on in accordance with Section 25-2.3, Standard Application Requirements and Procedures, as modified in this section. Figure 25-2.4.15: Summary of Administrative Adjustment Procedure, identifies the standard procedures in Section 25-2.3 that apply to administrative adjustment applications and those that do not apply. Subsections (1) through (4) below, set out the required procedure for administrative adjustment applications, including any modifications to the standard procedures in Section 25-2.3.

Figure 25-2.4.15: Summary of Administrative Adjustment Procedure



☑= Applicable; ☒=Not Applicable

(1) Pre-Development Meeting

A pre-development meeting is required in accordance with Sec. 25-2.3.2, Pre-Development Meeting.

(2) Application Submission and Completeness Determination

(i) Applications shall be submitted in accordance with Sec. 25-2.3.4, Application Submission.

(ii) The Director shall make a determination as whether the application is complete in accordance with Sec. 25-2.3.5, Application Completeness Determination.

(3) Staff Review and Action

Director shall review the application and make a decision in accordance with Sec. 25-2.3.6, Staff or Advisory Committee Review and Action, and Sec. 25-2.4.15(d), Decision-Making Standards for Administrative Adjustment. The Director's decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application, subject to conditions of approval; or

(iii) Deny the application.

(4) Post Decision Actions and Limitations

Post decision actions and limitations shall be in accordance with Sec. 25-2.3.10, Post Decision Actions and Limitations, and subsections (i) and (ii) below.

(i) Effect of Approval

Approval of an administrative adjustment authorizes only the particular administrative adjustment that is approved. It does not exempt the applicant from the responsibility to obtain all other development approvals and permits required by this Ordinance and any other applicable laws, and does not indicate that the development for which the administrative adjustment is granted should receive other development approvals or permits under this Ordinance unless the relevant and applicable portions of this Ordinance and any other applicable laws are met. Unless it lapses, approval of an administrative adjustment, 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.

(ii) Lapse of Approval

a. If a maximum time frame for development to begin and/or be completed is established as a condition of approval, approval of an administrative adjustment shall expire and be void upon the lapse of the specified time frame if the development is not begun and/or completed as required.

b. If a maximum time frame for development to begin and/or be completed is not established as a condition of approval, approval of an administrative adjustment shall automatically expire and be void six months from the date of approval if the corresponding development is not commenced and a building permit, if required, is not issued for the development.

c. An applicant may request, and the Director may grant up to one six-month extension of the period of validity of the administrative adjustment upon a showing of good cause by the applicant. The applicant's request must be in writing and submitted at least 30 days prior to the expiration of approval of the administrative adjustment.

(5) Appeal

A final decision on the application by the Director may be appealed to the Board of Zoning Adjustment in accordance with Sec. 25-2.4.18, Appeal of Administrative Decision.

(d) Decision-Making Standards for Administrative Adjustment

The Director 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 25-2.4.15(b): Allowed Administrative Adjustments;

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

(3) Either:

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

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

(iii) 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 reduction in development standards by the maximum allowed.

Sec. 25-2.4.16. Variance (Zoning)

(a) Purpose

The purpose of this section is to establish a uniform mechanism to allow deviations from specific dimensional standards in this Ordinance when the strict application of the standards would result in unnecessary hardship.

(b) Applicability

The procedures and standards of this section apply to the review of and decision on applications for a variance from the following standards:

(1) The dimensional standards in Article 25-3: Zoning Districts;

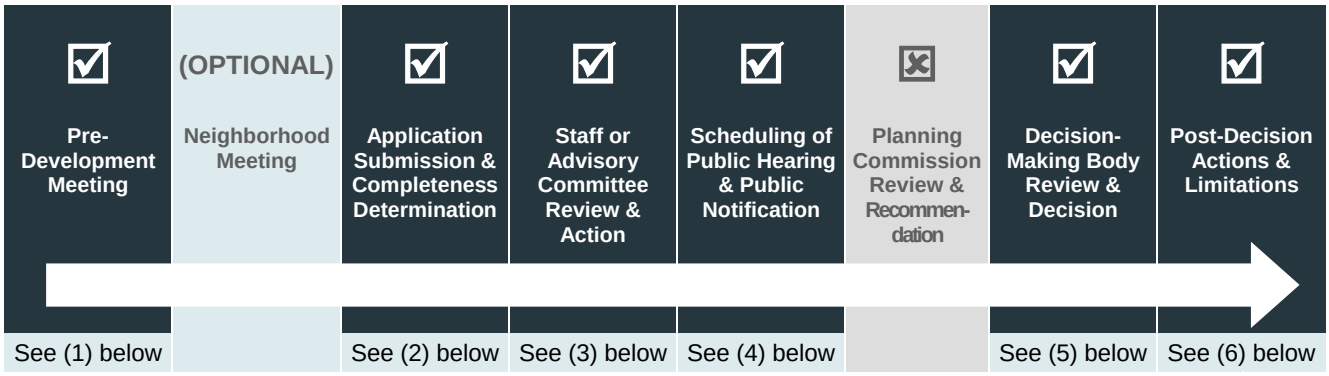
(2) The numerical use-specific standards in Article 25-4: Use Regulations, to the extent the variance does not result in allowing a use that is prohibited in the zoning district; and

(3) Numerical standards in Article 25-5: Development Standards.

(c) Procedure for Variance

An application for a variance (zoning) shall be submitted, processed, reviewed, and decided on in accordance with Section 25-2.3, Standard Application Requirements and Procedures, as modified in this section. Figure 25-2.4.16: Summary of Variance (Zoning) Procedure, identifies the standard procedures in Section 25-2.3 that apply to variance (zoning) applications and those that do not apply. Subsections (1) through (6) below, set out the required procedure for variance (zoning) applications, including any modifications to the standard procedures in in Section 25-2.3.

Figure 25-2.4.16: Summary of Variance (Zoning) Procedure



☑= Applicable; ☒=Not Applicable

(1) Pre-Development Meeting

A pre-development meeting in accordance with Sec. 25-2.3.2, Pre-Development Meeting, is required.

(2) Application Submission and Completeness Determination

(i) Applications shall be submitted in accordance with Sec. 25-2.3.4, Application Submission.

(ii) The Director shall make a determination as whether the application is complete in accordance with Sec. 25-2.3.5, Application Completeness Determination.

(3) Staff Review and Action

The BOZA Technical Review Committee shall review the application and members of the Committee may make statements at the hearing on the application in accordance with Sec. 25-2.3.6, Staff or Advisory Committee Review and Action.

(4) Scheduling of Public Hearing and Public Notification

The public hearing shall be scheduled and notification of the hearing provided in accordance with Sec. 25-2.3.7, Scheduling of Public Hearing and Public Notification.

(5) Decision-Making Body Review and Decision

The Board of Zoning Adjustment shall conduct a public hearing on the application and make a decision in accordance with Sec. 25-2.3.9, Decision-Making Body Review and Decision, and Sec. 25-2.4.16(d), Decision-Making Standards for Variance. The Board of Zoning Adjustment's decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions of approval; or

(iii) Deny the application.

(6) Post Decision Actions and Limitations

Post decision actions and limitations shall be in accordance with Sec. 25-2.3.10, Post Decision Actions and Limitations, and subsections (i) and (ii) below.

(i) Effect of Approval

Approval of a variance authorizes only the particular relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required

by this Ordinance and any other applicable laws, and does not indicate that the development for which the variance is granted should receive other development approvals or permits under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met. 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.

(ii) Lapse of Approval

As a condition of approval, the Board of Zoning Adjustment may establish a time frame within which the development for which the variance requested shall begin and/or be completed. The variance shall automatically expire and be void upon the lapse of the established time frame if the development for which the variance is granted is not begun and/or completed as required.

(d) Decision-Making Standards for Variance

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

- **(i)** There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- **(ii)** Those conditions are peculiar to the property and do not generally apply to other property in the vicinity;
- **(iii)** Those conditions are not the result of the landowner's or applicant's own actions;
- **(iv)** 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
- **(v)** 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:

- **(i)** A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
- **(ii)** Hardships resulting from factors other than application of standards of this Ordinance;
- **(iii)** The fact that land or a structure may be utilized more profitably or be more marketable with a variance;
- **(iv)** The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts; or
- **(v)** Financial hardship.

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

- **(i)** Allowing the establishment of a use not otherwise permitted in a zoning district;
- **(ii)** Extending physically a nonconforming use of land;
- **(iii)** Changing the zoning district boundaries shown on the Zoning Map; or

(iv) Permitting an increase in density allowing more units on a lot than permitted under this Ordinance.

Sec. 25-2.4.17. Variance (Floodplain)

(i) Applications for variances from the standards in Section 25-5.10, Floodplain submitted and reviewed in accordance with Sec. 25-5.10.7(e)(iii), Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(b) Standards for Subdivisions and Other Development

All subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within the drawings, plans, and permits for such proposals the following:

(i) BFE data;

(ii) Provisions to minimize flood damage;

(iii) Public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(iv) Adequate drainage provided to reduce exposure to flood hazards without negatively impacting adjacent properties;

(v) **Preliminary plans** for review and approval of the platted subdivision which identifies the Special Flood Hazard Area, floodway boundaries, the BFE, and other areas regulated by the community;

(vi) **Final subdivision plats** that identify the boundary of the special flood hazard area, the floodway boundary, the BFEs, and any drainage easements to reduce the risk for flash flooding.

(c) Critical Facilities

Construction of new and substantially improved critical facilities, which are those for which the effects of even a slight chance of flooding would be too great, shall be located outside the limits of the **SFHA** or other flood hazard area regulated by the community. These types of facilities (hospitals, fire stations, police stations, storage of critical records, etc.) are given special consideration when formulating regulatory alternatives and floodplain management plans. Construction of new critical facilities (including the modification of an existing structure not previously classified as a critical facility) shall be permissible within the SFHA or other area regulated by the community only if no feasible alternative site is available and access to the facilities remains available during a 0.2 percent chance flood (a.k.a., 100-year flood).

(i) Critical facilities constructed within the SFHAs shall have the lowest floor elevated two feet above the BFE at the site.

(ii) Floodproofing and sealing measures must be implemented to ensure that any and all on-site toxic substances will not be displaced by or released into floodwaters.

Variance Procedures.

Sec. 25-2.4.18. Appeal of Administrative Decision

(a) Purpose

The purpose of this section is to establish a uniform mechanism for appeals of administrative decisions to the Board of Zoning Adjustment.

(b) Applicability

Any person aggrieved by a final decision of the Director on a development application or in the enforcement of this Ordinance may appeal the decision to the Board of Zoning Adjustment in accordance with the procedures and standards in this section.

(c) Procedure for Appeal of Administrative Decision

An appeal of an administrative decision by the Director shall be submitted, processed, reviewed, and decided on in accordance with Section 25-2.3, Standard Application Requirements and Procedures, as modified in this section. Figure 25-2.4.18: Summary of Appeal of Administrative Decision Procedure, identifies the standard procedures in Section 25-2.3 that apply to an appeal of an administrative decision. Subsections (1) through (5) below, set out the required procedure for appeals of administrative decisions, including any modifications to the standard procedures in Section 25-2.3.

Figure 25-2.4.18: Summary of Appeal of Administrative Decision Procedure

(OPTIONAL)	(OPTIONAL)	☑	☒	☑	☒	☑	☑
Pre-Development Meeting	Neighborhood Meeting	Application Submission & Completeness Determination	Staff or Advisory Committee Review & Action	Scheduling of Public Hearing & Public Notification	Planning Commission Review & Recommen-dation	Decision-Making Body Review & Decision	Post-Decision Actions & Limitations
		See (1) below		See (2) below		See (3) below	See (4) below

☑= Applicable; ☒=Not Applicable

(1) Application Submission and Completeness Determination

A Notice of Appeal shall be submitted in accordance with Sec. 25-2.3.4, Application Submission, as modified by subsections (i) through (iii) below. For purposes of this section, the Notice of Appeal shall be considered the "application."

(i) The appellant shall file a Notice of Appeal stating the grounds for the appeal with the Director, whichever made the decision being appealed, and with the Board of Zoning Adjustment.

(ii) 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 Zoning 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 may be stayed only by a restraining order granted by the Board of Zoning

Adjustment, or by a court of competent jurisdiction on due cause shown, and following notice to the person or body providing the certification.

(iii) The Director, whichever received the Notice of Appeal, shall make a determination as to whether the application is complete in accordance with Sec. 25-2.3.5, Application Completeness Determination. If the Director determines that the application is complete, the Director shall transmit all documents and other written materials relating to the appealed decision to the Board of Zoning 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 Public Notification

The public hearing shall be scheduled and notification of the hearing provided in accordance with Sec. 25-2.3.7, Scheduling of Public Hearing and Public Notification.

(3) Decision-Making Body Review and Decision

(i) The Board of Zoning Adjustment shall conduct a public hearing on the appeal and make a decision based on the record on the appeal in accordance with Sec. 25-2.3.9, Decision-Making Body Review and Decision, and, the standards of this Ordinance. The Board of Zoning Adjustment's decision shall be one of the following:

a. Affirm the decision being appealed, wholly or in part;

b. Modify the decision being appealed or;

c. Reverse the decision being appealed, wholly or in part.

(ii) The concurring vote of at least four members of the Board of Zoning Adjustment shall be necessary to reverse the decision being appealed.

(iii) In making its decision, the Board of Zoning 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.

(4) Post Decision Actions and Limitations

(i) Post decision actions and limitations shall be in accordance with Sec. 25-2.3.10, Post Decision Actions and Limitations.

(ii) Any appeal of the Board of Zoning Adjustment's decision shall be to the circuit court in accordance with state law.

(d) Decision-Making Standards for Appeal of Administrative Decision

The Board of Zoning 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.

Sec. 25-2.4.19. Interpretation

(a) Purpose

The purpose of this section is to establish a uniform mechanism for rendering a formal written interpretation of this Ordinance.

(b) Applicability

The Director is responsible for making formal written interpretations under this section for all provisions of this Ordinance, including interpretations of the text of this Ordinance, interpretations of the zoning district boundaries, and interpretations of whether an unlisted use falls within a use category or use type allowed in a zoning district. In making interpretations, the Director may seek guidance from the City Attorney, and assistance from other City staff, as appropriate.

(c) Procedure for Interpretation

An application for an interpretation shall be submitted, processed, reviewed, and decided on in accordance with Section 25-2.3, Standard Application Requirements and Procedures, as modified in this section. Figure 25-2.4.19: Summary of Interpretation Procedure, identifies the standard procedures in Section 25-2.3 that apply to applications for an interpretation and those that do not apply. Subsections (1) through (3) below, set out the required procedure for interpretations, including any modifications to the standard procedures in Section 25-2.3.

Figure 25-2.4.19: Summary of Interpretation Procedure

(OPTIONAL)	(OPTIONAL)	☑	☑	☒	☒	☒	☑
Pre-Development Meeting	Neighborhood Meeting	Application Submission & Completeness Determination	Staff or Advisory Committee Review & Action	Scheduling of Public Hearing & Public Notification	Planning Commission Review & Recommen-dation	Decision-Making Body Review & Decision	Post-Decision Actions & Limitations
		See (1) below	See (2) below				See (3) below

☑= Applicable; ☒=Not Applicable

(1) Application Submission and Completeness Determination

(i) Requests for interpretations shall be submitted in accordance with Sec. 25-2.3.4, Application Submission, except that the request may be submitted by City Council, the Planning Commission, any resident or landowner in the City, or any person having a contractual interest in land in the City. For purposes of this section, the request for an interpretation shall be considered the “application.”

(ii) The Director shall make a determination as whether the application is complete in accordance with Sec. 25-2.3.5, Application Completeness Determination.

(2) Staff Review and Action

The Director shall review the application and render an interpretation, which shall constitute the decision on the application, in accordance with Sec. 25-2.3.6, Staff or Advisory Committee Review and Action, and Sec. 25-2.4.19(d), Decision-Making Standards for Interpretation. Prior to rendering an interpretation, the Director shall consult with the City Attorney and other City officials, as appropriate.

(3) Post-Decision Action

(i) Post decision actions and limitations shall be in accordance with Sec. 25-2.3.10, Post Decision Actions and Limitations.

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

(iii) The Director shall maintain in the Director's 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.

(4) Appeal

A final decision on the application by the Director may be appealed to the Board of Zoning Adjustment in accordance with Sec. 25-2.4.18, Appeal of Administrative Decision.

(d) Decision-Making Standards for Interpretation

(1) Text Provisions

Interpretation of the provision's text and its application shall be based on Section 25-8.1, General Rules for Interpretation; Section 25-1.6, Relationship with Other Laws, Covenants, or Deeds; and considerations including, but not limited to, the following:

(i) The plain meaning of the provision's wording, considering any terms specifically defined in Section 25-8.3, Definitions; and the common and accepted usage of terms; and

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

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

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

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

d. The general purposes served by this Ordinance, as set forth in Section 25-1.3, General Purpose and Intent; and

e. The Comprehensive Plan.

(2) Unspecified Uses

Interpretation of whether an unspecified use is similar to a use identified in the use tables in this article, or is prohibited in a zoning district, shall be based on Sec. 25-4.2.3(h), Interpretation of Unlisted Uses.

(3) Official Zoning District Boundaries

When determining the location of zoning district boundaries as shown on the Official Zoning Map, the following general rules of interpretation shall be used:

(i) District boundaries indicated as approximately following the centerlines of streets, highways, alleys, or other public access ways shall be construed to follow those centerlines.

(ii) District boundaries indicated as approximately following property lines shall be construed as following those property lines. If a subsequent minor adjustment (such as from a court ordered settlement of a boundary dispute or overlap) results in a property line moving ten feet or less, the zoning district boundary shall be interpreted as moving with the property line.

(iii) District boundaries indicated as approximately following City limits shall be construed as following City limits.

(iv) District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(v) District boundaries indicated as following centerlines of rivers, streams, or other watercourses shall be construed to follow those centerlines.

(vi) District boundaries indicated as approximately parallel to or extensions of features identified in subsections (i) through (v) above shall be construed to be parallel to or extensions of such features.

(vii) If the specific location of a depicted boundary cannot be determined from notations on the Official Zoning Map or in accordance with subsections (i) through (vi) above, it shall be determined by using the map's scale to determine the boundary's distance from other features shown on the map.

(viii) Where the actual locations of existing physical or natural features vary from those shown on the Official Zoning Map, or in other circumstances not covered by this section, the Director shall have the authority to interpret the district boundaries in accordance with this section.

3

ZONING DISTRICTS

Section 25-3.1.	General Provisions	3-1
Sec. 25-3.1.1.	Compliance with Zoning District Standards	3-1
Sec. 25-3.1.2.	Establishment of Zoning Districts	3-1
Sec. 25-3.1.3.	Organization of Zoning Districts	3-2
Sec. 25-3.1.4.	Superseding Dimensional Standards	3-3
Section 25-3.2.	Base Districts	3-5
Sec. 25-3.2.1.	Agricultural District	3-5
Sec. 25-3.2.2.	Residential Districts	3-7
Sec. 25-3.2.3.	Institutional Districts	3-18
Sec. 25-3.2.4.	Business Districts	3-20
Sec. 25-3.2.5.	Industrial Districts	3-31
Section 25-3.3.	Planned Development Districts	3-35
Sec. 25-3.3.1.	General Provisions	3-35
Sec. 25-3.3.2.	Planned Development District Types	3-38
Section 25-3.4.	Overlay Districts	3-47
Sec. 25-3.4.1.	Historic Overlay (H-O) District	3-47
Sec. 25-3.4.2.	Sidewalk Café Overlay (SC-O) District	3-47
Sec. 25-3.4.3.	Arts and Entertainment Overlay District (AE-O)	3-50
Sec. 25-3.4.4.	Neighborhood Conservation Overlay District (NC-O)	3-52

Article 25-3. Zoning Districts

SECTION 25-3.1. GENERAL PROVISIONS

Sec. 25-3.1.1. Compliance with Zoning District Standards

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

Sec. 25-3.1.2. Establishment of Zoning Districts

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

TABLE 25-3.1.2: ESTABLISHMENT OF ZONING DISTRICTS

BASE DISTRICTS
AGRICULTURAL DISTRICT
Agricultural (AG) District
RESIDENTIAL DISTRICT
Residential Single-Family Estate (RS-E) District
Residential Single-Family 10 (RS-10) District
Residential Single-Family 7 (RS-7) District
Residential Single-Family 5 (RS-5) District
Residential Manufactured Housing (RMAN) District
Residential Single-Family Attached (RS-A) District
Residential Mixed Medium-Density (RM-M) District
Residential Mixed High-Density (RM-H) District
INSTITUTIONAL DISTRICTS
Institutional (INST) District
BUSINESS DISTRICTS
Commercial Neighborhood (CN) District
Community Commercial (CC) District
Commercial Regional (CR) District
Central Business (CB) District
Urban Corridor Mixed-Use (UC-MX) District
Office Mixed-Use (O-MX) District
INDUSTRIAL DISTRICTS
Light Industrial (LI) District
Industrial (I) District
PLANNED DEVELOPMENT DISTRICTS
Residential Planned Development (R-PD) District
Major Employment Center Planned Development (MEC-PD) District
Traditional Neighborhood Planned Development (TN-PD) District

TABLE 25-3.1.2: ESTABLISHMENT OF ZONING DISTRICTS

OVERLAY DISTRICTS
Historic Overlay (H-O) District
Sidewalk Café Overlay (SC-O) District
Arts and Entertainment Overlay (AE-O) District
Neighborhood Conservation Overlay (NC-O) District

Sec. 25-3.1.3. Organization of Zoning Districts

(a) Base Zoning Districts

(1) Base zoning districts include Agricultural, Residential, Institutional, Business, and Industrial districts, as established in Table 25-3.1.2: Establishment of Zoning Districts. Base districts are established initially by the City's adoption of this Ordinance, and subsequently by a zoning map amendment (see Sec. 25-2.4.2, Zoning Map Amendment).

(2) The general intent and standards of each base zoning district are set forth in Section 25-3.2, Base Districts.

(3) For each base zoning district, the regulations set out the district's purpose, the intensity and dimensional standards, an illustrative image of development form and the application of the dimensional standards, and references to other standards in this Ordinance that are generally applicable to development in the district. If there is a conflict between the illustrations and the text or tables, the text and tables control (see Sec. 25-8.1.2, Headings, Illustrations and Text).

(b) Planned Development (PD) Zoning Districts

(1) The general purpose of the planned development (PD) districts is set forth in Sec. 25-3.3.1(a), General Purpose of Planned Development Districts.

(2) PD districts are adopted by the City Council as amendments to the Official Zoning District Map in accordance with Sec. 25-2.4.3, Planned Development District. The name and location of the specific PD District is shown on the Official Zoning Map and recorded, as appropriate.

(3) PD districts are subject to an approved PD Plan and PD Agreement, which establishes a plan for development, and specific rules and conditions of approval for individual PD Districts. As provided in Sec. 25-2.4.3, Planned Development District, the PD Plan and PD Agreement are included with the adopting ordinance, and recorded, as appropriate.

(c) Overlay Zoning Districts

(1) Overlay zoning districts as shown in Table 25-3.1.2: Establishment of Zoning Districts, are established initially by the City's adoption of this Ordinance, and subsequently by approval of a zoning map amendment (see Sec. 25-2.4.2, Zoning Map Amendment).

(2) Standards governing development in an overlay zoning district shall apply in addition to, or instead of, the standards governing development in the underlying base zoning district or PD District. If the regulations governing an overlay district expressly conflict with those governing an underlying base zoning district, the regulations governing the overlay district shall control. If land is classified into multiple overlay districts and the regulations governing one overlay district expressly conflict with those governing another overlay district, the more restrictive regulations control.

Sec. 25-3.1.4. Superseding Dimensional Standards

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

(a) Neighborhood Compatibility Standards

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

(b) Use-Specific Standards

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

(c) Corner Lot Minimum Front Setback

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

(d) Minimum Front Setback for a Dwelling Unit

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

(e) Minimum Setback from Designated Streets and Access Design Standards Related to the Streets

Development along the streets listed in this subsection shall comply with the following minimum setbacks and access design standards. These standards are in addition to requirements in this Article 3: Zoning Districts, and Article 4: Use Regulations. Where there is any conflict between these standards and the other standards in this Ordinance, the more restrictive provision shall apply:

(1) Highways and Major Thoroughfares

For the following listed roads, the minimum setback shall be 25 feet:

- **(i)** Fourth Avenue, S.E. (Moulton Street, E. to Fourteenth Street, S.E.);
- **(ii)** Sixth Avenue, S.E.,—U.S. 31 (northern corporate limits to southern corporate limits);
- **(iii)** Eighth Street (eastern corporate limits to western limits);
- **(iv)** Twelfth Avenue, N.W. (Church Street—Ala. 20 to Moulton Street, W.);
- **(v)** Fourteenth Street—Albert Brewer Overpass (Sixth Avenue—U.S. 31 to Austinville Road, S.W.);
- **(vi)** Nineteenth Avenue, S.E., (Church Street, S.E. to Locust Street, S.E.);
- **(vii)** Austinville Road, S.W., (Central Parkway, proposed, to Carridale Street, S.W.);
- **(viii)** Carridale Street, S.W., (Austinville Road to Beltline Road);

(ix) Central Avenue—Central Parkway, proposed (Second Street, S.W. to south corporate limits);

(x) Church Street (Wells Street, N.S., to Nineteenth Avenue, S.E.);

(xi) Country Club Road, S.E., (Corsbie Street to Alabama 67);

(xii) Danville Road—Memorial Drive (Fifth Street, N.W., to southern corporate limits);

(xiii) Modaus Road, S.W., (Central Avenue—Central Parkway, proposed, to west corporate limits);

(xiv) Moulton Street, west, (L & N Railroad to west corporate limits);

(xv) Old Moulton Road (Moulton Street, W., to west corporate limits);

(xvi) Spring Avenue, S.W., (Carridale Street, S.W., to south corporate limits);

(xvii) Somerville Road (Church Street, N.E., to Corsbie Street, S.E.);

(xviii) Wilson Street (Sixth Avenue—U.S. 31 to west corporate limits).

(2) Beltline Road

Along Beltline Road between Alabama Highway 67 and the western corporate limits, except between U.S. Highway 31 South and the Wheeler Wildlife Refuge, the minimum setback shall be 60 feet.

(3) Alabama Highway 20

On Alabama Highway 20 between Interstate 565 and U.S. Highway 31 in Limestone County:

(i) Setbacks

a. Development shall be located a minimum of 150 feet from the existing northern most right-of-way line. No structure, parking field, access driveway, or other type of structure shall be placed in this setback.

b. Development proposed on the south side of Alabama Highway 20 between Interstate 565 and U.S. Highway 31 shall be located a minimum of 60 feet from the existing southernmost right-of-way line of the highway.

c. In general, development on properties adjacent to Alabama Highway 20 should be done in close coordination with the City to ensure that planned setbacks for the development are appropriate for planned roadway realignments in the area.

(ii) Minimum Intersection Spacing

a. The introduction of any access point shall be considered as a new intersection. Requests for access to this section of Alabama Highway 20 shall comply with or exceed the minimum requirements outlined in this subsection, the Alabama Highway 20 Access Management Plan as adopted and made part of the City's Comprehensive Plan by Planning Commission Resolution Number 001-2010, as amended, and be approved and permitted by the Alabama Department of Transportation (ALDOT).

b. Any request for access to this section of highway shall require review and approval of a traffic study prepared by the applicant, which demonstrates additional proposed access is safe and adequate, and does not result in undue traffic congestion.

c. Fully directional access shall be limited to two points. One fully directional access point shall be no less than 2,000 feet from the point that the exit ramp for Interstate 65 separates from Alabama Highway 20. The second fully directional access point shall be no less than one mile from the other fully directional access point.

d. Right-in and right-out accesses may be considered between these fully directional access points provided they meet or exceed ALDOT standards and the traffic study demonstrates they will provide safe and adequate access and not result in undue traffic congestion.

(iii) Alabama Highway 20 Additional Design Standards

a. Turn Lane Requirements

Development proposed adjacent to this section of Alabama Highway 20 shall provide for deceleration lanes for the appropriate turning movements. The design of the deceleration lanes shall comply with ALDOT guidelines and the Alabama Highway 20 Roadway Access Management Study. Proposed turn lanes shall be subject to submission of a traffic study conducted by the applicant.

b. Traffic Signal

Proposed traffic signals shall require approval and permitting by ALDOT. Traffic signalization shall only be considered at the fully directional access points as outlined in section (ii), above. The installation of traffic signals shall only be considered upon completion of a traffic signal warrant study by the applicant which is approved by the City and ALDOT.

c. Driveway Throat Length

Any private commercial development driveway that intersects the Highway shall have a minimum driveway throat length of 250 feet. For the purposes of this subsection, driveway throat length is the distance from the edge of the Alabama Highway 20 right-of-way to the nearest edge of the access point to the radius of the parking lot.

SECTION 25-3.2. BASE DISTRICTS

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

Sec. 25-3.2.1. Agricultural District

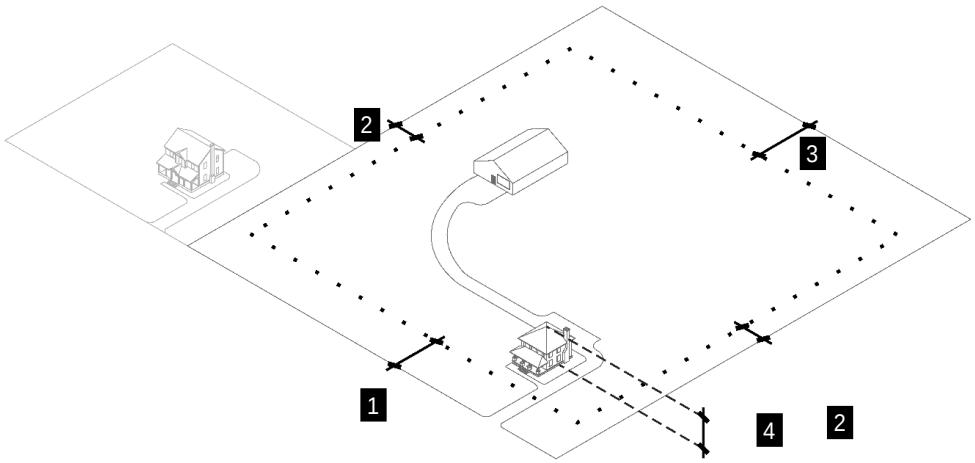
The AG District is the only Agricultural district established by this Ordinance. Its purpose is set forth in Sec. 25-3.2.1(a), AGRICULTURAL (AG) DISTRICT, below.

(a) AGRICULTURAL (AG) DISTRICT

(1) Purpose

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

(2) Intensity and Dimensional Standards



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

NOTES:

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

(3) Reference to Other Standards

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

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

Sec. 25-3.2.2. Residential Districts

(a) General Purpose of Residential Districts

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

(b) Established Residential Zoning Districts

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

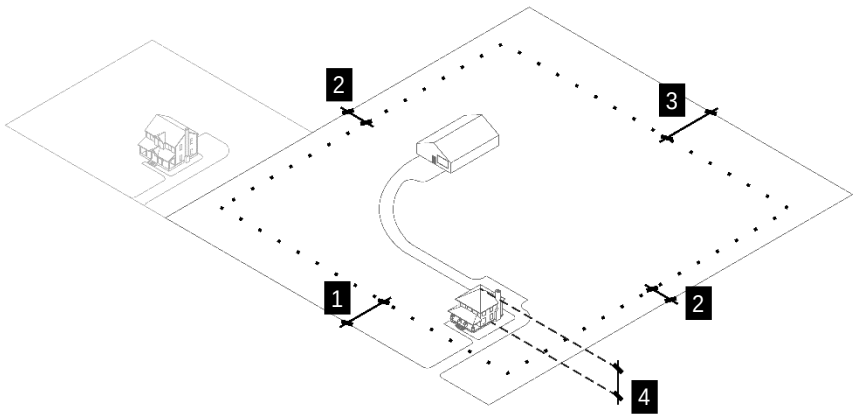
TABLE 25-3.2.2: ESTABLISHED RESIDENTIAL DISTRICTS
Residential Single-Family Estate (RS-E) District
Residential Single-Family 10 (RS-10) District
Residential Single-Family 7 (RS-7) District
Residential Single-Family 5 (RS-5) District
Residential Manufactured Housing (RMAN) District
Residential Single-Family Attached (RS-A) District
Residential Mixed Medium-Density (RM-M) District
Residential Mixed High-Density (RM-H) District

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

(1) Purpose

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

(2) Intensity and Dimensional Standards



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

(3) Reference to Other Standards

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

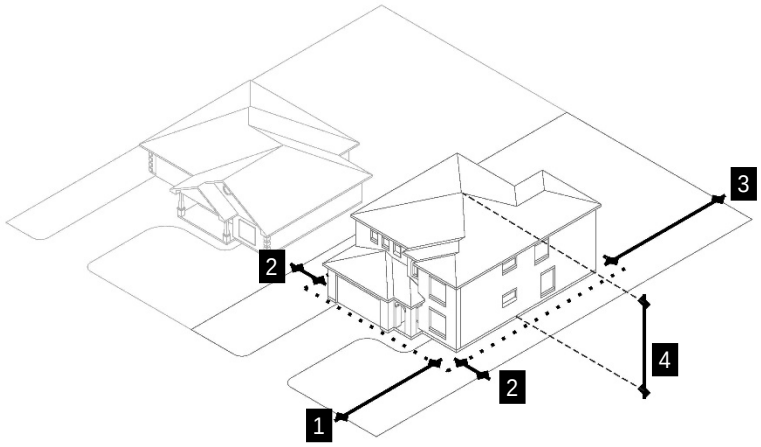
Article 25-4	**Use Regulations**	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	**Development Standards**	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking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

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

(1) Purpose

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

(2) Intensity and Dimensional Standards



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

(3) Reference to Other Standards

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

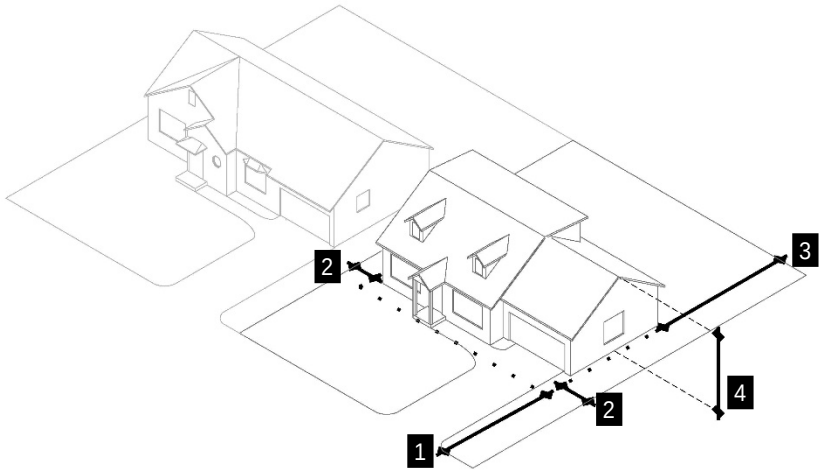
Article 25-4	**Use Regulations**	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	**Development Standards**	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking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

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

(1) Purpose

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

(2) Intensity and Dimensional Standards



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

NOTES:

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

(3) Reference to Other Standards

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

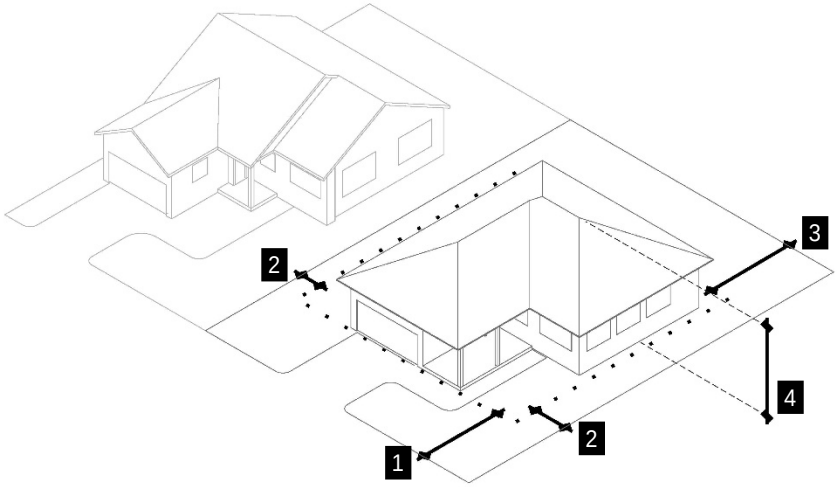
Article 25-4	**Use Regulations**	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	**Development Standards**	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking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

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

(1) Purpose

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

(2) Intensity and Dimensional Standards



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

NOTES:

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

(3) Reference to Other Standards

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

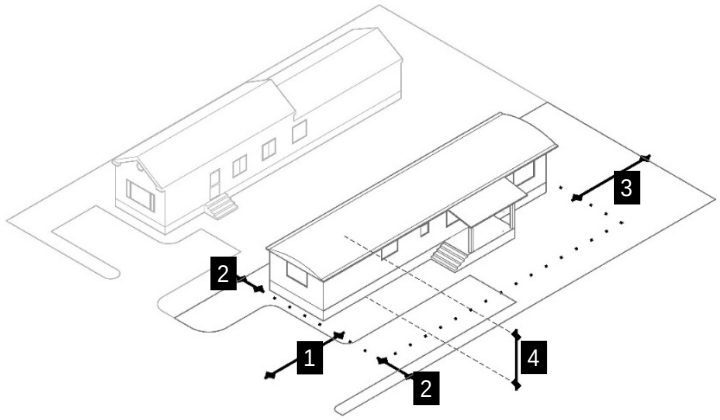
Article 25-4	**Use Regulations**	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	**Development Standards**	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking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

(g) RESIDENTIAL MANUFACTURED HOUSING (RMAN) DISTRICT

(1) Purpose

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

(2) Intensity and Dimensional Standards



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

NOTES:

[1] A minimum separation of 13 feet is required between structures on separate lots.

[2] On lots adjoining a major thoroughfare, an additional setback of 20 feet shall be added to the minimum setback.

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

(3) Reference to Other Standards

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

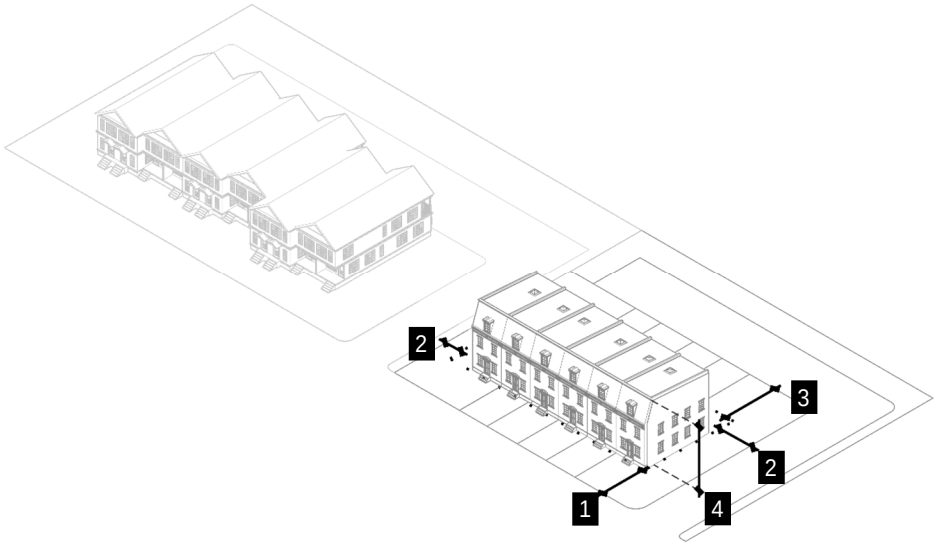
Article 25-4	**Use Regulations**	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	**Development Standards**	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking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

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

(1) Purpose

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

(2) Intensity and Dimensional Standards



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

NOTES:

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

(3) Reference to Other Standards

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

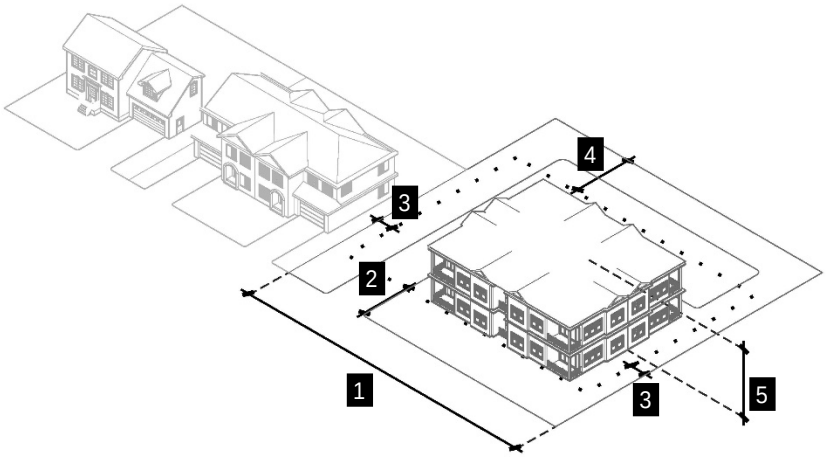
Article 25-4	**Use Regulations**	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	**Development Standards**	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking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

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

(1) Purpose

The purpose of the Residential Mixed Medium-Density (RM-M) District is to provide lands that accommodate single-family detached, single-family attached, duplex or triplex, and townhouse dwelling units, as well as live-work dwelling units and small-scale multifamily dwelling units, with a maximum base density of 12 dwelling units per acre. The district also accommodates parks and minor utility facilities.

(2) Intensity and Dimensional Standards



	Standard	Single-Family Detached Dwelling Unit	Duplex or Triplex Dwelling Unit	Single-Family Attached or Townhouse Dwelling Unit	All Other Development
	Density, max. (dwelling units per acre)	N/A	12		
1	Lot width, min. (ft.)	50	50 [1]	20	50 [1]
2	Front setback, min. (ft.)	25			
3	Side setback, min. (ft.)	8 | 6 [2]	10 | 12 [3]	10 | 12 [3]	8
4	Rear setback, min. (ft.)	30			
5	Building height, max.	lesser of 40 ft. or 3 stories			

NOTES:

[1] 50 feet plus five feet per unit after the first unit.

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

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

(3) Reference to Other Standards

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

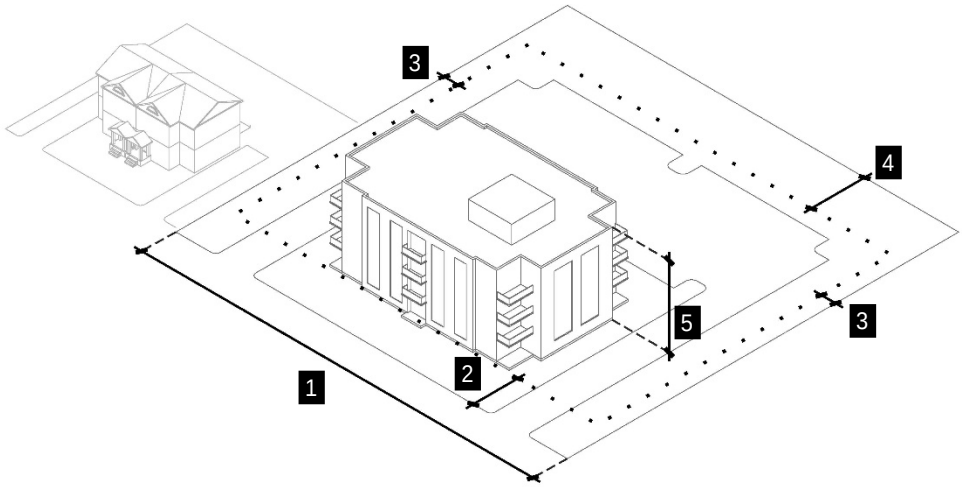
Article 25-4	**Use Regulations**	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	**Development Standards**	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking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

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

(1) Purpose

The purpose of the Residential Mixed High Density (RM-H) District is to provide lands that accommodate single-family attached, duplex or triplex, townhouse, live-work, and multifamily dwelling units, with a maximum base density of 20 dwelling units per acre. The district also accommodates parks and minor utility facilities, as well as small-scale retail sales and services and personal services.

(2) Intensity and Dimensional Standards



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

NOTES:

[1] 50 feet plus 5 feet per unit after the first unit.

[2] This standard applies only on unattached sides of end units.

[3] Additional Building Code requirements apply to buildings taller than three stories.

(3) Reference to Other Standards

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

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

Sec. 25-3.2.3. Institutional Districts

(a) General Purpose of Institutional Districts

The purpose of institutional zoning districts is to:

(1) Accommodate institutional, campus, and civic uses;

(2) Support secondary uses within institutional and campus developments such as retail, personal services establishments, and indoor and outdoor recreation facilities; and

(3) Ensure development in the City is in accordance with the Comprehensive Plan.

(b) Established Institutional Zoning Districts

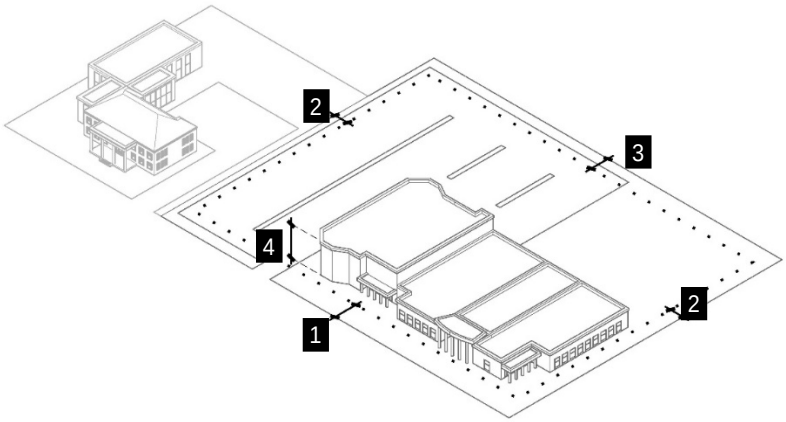
The INST is the only institutional zoning district established by this Ordinance.

(c) INSTITUTIONAL (INST) DISTRICT

(1) Purpose

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

(2) Intensity and Dimensional Standards



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

NOTES:

[1] Lots shall be of sufficient size so that the allowed institutional use can reasonably locate on the site, along with adequate parking and loading space, and any other space required for the normal operation of the allowed use.

[2] The minimum side setback is 25 feet from any lot classified in a residential zoning district.

[3] Additional Building Code requirements apply to buildings taller than three stories.

(3) Reference to Other Standards

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

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

Sec. 25-3.2.4. BUSINESS DISTRICTS

(a) General Purpose of Business Districts

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

(1) Strengthen the City's economic base, and provide employment opportunities close to home for City residents;

(2) Provide appropriately located lands for a full range of business, commercial, and industrial uses needed by the City's residents, businesses, and workers, in accordance with the Comprehensive Plan and other adopted City plans;

(3) Create suitable environments for various types of mixed-use development, where business, office, retail, and residential development is designed and integrated in compatible ways;

(4) Encourage, support and ensure quality design in retail, office, service, employment, and related development;

(5) Accommodate new infill development and redevelopment that is in accordance with the Comprehensive Plan and other adopted City plans;

(6) Ensure business development is located and designed to protect and preserve the character of single-family neighborhoods; and

(7) Create suitable environments for various types of businesses and protect them from the adverse effects of incompatible development.

(b) Established Business Zoning Districts

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

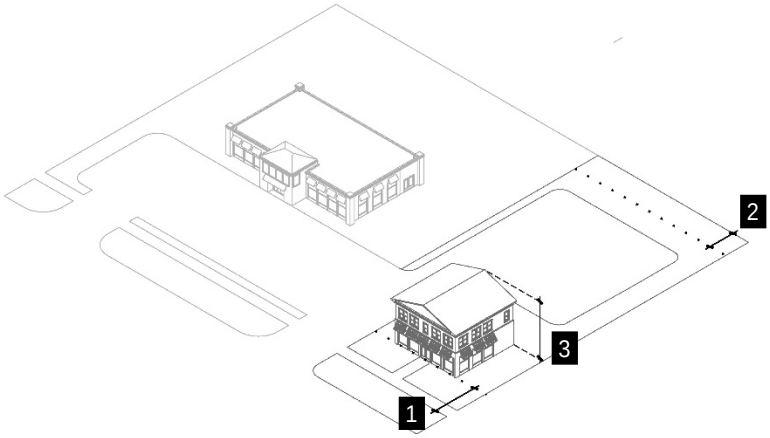
TABLE 25-3.2.4: ESTABLISHED BUSINESS DISTRICTS
Commercial Neighborhood (CN) District
Community Commercial (CC) District
Commercial Regional (CR) District
Central Business (CB) District
Urban Corridor Mixed-Use (UC-MX) District
Office Mixed-Use (O-MX) District

(c) COMMERCIAL NEIGHBORHOOD (CN) DISTRICT

(1) Purpose

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

(2) Intensity and Dimensional Standards



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

NOTES:

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

(3) Additional Standards

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

(4) Reference to Other Standards

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

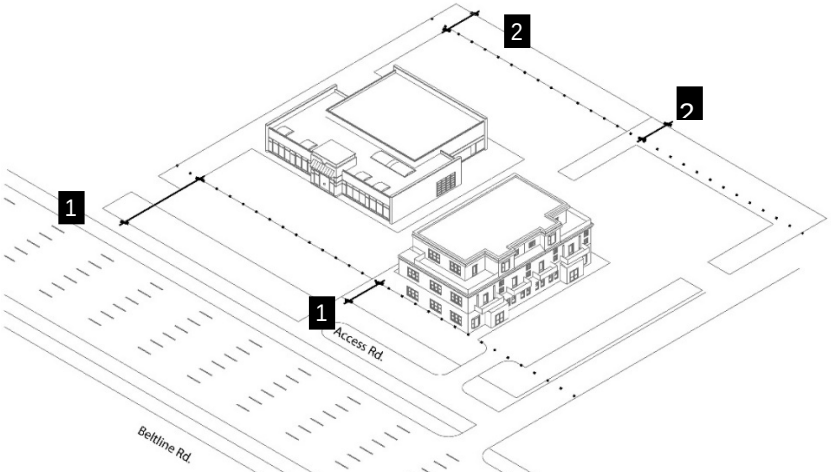
Article 25-4	**Use Regulations**	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	**Development Standards**	Sec. 25-5.7	Development Form and Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking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

(d) COMMUNITY COMMERCIAL (CC) DISTRICT

(1) Purpose

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

(2) Intensity and Dimensional Standards



	Standard	All Development
	Lot area, min.	[1]
1	Front setback, min. (ft.)	60 | 25 [2]
	Side setback, min. (ft.)	None | 25 [3]
2	Rear setback, min. (ft.)	20
	Built area, max. (percent of lot area)	40
	Building height, max.	Lesser of 55 ft. or 4 stories

NOTES:

[1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.

[2] The minimum front setback is 60 feet for property adjacent to Beltline Road and 25 feet otherwise.

[3] The minimum side setback is 25 feet from any lot classified in a residential zoning district.

(3) Reference to Other Standards

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

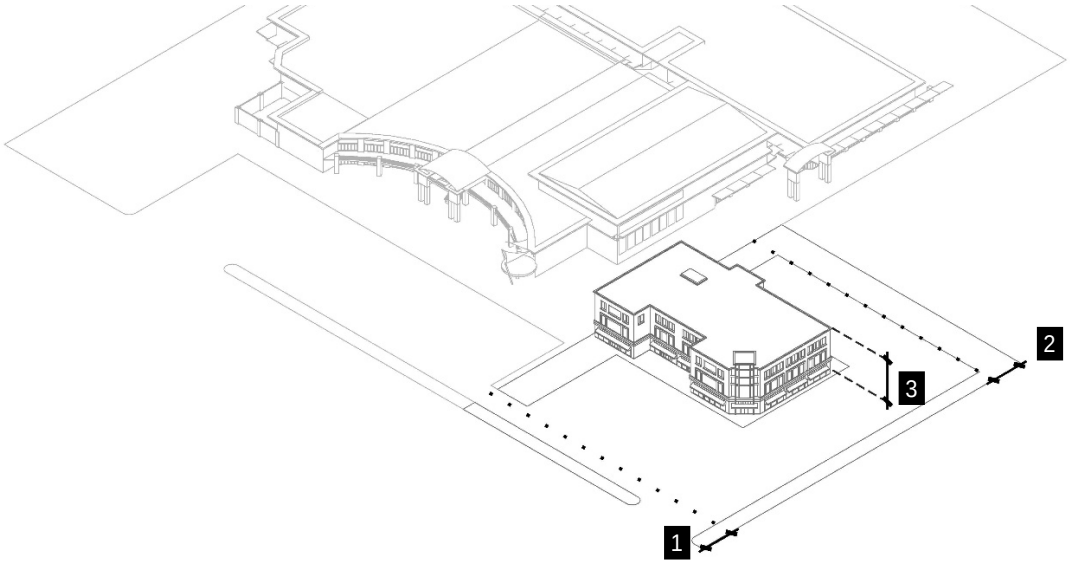
Article 25-4	**Use Regulations**	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	**Development Standards**	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking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

(e) COMMERCIAL REGIONAL (CR) DISTRICT

(1) Purpose

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

(2) Intensity and Dimensional Standards



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

NOTES:

[1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.

[2] The minimum side setback is 35 feet from any lot classified in a residential zoning district.

[3] Additional Building Code requirements apply to buildings taller than three stories.

(3) Reference to Other Standards

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

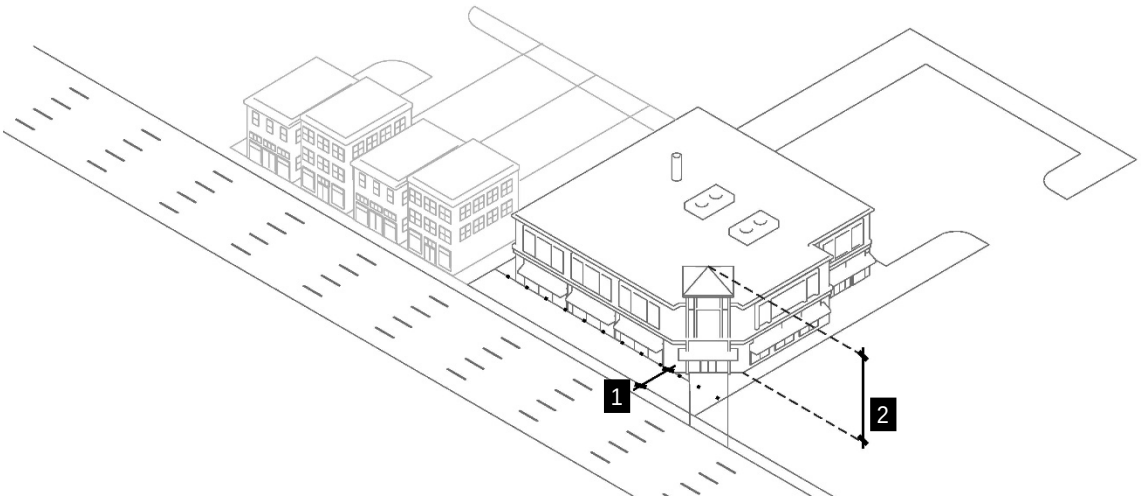
Article 25-4	**Use Regulations**	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	**Development Standards**	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking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

(f) CENTRAL BUSINESS (CB) DISTRICT

(1) Purpose

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

(2) Intensity and Dimensional Standards



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

NOTES:

[1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.

[2] As an alternative to this standard, the Director may approve a front setback that is within 90 and 110 percent of the average front setback for buildings on the same block face.

[3] The minimum side setback is 35 feet from any lot classified in a residential zoning district.

[4] Additional Building Code requirements apply to buildings taller than three stories.

(3) Additional Standards

(i) Use Mixing

Residential uses in the CB District with frontage on Lee Street, Bank Street, 2nd Avenue, and Moulton Street shall only be located above the ground floor of a multi-story building. The vertical mixing of residential uses with nonresidential uses within a single project or building is encouraged.

(ii) Building Entrances

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

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

(iii) Transparency

Any building facade that abuts or faces a street or public gathering space shall be transparent over at least 50 percent of the facade area from the ground level of the street or public gathering space to eight feet above that height. Windows and door openings used to comply with this requirement shall consist of glass that is relatively clear and non-reflective to allow views of interior spaces and merchandise, in order to enhance safety and create a more inviting environment for pedestrians.

(iv) Parking

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

(v) Sidewalks

All new development shall provide sidewalks along all public streets.

(4) Reference to Other Standards

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

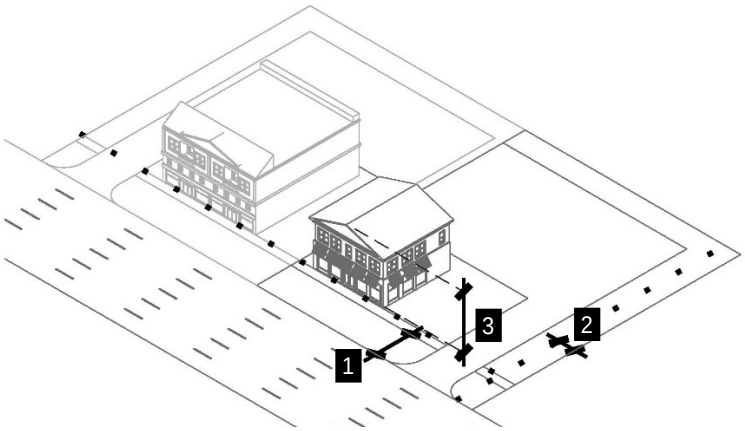
Article 25-4	**Use Regulations**	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	**Development Standards**	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking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

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

(1) Purpose

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

(2) Intensity and Dimensional Standards



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

NOTES

[1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.

[2] As an alternative to this standard, the Director may approve a front setback that is within 90 and 110 percent of the average front setback for buildings on the same block face.

[3] The minimum side setback is 8 feet from any lot classified in a residential zoning district.

[4] The minimum rear setback is 20 feet from 7th Avenue SE between 5th Street SE and 11th Street SE.

[5] The maximum building height for buildings that include only nonresidential uses on the ground floor and dwelling units on one or more floors above the ground floor is 4 stories. The maximum building height for all other buildings is 3 stories. Additional Building Code requirements apply to buildings taller than three stories.

(3) Additional Standards

(i) Parking

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

(ii) Landscape Buffer

A Type D Opaque buffer is required for any development bordering a residential district. (See Sec. 25-5.3.3 (A), Landscaping and Buffer Standards.)

(iii) Seventh Avenue Southeast Access, Sidewalks, Lighting and Uses Prohibited:

a. All development shall be designed to front 6th Avenue SE. Access for development to 6th Avenue SE and adjoining side streets shall be limited based on ALDOT Access Management Guidelines and approved by the City with ALDOT (the only exception shall be for those properties on the west side of 7th Avenue SE between 5th Street SE and 11th Street SE. They shall be allowed access to 7th Avenue only if they do not include any property or improvements zoned or used for business or commercial purposes. The only access from these properties to 7th Ave. shall be zoned and used as Single Family Residential uses.

b. Sidewalks shall be constructed along all abutting streets and/or replaced if damaged during construction of development.

c. Lighting on 7th Avenue frontage shall be limited in height to 20 feet to reflect a more residential scale. Lighting shall be directed toward the building development in a way that does not adversely affect adjacent residential properties. Lighting should be consistent with building design.

d. *Uses Prohibited*: In addition to uses prohibited in section 25-4.2.2(E) Principal Use Table under Business/UC-MX the following uses shall also be prohibited: mobile homes sales, stockyard (live animal or poultry sales), sexually oriented businesses as regulated by Chapter 2.6 of the City Code; hotels, motels, bars, brew pubs, night clubs, nursing homes, multi-family, billboards, and other uses found to be of an objectionable nature by reason of dust, smoke, vibration, noise, odor, extended operating hours, or inconsistent with the general welfare of the district as determined by the Director.

e. *Uses Permitted*: In addition to the uses permitted in section 25-4.2.2E Principal Use Table under Business/UC-MX the following uses shall also be permitted: on and off premise sale of alcoholic beverages; off premises sale of beer and table wine; on premises sale of alcoholic beverages by duly licensed restaurants; and on premises sale of alcoholic beverages by lounges located in, and constituting an integral part of a restaurant licensed by the Alabama Alcoholic Beverage Control Board to sell alcoholic beverages as a restaurant.

(4) Reference to Other Standards

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

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

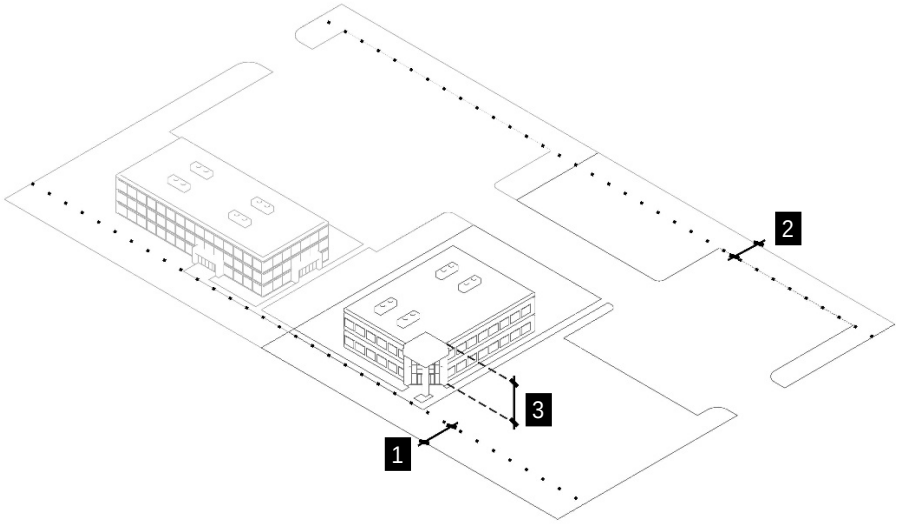
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

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

(1) Purpose

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

(2) Intensity and Dimensional Standards



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

NOTES:

[1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.

[2] The minimum side setback is 8 feet from any lot classified in a residential zoning district.

[3] Additional Building Code requirements apply to buildings taller than three stories.

(3) Additional Standards

(i) Use Mixing

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

(ii) Building Entrances

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

garage, parking lot, or other non-pedestrian area located between the entrance and the street.

(iii) Transparency

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

(iv) Parking

a. All vehicle parking lots and structures containing more than 50 parking spaces shall provide clearly identified pedestrian routes between parking areas and a primary pedestrian entrance(s) to the building(s) served by the parking area.

b. A minimum of 50 percent of all proposed new or additional surface vehicle parking shall be located to the rear or side of the development's principal building(s) or in a parking structure.

c. Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain 50 or fewer spaces each and are visually separated by buildings or landscaped areas.

(4) Reference to Other Standards

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

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

Sec. 25-3.2.5. Industrial Districts

(a) General Purpose of Industrial Districts

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

(1) Provide appropriately-located lands for the full range of light industrial and industrial uses needed by the City's residents, businesses, and workers, in accordance with the Comprehensive Plan;

(2) Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities;

(3) Support a range of building types and uses dedicated to processing, manufacturing, assembly, warehousing, outdoor storage, and distribution of goods;

(4) Create suitable environments for uses that have heavy freight traffic, and which may generate noise, odors, or other impacts;

(5) Ensure industrial development is located and designed to protect and preserve the character of existing residential districts and neighborhoods;

(6) Improve the design quality of industrial areas; and

(7) Provide a place to locate uses that are generally incompatible with other uses in other zoning districts.

(b) Established Industrial Base Zoning Districts

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

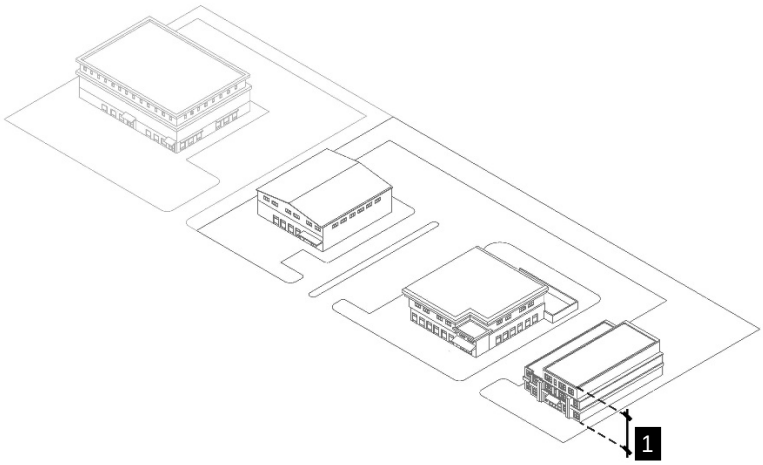
TABLE 25-3.2.5: ESTABLISHED INDUSTRIAL DISTRICTS
Light Industrial District (LI)
Industrial District (I)

(c) LIGHT INDUSTRIAL DISTRICT (LI)

(1) Purpose

The purpose of the Light Industrial (LI) District is to provide lands that accommodate light industrial and supporting development. Allowed uses include research and development, wholesaling, distribution, storage, and processing incidental to light manufacturing. Processing incidental to a slaughterhouse such as where processing of the slaughtered animal parts occurs like slaughterhouses is limited to Industrial Districts. The district also accommodates supporting uses such as office and limited commercial uses that primarily serve the principal light industrial uses where there is a low potential for adverse off-site impacts on the surroundings (e.g. from animal blood, odor, fumes, dust, noise, vibration, traffic and other potential nuisance impacts on surrounding residential neighborhoods).

(2) Intensity and Dimensional Standards



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

NOTES:

[1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.

[2] The minimum setback for new structures shall be the average setback of any existing structure(s) facing the same street within 100 feet of the structure; otherwise, there is no minimum front setback.

[3] The minimum setback is 20 feet from any lot classified in a residential district.

(3) Reference to Other Standards

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

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

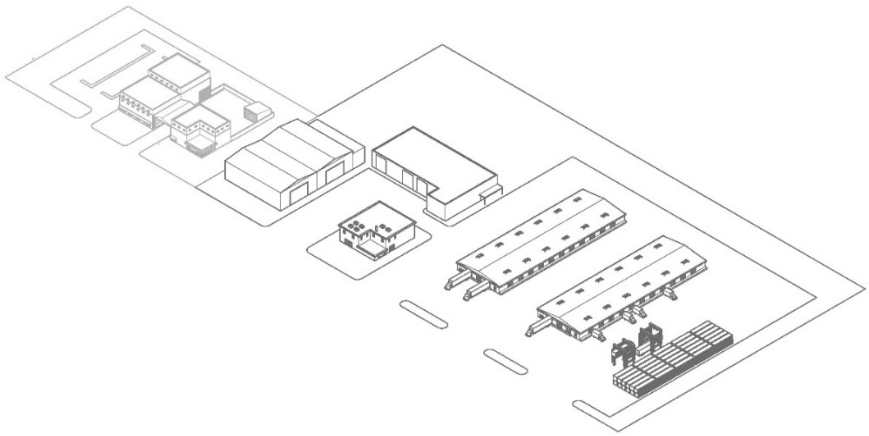
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

(d) INDUSTRIAL DISTRICT (I)

(1) Purpose

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

(2) Intensity and Dimensional Standards



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

NOTES:

[1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.

[2] The minimum setback is 100 feet from any lot classified in a residential district.

[3] Additional Building Code requirements apply to buildings taller than three stories.

(3) Reference to Other Standards

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

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

SECTION 25-3.3. PLANNED DEVELOPMENT DISTRICTS

Sec. 25-3.3.1. General Provisions

(a) General Purpose of Planned Development Districts

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

(1) Achieve a high quality of development, environmental sensitivity, energy efficiency, and provision of public services;

(2) Reduce the inflexibility of zoning district standards that sometimes results from strict application of the base district regulations and development standards established in this Ordinance;

(3) Provide greater freedom and flexibility in selecting:

- **(i)** The form and design of development;
- **(ii)** The ways by which pedestrians and vehicular traffic circulate;
- **(iii)** How the development will be located and designed to respect the natural features of the land and protect the environment;
- **(iv)** The location and integration of open space and civic space into the development; and
- **(v)** Design amenities.

(4) Allow greater freedom in providing a well-integrated mix of nonresidential development, residential development, lot sizes, and densities and intensities within the same development;

(5) Allow more efficient use of land, with coordinated and right-sized networks of streets and utilities;

(6) Provide pedestrian connections within the same development, and to the public right-of way;

(7) Encourage the provision of centrally-located open space amenities within the development;

(8) Promote development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses; and

(9) Promote development form that respects and takes advantage of a site's natural and man-made features, such as rivers, lakes, wetlands, floodplains, trees, and historic resources.

(b) Classification of Land Within a Planned Development District

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

(c) General Requirements

The standards in this section apply to all planned development districts, in addition to the specific standards that apply to each type of planned development in 0 through Sec. 25-3.3.2(c) below.

(1) Planned Development (PD) Plan

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

(i) The planning and development goals for the planned development district;

(ii) The principal, accessory, and temporary uses permitted in the planned development district and any standards that apply to specific uses in the district, in accordance with Sec. 25-4.2.2(e), Principal Use Table;

(iii) The general location of each development area in the planned development district, its acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;

(iv) The dimensional standards that apply in the planned development district;

(v) Where relevant, the standards and requirements that ensure development on the perimeter of the planned development district is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, hours of operation, exterior lighting, and siting of service areas;

(vi) The general location, amount, and type (whether designated for active or passive recreation) of open space;

(vii) The location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and measures to ensure protection of these lands consistent with the requirements of this section and this Ordinance;

(viii) The on-site pedestrian circulation system and how it will connect to off-site pedestrian systems, consistent with the requirements of this Ordinance;

(ix) The general design and layout of the on-site transportation circulation system, including the general location of all public streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system (pedestrian and bicycle pathways and trails), and connect to existing and planned City and regional systems, consistent with the requirements of this Ordinance;

(x) The general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned City and regional systems, consistent with the requirements of this Ordinance;

(xi) The general location of on-site storm drainage facilities, and how they will connect to existing and planned City systems, consistent with the requirements of this Ordinance;

(xii) The general location and layout of all other on-site and off-site public facilities serving the development, including but not limited to: parks, schools, and facilities for fire protection, police protection, emergency management, stormwater management, and solid waste management;

(xiii) The ways in which transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development; and

(xiv) Any modifications to the development standards in Article 25-5. Development Standards, that will be applied to planned development, in accordance with Table 25-3.3.1(c): Development Standards that May Be Modified, below. Any modifications to development standards shall be documented in the PD Plan and the PD Agreement, with a clear basis for why the change is needed, how it supports the purpose of the planned development district, and how it supports high-quality development.

TABLE 25-3.3.1(C): DEVELOPMENT STANDARDS THAT MAY BE MODIFIED

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

(xv) If development in a planned development district is proposed to be phased, the PD Plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided and timed, how development will be coordinated with the City's capital improvements program, and how environmentally sensitive lands will be protected and monitored.

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

(2) Planned Development (PD) Agreement

(i) As set forth in Sec. 25-2.4.3, Planned Development District, a Planned Development (PD) Agreement is a required component in the establishment of a planned development district. A PD Agreement shall include but not be limited to:

a. Conditions related to approval of the application for the individual planned development district classification;

b. Conditions related to the approval of the PD Plan, including any conditions related to the form and design of development shown in the PD Plan;

c. Provisions addressing how public facilities (transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development. This shall include but not be limited to:

1. Recognition that the applicant/landowner will be responsible to design and construct or install required and proposed on-site public facilities in compliance with applicable City, state, and federal regulations; and

2. The responsibility of the applicant/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable City, state, and federal regulations;

d. Provisions related to environmental protection and monitoring (e.g., restoration or mitigation measures, annual inspection reports);

e. Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the individual planned development district; and

f. Any other provisions the City Council determines is relevant and necessary to the development of the planned development.

(ii) All conditions shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

Sec. 25-3.3.2. Planned Development District Types

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

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

(1) Purpose

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

(2) Use Standards

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

(3) Dimensional Standards

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

(4) Development Standards

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

(i) Nonresidential Uses

a. An R-PD shall contain at least 200 residential dwelling units if it also includes nonresidential uses. The nonresidential uses shall be of the scale and type to serve the development in the R-PD and the surrounding neighborhood.

b. At least 50 percent of the residential dwelling units in the district shall be completed or under construction before nonresidential uses are constructed, except where the specific site has been exempted from this requirement in the PD Plan and PD Agreement.

(ii) Variety of housing types

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

(iii) Mobility, Circulation, and Connectivity

a. At minimum, sidewalks and other pedestrian amenities shall be provided as required by Section 25-5.1, Mobility, Circulation, and Connectivity Standards.

b. The pedestrian circulation system and its related walkways shall include paths through park or open space that are independent of the vehicular street system. This is in addition to the street-adjacent sidewalks. Proposed pedestrian circulation within the district shall be properly integrated with buildings, common areas, parking areas, and open space.

c. The R-PD district shall have access to streets capable of accommodating projected traffic needs of the proposed development and shall not substantially reduce the level of service on streets external to the R-PD district.

d. Any proposed streets, alleys, and driveways within the R-PD district shall be adequate to serve the residents, occupants, visitors, and other anticipated traffic associated with the R-PD.

(iv) Open Space Set-Asides

a. Open space set-asides should include both formal areas, such as squares, greens, common areas, or other park-like settings, and informal areas such as walking paths, greenways, and preserved natural features.

b. Clustering of development in some areas of an R-PD in order to create larger open spaces elsewhere is encouraged.

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

(1) Purpose

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

(2) Use Standards

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

(3) Dimensional Standards

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

(4) Development Standards

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

(i) Mobility, Circulation, and Connectivity

a. At minimum, sidewalks and other pedestrian amenities shall be provided as required by Section 25-5.1, Mobility, Circulation, and Connectivity Standards.

b. The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. Proposed pedestrian circulation within the district shall be properly integrated with buildings, parking areas, and open space.

c. The vehicular circulation system shall separate as completely as possible movement of employees, residents, and visitors from the movement of goods and materials related to manufacturing, warehousing, or other industrial activities in the district.

d. The MEC-PD district shall have access to streets capable of accommodating projected traffic needs of the proposed development and shall not substantially reduce the level of service on streets external to the MEC-PD district.

e. Any proposed streets, alleys, and driveways inside the MEC-PD district shall be adequate to serve the residents, occupants, visitors, and other anticipated traffic associated with the proposed development.

(ii) Parking

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

(iii) Design

a. The form and function of proposed buildings shall be compatible with development immediately adjacent to the district, in terms of building separation, massing, scale, and proportion.

b. Standards for consistency in building materials and design, landscaping, exterior lighting, and signage shall be established in the PD Plan for the district.

c. The MEC-PD district shall include an integrated system of vegetated areas that performs multiple functions, such as recreation and open space, pedestrian movement, stormwater management, and buffering of incompatible uses. Natural buffers shall be provided between the district and adjacent development.

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

(1) Purpose

The purpose of the Traditional Neighborhood Planned Development (TN-PD) District is to encourage innovative and high quality development that incorporates traditional neighborhood development practices such as compact form with a neighborhood center, a mix of uses, a strong public realm that is human-scale and pedestrian-oriented, integrated open space and recreational opportunities, mixed-use development, and a range of housing choices. Substantial flexibility is provided, with the expectation that development quality will surpass what is otherwise achievable through the base zoning districts. District standards support the City's existing traditional neighborhoods, encourage walkable urbanism, and provide a range of nonresidential uses that serve residents and the surrounding neighborhood.

(2) Use Standards

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

(3) Dimensional Standards

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

(4) Development Standards

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

(i) Centers and Sub-Centers

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

(ii) Walking Distance

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

(iii) Use Mixing

A TN-PD district shall be designed to provide a mix of residential and nonresidential uses such as single-family dwelling units, two-family dwelling units, triplex dwelling units, multi-family dwelling units, retail sales and service uses, office uses, and civic and recreational uses. One of the primary purposes of

integrating residential and nonresidential uses is to allow residents to meet more of their daily needs within the development. In addition, provision of a variety of housing options is required to allow greater diversity of residents within the neighborhood.

(iv) Open Space Set-Asides

a. Location, Configuration, and Improvements

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

b. Open Space Design

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

c. Establishment, Ownership, and Operation

1. A TN-PD district shall include formal open space set-aside areas for recreation and community gathering.
2. Common open space set-asides and recreational facilities shall not be operated as a for-profit enterprise.
3. All required common open space set-asides shall be conveyed to a homeowners association created for the development.
4. All land represented as common open space set-asides on the approved PD Plan shall be conveyed to a homeowners association or similar group organized for the purpose, among others, of owning and maintaining common buildings, area, and land within the planned development.
5. Any conveyance to a homeowners association shall be subject to restrictive covenants and easements, reviewed for compliance with PD Plan by the Director, and filed at the time the subdivision plat for the project area is recorded. The covenants and easements shall provide for the establishment of a homeowners association before any homes are sold, where membership is mandatory for each home buyer and any successive buyer, that the association is responsible for liability insurance and local taxes for the common areas, and that the association will be able to adjust the assessment to meet changing needs. The covenants and easements shall also prohibit future development of any common open space and shall

provide for continued maintenance of any common open space set-asides and recreational facilities.

6. Building permits for any phase of the approved PD Plan shall not be issued unless and until the open space set-aside which is part of that phase has been dedicated and improved as specified on the approved PD Plan.

7. No portion of the planned development shall be conveyed or dedicated for public use by the developer or any other person to any public body or homeowner's association unless the character and quality of the land conveyed makes it suitable for the purposes for which it is intended, taking into consideration the size and character of the dwelling units to be constructed within the planned development; the topography and existing trees, ground cover, and other natural features; the manner in which the open space is to be improved and maintained for recreational or amenity purposes; and the existence of public parks or other public recreational facilities in the vicinity.

d. Landscaping

1. Landscaped buffers shall not be required between uses internal to a TN-PD district, but shall be provided along the perimeter of the district.

2. Where a PD Plan requires streetscape landscaping, the design should ensure a transition from the roadway to the sidewalk that enhances aesthetics and pedestrian safety.

e. Building Configuration

1. **Public Building Location**

   i. Public buildings and uses (for example government or cultural facilities, public assembly uses, or schools) that serve as focal points and landmarks are encouraged.

   ii. Public buildings and uses should be located on prominent sites, such as terminal vistas at the end of streets and on prominent street corners as noted on the PD Plan.

   iii. When possible, public buildings and uses shall be located on, or adjacent to, a square, plaza, or village green.

2. **Street Edge**

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

3. **General Character**

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

f. Subdivision

The following standards modify the Subdivision Regulations:

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

g. Street Standards

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

SECTION 25-3.4. OVERLAY DISTRICTS

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

(a) Purpose

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

(b) General Requirements

All new construction, all alterations and demolition to existing structures and buildings, and any material changes in the exterior appearance of an historic property, structures, site, objects, or work of art within the H-O District, shall require a Certificate of Appropriateness in conformity with Sec. 25-2.4.14, Certificate of Appropriateness, and comply with the requirements of Chapter 18, Article II of the City Code.

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

(a) Purpose

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

(b) Use of Public Sidewalks for Cafés

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

(1) Operation of the sidewalk café shall be limited to an area contiguous to the restaurant. It is considered an accessory use, which may be revoked by the City for failure of the business to comply with the provisions of this section. Tables, chairs and other associated equipment and furnishings shall not extend parallel in either direction beyond the outside wall of the restaurant or lot boundary which contains the building. No portion of the sidewalk café shall extend to or include a neighboring business, residences, or empty lots.

(2) Free passage for pedestrians along the sidewalk shall be maintained at all times, and at least a minimum sidewalk width of 60 inches net clear opening, shall remain unimpeded. Access to adjacent buildings or uses shall not be impeded.

(3) Any relocation of utilities or public improvements that are required by the location of the sidewalk café shall be done at the licensee's expense.

(4) All fixtures and services provided to patrons of a sidewalk café and all patron activity (.e.g. sitting, dining, waiting etc.) shall occur within the designated sidewalk café area, and shall not encroach on the required net clear opening distance of 60 inches for pedestrian passage, at any time. All fixtures and their location shall be subject to review and approval by the Building Department, the Planning Department, and the Downtown Redevelopment Authority. Fixtures shall be reviewed for installation method, appearance (considering the character and appropriateness and design including but not limited to scale, texture, materials, color and relation of sidewalk café elements to adjacent establishments), stability, and impact on existing public improvements.

(5) The 60 inch net clear opening from the center of all sidewalk café entrance doorways shall be maintained at all times. It becomes the front door of the establishment and shall be monitored at all times.

(6) Any required approval of the County Health Department shall be obtained and submitted to the Planning Department.

(7) A non-exclusive, revocable license shall be obtained from the City for the use of the public space. The license shall be good for the then-current privilege license year only and must be renewed annually. The application for renewal shall be completed concurrently with the yearly business license application. There shall be a re-inspection by the Building Department required of the sidewalk café area with each license renewal. This license is not to be considered a privilege license but a non-exclusive right to use the public sidewalk for the permitted purpose, subject to applicable conditions set forth in this section and the granted license. Proof of commercial general liability insurance with limits of not less than $100,000.00 per occurrence, $300,000.00 in the aggregate combined single limit, for bodily injury, personal injury and property damage liability shall be furnished at the time of application. The insurance shall provide for 30 days prior written notice to be given to the City if coverage is substantially changed, canceled, or non-renewed. The City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operations of a sidewalk café; and the licensee shall indemnify, defend, and hold the City harmless from any loss that results directly or indirectly from the permit or license issuance.

(8) Applications for a sidewalk café license shall be made to the Director, who shall coordinate the review of the other departments and submission of the license agreement to the City Council for approval during a regularly scheduled meeting. Departments to review the application include but are not limited to the Building Department, Police Department, Public Works Department, Engineering Department, Planning Department and Downtown Redevelopment Authority. Prior to issuance of a license for a sidewalk café the Planning Department shall review all completed and approved permit applications for compliance with this and other ordinances of the City. After compliance has been verified the Planning Department shall issue the license. Items that shall be submitted with an application for a sidewalk café shall include but are not limited to:

(i) An application for a license that include a nonrefundable administrative processing fee and the following information:

a. Name, business address, and telephone number of the restaurant.

b. Name, address, and telephone number of the owner of the restaurant and building, if different.

c. Number of tables and chairs to be permitted in the sidewalk cafe.

d. Design and scaled site layout of the chairs, tables, and accessories including screens, along with a depiction of materials to be used and the method of installation.

e. An operations plan of services, sanitation, monitoring schedule, and responsibilities.

f. Any other information the City determines is appropriate to describe the planned operation.

g. The required net clear opening.

(9) All licenses issued for sidewalk cafes shall be subject to revocation, in whole or in part, by the Director or Police Chief if:

(i) It is determined necessary or advisable that the area on which the sidewalk café is located, or any portion thereof, be vacated in order for the site to be used for a public purpose in the event of a public emergency, or for construction or maintenance on, above, or below such sidewalk.

(ii) It is found that a licensee has failed to comply with any of the provisions specified in this section or this Ordinance.

(iii) It is found that there is a danger to the public health, safety, or welfare as a result of the sidewalk cafe

(10) No alcoholic beverages are to be served or consumed on a public sidewalk café area unless the establishment complies with any applicable laws of the City and the state, including but not limited to regulations of the Alabama Alcoholic Beverage Control Board governing the display of alcoholic beverages and their service on sidewalk cafés contiguous to the licensed premises. There shall be no printed advertising permitted on any outside furniture or associated equipment (e.g. containers, tables, chairs, umbrellas etc.) in the designated sidewalk café area.

(11) Sidewalk café permit holders shall be exempt from the restrictions on open containers if such establishment is otherwise licensed to sell alcoholic beverages under the state alcoholic beverage control rules and regulations and the laws of the City. Any dispensing and/or serving or consuming of alcoholic beverages in the sidewalk area shall be strictly in accordance with all applicable laws, ordinances, and regulations, of the Alabama Alcoholic Beverage Control Board. To the extent that any such license has been issued and alcoholic beverages may be served, then the same may not be taken outside of the permitted area of the sidewalk café; and, except for restaurant liquor licenses, shall be served in plastic containers.

(12) A sidewalk café permitted in accordance with the requirements of this SC-O District regulations shall not operate between the hours of 1:00 a.m. to 6:00 a.m. any day of the week, unless the hours are extended on specific days by the City Council.

(13) No smoking is permitted in the delineated area of a sidewalk café.

(14) No signs shall be allowed on any portion of the public sidewalks inside or outside of the delineated area.

(15) Sidewalk cafés shall be prohibited from playing amplified music, whether live or recorded. No speakers, microphones, televisions, or other audio or video devices shall be permitted at a sidewalk café.

(16) There shall be no open flames permitted on the sidewalk. Heating apparatus shall be approved by the Building Department and Fire Department prior to installation or use. Possible lighting sources include enclosed table-top candles or low wattage battery operated fixtures. Lighting shall not cause glare to passing pedestrians or vehicles.

(17) No food preparation shall be permitted in the delineated area of a sidewalk café.

(18) The portion of the sidewalk allotted for outside seating shall be delineated by a railing or other method of delineating the space that is not affixed to any portion of the sidewalk or other public property. It shall be approved by the Building Department with concurrence of the Downtown Redevelopment Authority and the Planning Department.

(19) During hours when the establishment is closed for business, sidewalk café equipment (tables, chairs, umbrellas etc.) shall be removed from the sidewalk, or, if explicitly authorized by the approved sidewalk café license to remain in place outside of business hours, secured to prevent its use while the business is closed.

Sec. 25-3.4.3. Arts and Entertainment Overlay District (AE-O)

(a) Purpose and Authority

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

(b) AE-O District Regulations

The following regulations apply in the AE-O District:

(1) One Drink On-street Limit

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

(2) Beverages Outside Premises

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

(3) All Applicable Laws in Effect

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

(4) Size Limited to 16 Ounces

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

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

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

(6) Open Container Laws Applicable

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

(7) Hours in Effect

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

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

(a) Purpose

The Neighborhood Conservation Overlay (NC-O) District is intended to protect and preserve the unique design features and character of established neighborhoods throughout the City, and to promote new construction that is compatible with the existing neighborhood character. The NC-O District is a flexible tool that may be applied to multiple neighborhoods, each of which will have its own unique architectural, natural, cultural, and historic attributes.

(b) Procedure for Establishing Individual Districts

(1) Prior to the establishment of an NC-O District for a specific neighborhood, a master plan for the neighborhood shall be completed and recommended for adoption by the Planning Commission.

(2) An NC-O District shall be established in accordance with Sec. 25-2.4.1, Text Amendment, and Sec. 25-2.4.2, Zoning Map Amendment.

(3) For each NC-O District established, a unique name shall be added to the NC-O District designation.

(4) Districts shall be recorded as subsections to Sec. 25-3.4.4(e), Established NC-O Districts, below.

(c) Minimum Requirements for Area and Plan

(1) The area proposed for an NC-O District shall comply with all the following requirements:

- **(i)** Contain a minimum of three blocks and two opposing street frontages.
- **(ii)** At least 60 percent of the land area within the proposed NC-O District, not including street and other right-of-way, was developed at least 20 years prior to the initiation of the neighborhood master plan.
- **(iii)** There is ongoing or anticipated new development or redevelopment within the district.
- **(iv)** One or more of the following attributes creates a distinctive, cohesive character for the district:
  - **a.** Scale or size of buildings, building elements, type of construction, or distinctive building materials;
  - **b.** Lot layouts, setbacks, street layouts, alleys, or sidewalks;
  - **c.** Special natural or streetscape characteristics, such as creek beds, parks, gardens, or street landscaping;
  - **d.** Land use patterns, including mixed or unique uses or activities; or
  - **e.** Proximity to historic districts or sites.

(2) The neighborhood master plan shall comply with all of the following requirements:

- **(i)** The One Decatur Comprehensive Plan and any other relevant adopted City policy;
- **(ii)** Include a map of the proposed boundaries;

(iii) Describe the distinctive features, characteristics, and conditions that make the area unique and could form the basis for standards in the district; and

(iv) Establish development goals for the character of the neighborhood.

(d) Standards for Districts

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

(1) Lot size;

(2) Lot width;

(3) Location of proposed buildings or additions;

(4) Minimum setbacks;

(5) Building height;

(6) Building size (for principal and accessory structures);

(7) Building orientation;

(8) Exterior building materials and colors;

(9) Building roof line and pitch;

(10) Garages and garage location;

(11) Building foundation treatment;

(12) Front porches;

(13) Accessory dwelling units;

(14) Landscaping and screening;

(15) Impervious surface coverage;

(16) Paving requirements or limitations;

(17) Exterior lighting;

(18) Required features on a front façade;

(19) Uses;

(20) Views of or from specific locations;

(21) Riparian areas, wetland areas, or drainage patterns; and

(22) Demolition of structures.

(e) Established NC-O Districts

The following NC-O Districts are established:

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

4

USE REGULATIONS

Section 25-4.1.	Organization of This Article	4-1
Section 25-4.2.	Principal Uses	4-1
Sec. 25-4.2.1.	General	4-1
Sec. 25-4.2.2.	Principal Uses	4-1
Sec. 25-4.2.3.	Classification of Principal Uses	4-7
Sec. 25-4.2.4.	Standards Specific to Principal Uses	4-16
Section 25-4.3.	Accessory Uses and Structures	4-26
Sec. 25-4.3.1.	General	4-26
Sec. 25-4.3.2.	Accessory Uses and Structures Table	4-27
Sec. 25-4.3.3.	General Standards for All Accessory Uses and Structures	4-29
Sec. 25-4.3.4.	Specific Standards for Accessory Uses and Structures	4-30
Section 25-4.4.	Temporary Uses and Structures	4-37
Sec. 25-4.4.1.	General	4-37
Sec. 25-4.4.2.	Temporary Uses and Structures Table	4-38
Sec. 25-4.4.3.	General Standards for All Temporary Uses and Structures	4-39
Sec. 25-4.4.4.	Specific Standards for Temporary Uses and Structures	4-40

Article 25-4. Use Regulations

SECTION 25-4.1. ORGANIZATION OF THIS ARTICLE

This article is organized into three sections:

(a) Section 25-4.2, Principal Uses, sets out what land uses are allowed as principal uses, in what zoning districts the uses are allowed, whether they may be established by-right or require approval of a special exception permit, and any special standards applicable to particular principal uses.

(b) Section 25-4.3, Accessory Uses and Structures, identifies land uses and structures allowed as accessory to principal uses and specifies in what districts they are allowed. It also establishes general standards applicable to all accessory uses and structures, and any special standards applicable to particular accessory uses and structures.

(c) Section 25-4.4, Temporary Uses and Structures, identifies land uses and structures allowed on a temporary basis and specifies in what districts they are allowed. It also sets out general standards applicable to all temporary uses and structures, and sets out special standards that apply to particular temporary uses and structures.

SECTION 25-4.2. PRINCIPAL USES

Sec. 25-4.2.1. General

Table 25-4.2.2(e): Principal Use Table, identifies the principal uses and indicates whether they are allowed by right, allowed subject to approval of a special exception permit, or prohibited within each zoning district. The use table also includes references to use-specific standards applicable to the specific use, which are found in Sec. 25-4.2.4, Standards Specific to Principal Uses.

Sec. 25-4.2.2. Principal Uses

(a) Organization of Principal Uses

Table 25-4.2.2(e): Principal Use Table, organizes allowable uses by use classifications, use categories, and use types as described in Sec. 25-4.2.4(f)(1), Classification of Principal Uses. The use table provides a systematic basis for identifying and consolidating uses, distinguishing unidentified uses to determine whether a particular use is allowed in a particular zoning district, and adding new uses to the use table in the future.

(b) Abbreviations in Principal Use Table Cells

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

P	**Permitted use.** A “P” in a cell of the table in a column other than a PD district column indicates that the corresponding use category or use is allowed by right in the corresponding zoning district, subject to any use-specific standards referenced in the final column of the use table. Permitted uses are subject to all other applicable requirements of this Ordinance. A “P” in a cell of the table in a PD district column means that the use is allowed in the corresponding type of PD district only if so specified in the PD Plan for the

	particular district, subject to all other applicable requirements of this Ordinance unless expressly modified in the PD Plan or PD Agreement for the district (see Sec. 25-3.3.1(c)(1), Planned Development (PD) Plan, and Sec. 25-3.3.1(c)(2), Planned Development (PD) Agreement).
S	**Special Exception Use.** An "S" in a cell of the table indicates that the corresponding use category or use is allowed in the corresponding base zoning district upon approval of a special exception permit in accordance with Sec. 25-2.4.4, Special Exception Permit, subject to any use-specific standards referenced in the final column of the use table. Uses requiring a special exception permit are subject to all other applicable requirements of this Ordinance.
blank cell	**Prohibited Use.** A blank cell in the table indicates that the use is prohibited in the corresponding base zoning district.

(c) Reference to Use-Specific Standards

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

(d) Unlisted Uses

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

(e) Principal Use Table

TABLE 25-4.2.2(E): PRINCIPAL USE TABLE

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

PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL								INST	BUSINESS						INDUSTRIAL		PLANNED DEVELOPMENT			USE-SPECIFIC STANDARDS
	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD	MEC-PD	TN-PD	
AGRICULTURAL/RURAL																						
ALL AGRICULTURAL/RURAL																						Sec. 25-4.2.4(b)(1)
Agriculture	P																					
Agritourism	P																					
Equestrian Center	P																					
Feedlot	S																					
Riding and boarding stable	P																					
Rural retreat	P																					Sec. 25-4.2.4(b)(2)

TABLE 25-4.2.2(E): PRINCIPAL USE TABLE

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

PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL								INST	BUSINESS						INDUSTRIAL		PLANNED DEVELOPMENT			USE-SPECIFIC STANDARDS
	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD	MEC-PD	TN-PD	
RESIDENTIAL																						
HOUSEHOLD LIVING																						
Dwelling unit, Single-family detached	P	P	P	P	P	P		P											P		P	
Dwelling unit, Single-family attached							P	P	P													
Dwelling unit, Duplex or Triplex							P	P	P													Sec. 25-4.2.4(c)(1)(i)
Dwelling unit, Live-work unit								P	P		P											Sec. 25-4.2.4(c)(1)(ii)
Dwelling unit, Multifamily								P	P		S	P	P	P		P			P	P	P	Sec. 25-4.2.4(c)(1)(iii)
Dwelling unit, Manufactured home						P																Sec. 25-4.2.4(c)(1)(iv)
Dwelling unit, Townhouse							P	P	P													
Manufactured home park						P																Sec. 25-4.2.4(c)(1)(v)
GROUP LIVING																						
Boarding house	S							P	P	S	S											Sec. 25-4.2.4(c)(2)(i)
Cooperative house	S						S	P	P	S	S											
Dormitory										P				S								Sec. 25-4.2.4(c)(2)(ii)
Fraternity or sorority house										P												
Residential care home	P							P	P	P	P	P	P	P	P	P			P		P	
Residential care facility								S	P	P	P	P	P	P	P	P			P		P	Sec. 25-4.2.4(c)(2)(iii)
CIVIC/INSTITUTIONAL																						
COMMUNICATION																						
Broadcasting studio											P	P	P	P	P	P			P	P	P	
Data center																P	P	P		P		Sec. 25-4.2.4(d)(1)(i)
Wireless telecommunications facility	Regulated by Chapter 7, Article 12 of the City Code																					
COMMUNITY SERVICE																						
Animal shelter										P		P	P				P					
Childcare facility						S		S	S	P	P	P										
Civic, social, or fraternal organization						S	S	S	S	P	P	P	P	P	P	P						
Churches, Places of Worship	P	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P			P	P	P	
Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	Sec. 25-4.2.4(d)(2)(i)

TABLE 25-4.2.2(E): PRINCIPAL USE TABLE

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

PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL								INST	BUSINESS						INDUSTRIAL		PLANNED DEVELOPMENT			USE-SPECIFIC STANDARDS
	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD	MEC-PD	TN-PD	
Cultural facility	P	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P		P	P	P	
Government building						S		P	P	P		P	P	P	P	P	P	P	P	P	P	
Post office										P	P	P	P	P	P	P	P	P				
Public assembly, Indoor	P					S			S	P	P	P	P	P	P	P	P	S	P	P	P	Sec. 25-4.2.4(d)(2)(ii)
Public safety facility										P		P	P	P			P					
Recreation facility, Public or quasi-public	P					S				P	P	P	P	P	P	P	P					
EDUCATION																						
College or University										P				S								
School, Elementary, middle, or high		S	S	S	S	S	S	S	S	P	S	S	S	S	S	S	S		S	S	S	Sec. 25-4.2.4(d)(3)(i)
Technical or Trade School										P	P	P	P	P	P	P	P	P	P	P	P	
FUNERAL AND MORTUARY SERVICES																						
Crematory															S		P	P		P		
Funeral home or mortuary												P	P	P	P	P			P	P	P	
HEALTH CARE																						
Hospital	P									P		P	P	P	S	S	S	S				Sec. 25-4.2.4(d)(4)(i)
Medical or dental laboratory										P		P	P	P	P	P	P	P		P	P	
Medical or dental office/clinic						S	S	S	S	P	P	P	P	P	P	P	P		P	P	P	
Nursing home		S	S	S	S	S	S	S	P	S	P	P	P	P		P			P	P	P	
PARKS AND OPEN SPACE																						
Arboretum or botanical garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Cemetery	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 25-4.2.4(d)(5)(i)
Park or greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
TRANSPORTATION																						
Airport	S	S																P				
Parking (as principal use)										P		P	P	P	S	S	P	P				
Passenger terminal, surface transportation												P	P	P	P	P	P	P		P		
Rail transportation support facility												P	P	P	P	P	P	P				
UTILITIES																						
Solar energy collection system, Large scale	P									P							P	P				Sec. 25-4.2.4(d)(6)(i)
Utility facility, Major	S	S	S	S	S	S	S	S	S	P	S	S	S	S	S	S	P	P	P	P	P	
Utility facility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.2.4(d)(6)(ii)

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	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD	MEC-PD	TN-PD	
COMMERCIAL																						
ANIMAL CARE																						Sec. 25-4.2.4(e)(1)(i)
Kennel	P											P	P		P		P			P	P	
Pet care service	P										P	P	P	P	P	P	P			P	P	
Veterinary hospital or clinic	P										P	P	P	P	P	P	P			P	P	Sec. 25-4.2.4(e)(1)(ii)
BUSINESS SERVICE																						
Business service center												P	P	P	P	P	P		P	P	P	
Catering service										S	P	P	P	P	P	P	P	P	P	P	P	
Conference, training, or events center	S										P	P	P	P	P	P	P	S	P	P	P	Sec. 25-4.2.4(e)(2)(i)
EATING OR DRINKING ESTABLISHMENTS																						Sec. 25-4.2.4(e)(3)(i)
Bar												P	P	S		P			S	P	P	
Brewpub											S	P	P	P		P	P		P	P	P	Sec. 25-4.2.4(e)(3)(ii)
Nightclub													S			S						Sec. 25-4.2.4(e)(3)(iii)
Restaurant											S	P	P	P	P	P			P	P	P	
OFFICE																						
Office, Contractor												P	P				P	P				
Office, General business and professional										S	S	P	P	P	P	P	P		P	P	P	
PERSONAL SERVICES																						
Dry-cleaning service									P		P	P	P	P	P	P	P		P	P	P	
Laundry, Self-service						P		P	P	P	P	P	P	P	P	P			P	P	P	
Personal grooming or well-being service						S			S		P	P	P	P	P	P			P	P	P	
Personal or household goods repair						S			S		P	P	P	P	P	P	P		P	P	P	
Studio						S		S		P	P	P	P	P	P	P	P		P	P	P	
Tattoo and/or Body Piercing Parlors												P	P	S	P		P					
RECREATION/ENTERTAINMENT																						
Art gallery						S			S	P	P	P	P	P	P	P	P		P	P	P	
Country club	S	S																	P	P	P	
Golf course	S	S	S	S	S						S	S				S	S	S	P			
Performing arts center									P	P	P	P	P	P	P	P				P	P	
Recreation facility, Indoor									S	P	P	P	P	P	P	P				P	P	
Recreation facility, Outdoor	S								P	P	S	P	P		P				P	P	P	

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PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL								INST	BUSINESS						INDUSTRIAL		PLANNED DEVELOPMENT			USE-SPECIFIC STANDARDS
	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD	MEC-PD	TN-PD	
Sexually-oriented business	Regulated by Chapter 2.6 of the City Code																					
Stadium, arena, or amphitheater										S		S	S	S	S	S						
RETAIL SALES AND SERVICES																						Sec. 25-4.2.4(e)(4)(i)
ABC store											S	P	P	P	P	P				P	P	
Bank or financial institution						S			S		P	P	P	P	P	P	S		P	P	P	
Consumer goods establishment						S					P	P	P	P	P	P			P	P	P	
Florist										P	P	P	P	P	P	P			P	P	P	
Pawnshop												P										Sec. 25-4.2.4(e)(4)(ii)
Self-service storage												S	P				P	P				Sec. 25-4.2.4(e)(4)(iii)
Self-service storage, indoor climate-controlled												P	P		P	P	P	P				Sec. 25-4.2.4(e)(4)(iii)
Small loan establishment												P										Sec. 25-4.2.4(e)(4)(iv)
VEHICLE SALES AND SERVICES																						
Commercial fuel depot												S					P	P				
Commercial Parking Off Street Use														S			P					
Commercial vehicle sales and rentals													P				P	S				
Commercial vehicle service and repair																	P	S				Sec. 25-4.2.4(e)(5)(i)
Personal vehicle car wash												P	P		P		P					
Personal vehicle sales and rental												P	P									Sec. 25-4.2.4(e)(5)(ii)
Personal vehicle service and repair												P	P									Sec. 25-4.2.4(e)(5)(iii)
Truck Stop													S				P	P				
Vehicle fueling station											S	P	P	P	P		P	P		P	P	Sec. 25-4.2.4(e)(5)(iv)
VISITOR ACCOMMODATIONS																						
Campground	S																					Sec. 25-4.2.4(e)(6)(i)
Hotel or motel												P	P	P		P			P	P	P	
Tourist home																						**Error! Reference source not found.**

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PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL								IN-ST	BUSINESS						INDUS-TRIAL		PLANNED DEVELOP-MENT			USE-SPECIFIC STANDARDS
	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD	MEC-PD	TN-PD	
INDUSTRIAL																						
INDUSTRIAL SERVICES																						Sec. 25-4.2.4(f)(1)
Industrial services, General												S	S				P	P				
Research laboratories										P				P	P	P	P	P		P	P	Sec. 25-4.2.4(f)(2)(i)
MANUFACTURING, ASSEMBLY, AND PROCESSING																						
Lumber yard or mill																		P				
Manufacturing, assembly, or processing, Light												S		S	S		P	P		P		
Manufacturing, assembly, or processing, General																	P	P				
Manufacturing, assembly, or processing, Heavy																		P				
Slaughterhouse																		P				
WAREHOUSING, FREIGHT MOVEMENT, AND WHOLESALE SALES																						
Motor freight terminal																		P				Sec. 25-4.2.4(f)(3)(i)
Warehousing, General																	P	P		P		Sec. 25-4.2.4(f)(3)(ii)
Warehousing, Hazardous materials																		P				Sec. 25-4.2.4(f)(3)(iii)
Wholesale sales												P	P		S	S	P	P				
WASTE-RELATED USES																						Sec. 25-4.2.4(f)(4)(i)
Composting facility																		P				
Junk/salvage yard																		P				Sec. 25-4.2.4(f)(4)(ii)
Recycling plant																		P				Sec. 25-4.2.4(f)(4)(iii)
Solid waste collection and disposal																		P				

Sec. 25-4.2.3. Classification of Principal Uses

(a) Purpose

This section is intended to provide a framework for identifying, describing, categorizing, consolidating, and distinguishing land uses to determine whether a particular use, activity, or combination of activities should be considered a use listed as an allowable principal use

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

(b) Structure of Principal Use Classification System

The following three-tiered hierarchy of use classifications, use categories, and use types is used to organize allowable uses listed in Table 25-4.2.2(e): Principal Use Table, and the use-specific standards set out in Sec. 25-4.2.4, Standards Specific to Principal Uses.

(1) Use Classifications

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

(2) Use Categories

(i) Use Categories represent major subgroups of the use classifications that have common functional, product, or physical characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics. For example, the Commercial use classification is divided into multiple use categories, like Retail Sales and Services and Eating or Drinking Establishments.

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

(3) Use Types

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

(c) Agricultural/Rural Uses

The Agriculture/Rural use classification includes one category: All Agricultural/Rural Uses. This classification/category includes use types related to the production of field crops, fruits, vegetables, ornamental and flowering plants, and timber, and the breeding, raising, or keeping of livestock, bees, or other animals for food or other marketable products. This use category also includes use types that provide support and services to agricultural and rural economic uses, or are otherwise closely related to agricultural production in their form and function. This use category does not include the processing of animal or plant products for wholesale or retail sale purposes off the site of where the agricultural product is grown or raised, which is categorized in the Manufacturing, Assembly, and Processing use category. Accessory uses may include offices, storage areas, barns, irrigation systems, and repair facilities related to the agricultural and forestry activities.

(d) Residential Uses

(1) Household Living Uses

The Household Living use category includes use types providing for the residential occupancy of a dwelling unit by a single family. Tenancy is generally arranged on a month-to-month or longer basis. Use types include single-family detached dwellings, single-family attached dwelling units, duplex or triplex dwelling units, live-work dwelling units, multifamily dwelling units, manufactured home dwelling units, and townhouse dwelling units. This use category does not include residential use types that generally involve some level of managed personal care for a larger number of residents (e.g., residential care home), which are categorized in the Group Living use category. Accessory uses common to Household Living uses include recreational activities, raising of domestic pets, gardens, swimming pools, and parking of the occupants' vehicles. Some accessory uses (e.g., accessory dwelling units, home occupations) are subject to additional regulations (see Section 25-4.3, Accessory Uses and Structures)

(2) Group Living Uses

The Group Living use category includes use types providing for the residential occupancy of a group of living units by people who sometimes (but not always) do not constitute a single family or housekeeping unit and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities (even though some do have such facilities), but unlike a hotel or motel or tourist home, are generally occupied on a monthly or longer basis. Use types include boarding houses, cooperative houses, dormitories, fraternity or sorority houses, residential care homes, residential care facilities, and similar uses. Although residential care homes and facilities include household living uses (e.g., dwelling units) and health care uses, they are categorized as a group living use because of their focus on the present or future provision of personal care to people and their integration of various uses as a single cohesive development. This use category does not include use types where persons generally occupy living units for periods of less than 30 days, which are categorized in the Visitor Accommodations use category. Except for a residential care homes and facilities, it also does not include use types where residents or inpatients are routinely provided more than modest health care services (e.g., nursing homes), which are categorized in the Health Care use category. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

(e) Civic/Institutional Uses

(1) Communications Uses

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

(2) Community Service Uses

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

(3) Education Uses

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

(4) Funeral and Mortuary Service Uses

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

(5) Health Care Uses

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

(6) Parks and Open Space

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

(7) Transportation Uses

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

(8) Utilities Uses

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

(f) Commercial Uses

(1) Animal Care Uses

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

(2) Business Service Uses

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

(3) Eating or Drinking Establishments Uses

The Eating or Drinking Establishments use category consists of establishments primarily engaged in the preparation and serving of food or beverages for on or off premises consumption. Use types include bars, brewpubs, nightclubs, restaurants, and similar uses. Accessory uses may include areas for outdoor seating, facilities for live entertainment, and valet parking services. Drive-through facilities are subject to additional standards in Section 25-4.3, Accessory Uses and Structures.

(4) Office Uses

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

(5) Personal Service Uses

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

(6) Recreation/Entertainment Uses

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

(7) Retail Sales and Services Uses

The Retail Sales and Services use category includes use types involved in the sale, rental, and incidental servicing of goods and commodities, or in the provision of commercial services, that are generally delivered or provided on the premises to a consumer. Use types include ABC stores, banks or other financial institutions, consumer goods establishments, pawnshops, self-service storage, small loan establishments, and similar uses. This use category does not include sales or service establishments related to vehicles (categorized in the Vehicle Sales and Services use category); establishments primarily selling supplies to contractors, institutions, or retailers (categorized in the Warehousing, Freight Movement, and Wholesale Sales use category); the provision of financial, professional, or business services in an office setting (categorized in the Office use category); uses that provide personal services (categorized in the Personal Services use category), or uses involving the sales, distribution, or presentation of materials or activities featuring specific sexual activities or nudity (defined as sexually-oriented businesses and regulated in other sections of

the City Code). Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display of merchandise.

(8) Vehicle Sales and Services Uses

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

(9) Visitor Accommodation Uses

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

(g) Industrial Uses Classification

(1) Industrial Services Uses

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

(2) Manufacturing, Assembly, and Processing Uses

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

drinking establishments, employee recreational facilities, warehouses, storage areas, repair facilities, truck fleets, and security and caretaker's quarters.

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

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

(4) Waste-Related Uses

The Waste-Related Uses category includes facilities receiving solid or liquid wastes from others for on-site disposal, storage, processing, or transfer to another location for processing or disposal, or uses that manufacture or produce goods or energy from the composting of organic material or reuse, recycling, or processing of scrap or waste material. This use category also includes facilities that receive hazardous wastes from other sites. Use types include composting facilities, junk/salvage yards, recycling plants, solid waste collection and disposal, and similar uses. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.

(h) Interpretation of Unlisted Uses

(1) Purpose

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

(2) Procedure for Interpreting Unlisted Uses

The Director shall interpret a particular principal use or accessory use or structure not expressly listed in the use tables, as allowable in a particular zoning district, as a permitted or special exception use, in accordance with the procedures in Sec. 25-2.4.19, Interpretation, based on the standards in this section.

(3) Standards for Allowing Unlisted Principal Uses

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

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. How the use is advertised, including signage;

j. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;

k. 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

l. The impact on adjacent lands created by the use, which should not be greater than that of other use types allowed in the district.

(4) Standards for Allowing Unlisted Accessory Uses

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

(i) The use or structure is accessory to the principal use, in accordance with the definitions of “accessory structure” and “accessory use” in Section 25-8.3, Definitions, and the example accessory uses listed in the definition of the principal use or the description of relevant use category in this section;

(ii) The nature, function, and potential impacts of the use or structure are so similar to those of uses or structures that are accessory to the principal use, or of accessory uses or structures allowable in the zoning district, that the unlisted use or structure should be deemed allowable in the same manner as the similar accessory uses or structures;

(iii) The use or structure is compatible with the character of principal and accessory uses allowable in the zoning district; and

(iv) Allowing the use or structure as an accessory use or structure is consistent with the purpose and intent statements in this Ordinance concerning the zoning district.

(5) Effect of Allowing Unlisted Uses or Structures

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

(6) Interpretations Made Available to Public

The Director shall maintain a record of formal written interpretations rendered in accordance with this section, and shall make the record available to the public in accordance with Sec. 25-2.4.19(c)(3), Post-Decision Action.

Sec. 25-4.2.4. Standards Specific to Principal Uses

(a) General

This section sets forth the standards specific to principal uses, which are referenced in the "Standards Specific to Principal Uses" column of Table 25-4.2.2(e): Principal Use Table. Unless stated to the contrary, the standards set forth in this section shall apply to the individual principal use, regardless of the review procedure by which it is approved.

(b) Agricultural/Rural Uses

(1) All Agriculture/Rural Uses

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

(i) The minimum lot area shall be five acres.

(2) Rural retreat

(i) The minimum lot area shall be 50 acres.

(ii) The maximum floor area ratio (FAR) shall be 0.04.

(iii) Principal buildings for the retreat shall be set back a minimum of 150 feet from property lines.

(iv) No products shall be sold on-site except those clearly incidental and integral to the purpose and program of the retreat.

(v) On-site recreation facilities may be used only by employees and those lodged at the retreat.

(c) Residential Uses

(1) Household Living

(i) Dwelling unit, Duplex or Triplex

a. Except for circular driveways, no more than one driveway serving the triplex or fourplex shall be located on the same block face.

b. Ground based, roof-based, and wall-mounted electrical equipment, HVAC equipment, and other utility connections shall be screened or located outside the view from public streets.

(ii) Dwelling unit, Live-Work

a. The residential portion of the building shall occupy at least 50 percent of the gross floor area.

b. Employees shall be limited to occupants of the residential portion of the building plus up to two persons not residing in the residential portion.

c. Drive-through facilities are prohibited.

(iii) Dwelling unit, Multifamily

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

(iv) Dwelling unit, Manufactured Home

a. Manufactured home dwelling units shall only be located in a manufactured home park.

b. A manufactured home dwelling unit shall have minimum width of 24 feet and a maximum length of four times its width. The length of a manufactured home dwelling unit shall be measured along its longest axis, and its width shall be measured at the narrowest part of other horizontal axis. These measurements shall include only the enclosed living area and shall not include garages, carports, decks, or storage areas.

c. Manufactured home dwelling units shall be installed in accordance with the Alabama Manufactured Housing Commission Administrative Code. All towing devices, wheels, axles, hitches, and license plates shall be removed and the dwelling unit shall be attached to a permanent masonry underpinned foundation which extends from the ground to the bottom of the exterior wall and around the entire perimeter of the dwelling unit. The underpinned foundation shall be brick, block, rock, masonry painted the same color as the building, or a similar material approved by the Director.

d. All manufactured home dwelling units shall have permanent steps, porches or decks on all outside doorways, the supports for which shall be permanently anchored in the ground.

(v) Manufactured Home Park

No manufactured home dwelling unit or lot shall have direct vehicular access to an existing collector or higher classified street as defined by the comprehensive

plan or to a major thoroughfare as defined by future plans adopted by the Planning Commission.

(vi) Build-To-Rent Residential Development

a. Definitions

A. Build To Rent Residential Development (BTR): A proposed single family detached residential development where, at the time of submittal for major subdivision layout, preliminary, or final plat approval by Planning commission, more than 10% of the lots within the development, or any phase of the development, are intended to be developed and/or sold for construction of single family detached renter occupied units.

B. Conceptual Development Plan: A preliminary document showing the overall concept of how the entire property involved will be developed, the proposed usage, and occupancy including any phases with a timeframe.

b. Guidelines and Processes

A. Applicability Standards:

1. Build To Rent (BTR) regulations and designations will apply only to major residential subdivisions located within “R” classified zoning districts as noted on the Official Zoning Map of the City of Decatur.

2. Build To Rent (BTR) regulations and designations will apply only to major residential subdivisions which contain lots designed for single family detached dwellings.

B. Designation as a BTR:

1. A development shall be designated as a BTR by Planning Staff based upon the information submitted by the property owner and/or their designated representative at the time of Application to Subdivide, layout, preliminary and/or final plat is submitted for approval by Planning Commission.

2. Prior to any designation by the Planning Staff a written Declaration of Intent on a form provided by the City shall be required and must be submitted by the property owner and/or their designated representative attesting to the intended occupancy type for dwellings constructed in said development.

3. An updated Declaration of Intent form must be submitted at each phase of the major subdivision process.

C. Conditional Use/Board of Zoning Adjustment

1. BTR developments will only be allowed as a Conditional use in "R" classified zoning districts as approved by the City of Decatur Board of Zoning Adjustment (BOZA).

2. Upon designation as a BTR, Application for Conditional Use shall be made by the property owner and/or their representative to BOZA.

3. Application for Conditional Use shall include any completed plats and a Conceptual Development Plan illustrating types, sizes, and styles of homes proposed and construction materials to be used on said homes.

4. Approval by the Board of Zoning Adjustment should be contingent upon applicant adhering to the design illustrated by the Conceptual Development Plan.

D. Additional Standards:

1. Each dwelling within a designated BTR must have individual connections to utilities with individual service accounts, including but not limited to: electricity, water/sewer, telephone, natural gas, and services for solid waste and recycling.

2. BTR developments with 7 or more lots stated and submitted as intended for renter occupied dwellings in the documents provided to the City seeking approval of the development must provide and maintain a proposed management company with a staffed office, standard business hours of at least 9:00 a.m. to 5:00 p.m. Monday through Friday, and located within a 30 mile radius of the development.

3. An Affidavit of Intended Occupancy type will be required by City of Decatur Building Department prior to the issuance of any new construction related permits for any lots within a designated BTR.

(2) Group Living

(i) Boarding House

a. All guest rooms shall be located within the principal structure.

b. Receptions, private parties, and similar activities are prohibited unless expressly approved as part of a special exception permit.

c. Any serving of meals on site shall be limited to residents and their guests.

(ii) Dormitory

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

(iii) Residential Care Facility

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

b. A residential care facility that is a group home serving fewer than ten residents who are intellectually disabled or mentally ill, and up to two additional residents, shall not be located within 1,000 feet of each other.

c. A group home described in (b) above shall be permitted in any zoning district that allows multi-family residential.

(d) Civic/Institutional

(1) Communication Uses

(i) Data Center

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

a. The gross floor area shall not exceed 10,000 square feet; and

b. All equipment necessary for cooling, ventilating, or otherwise operating the facility, and any emergency power generators and emergency power supply equipment, shall be contained within an enclosed building where the use is located.

(2) Community Service Uses

(i) Community Garden

a. Accessory buildings shall be limited to sheds for the storage of tools, greenhouses, and seasonal farm stands. The combined area of all buildings and other structures shall not exceed 150 square feet.

b. Areas used for composting shall be limited to ten percent of the area of the lot.

(ii) Public Assembly, Indoor

a. The minimum setback requirement is 1.5 times the applicable zoning district setback requirement when abutting residential property.

b. In Residential districts, assembly areas shall be limited to no more than 350 seats.

(3) Education

(i) School, Elementary, Middle, or High

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

(4) Health Care Uses

(i) Hospital

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

(5) Parks and Open Space

(i) Cemetery

a. The minimum lot area shall be five acres.

b. Access to the cemetery shall be from a street having a collector or higher classification.

(6) Utility Uses

(i) Solar Energy Collection System, Large-Scale

a. The lot on which the system is located shall have an area of at least one acre.

b. The system shall not create glare or shadows on adjacent land.

c. The property owner shall be responsible for establishing any solar easements from property owners in the vicinity.

d. The application shall include a decommissioning plan that describes the timeline and manner in which the system will be decommissioned and the site restored to a condition similar to its condition prior to the establishment of the facility.

(ii) Utility Facility, Minor

Outdoor storage of materials is prohibited.

(e) Commercial

(1) Animal Care Uses

(i) All Animal Care Uses

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

(ii) Veterinary Hospital or Clinic

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

(2) Business Service Uses

(i) Conference, Training, or Events Center

a. No products shall be sold on-site except those that are clearly incidental and integral to training programs and seminars conducted in the center (e.g., food items, shirts, glasses and mugs, pens and pencils, and similar items bearing the logo of conference or seminar sponsors or participants).

b. A designated onsite manager or the owner shall be present during events.

c. If alcohol is served, the center shall be duly licensed as a special retail licensee and shall comply with all ABC (alcoholic beverage control board) requirements.

(3) Eating or Drinking Establishments

(i) All Eating or Drinking Establishments

a. Drive-through facilities and outdoor seating/activity areas are allowed only in the zoning districts specified in Section 25-4.3, Accessory Uses and Structures, in accordance with the standards in that section.

b. Loading and distribution activities shall not occur within 100 feet of a residential use between the hours of 9:00 p.m. and 7:00 a.m.

c. All establishments that sell alcoholic beverages shall comply with Chapter 2.5 of the City Code, including but not limited to distance restrictions from churches and schools.

(ii) Brewpub

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

(iii) Nightclub

a. Nightclubs shall be located a minimum of 300 feet from any land classified in the RS-E, RS-10, RS-7, RS-5, RMAN, RS-A, or RM-M zoning district.

b. Doors to the establishment which open onto or face a public right-of-way shall not be propped open during any time that entertainment is ongoing.

(4) Retail Sales and Services

(i) All Retail Sales Uses

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

(ii) Pawn Shop

A pawn shop shall not be located closer than 1,500 feet of a small loan establishment or another pawn shop

(iii) Self-Service Storage

a. Except as otherwise provided in this section, all property stored on the premises shall be enclosed entirely within enclosed buildings.

b. Use of the site shall be limited to the rental of storage space and the pickup and deposit of goods or property in dead storage, and may include caretaker quarters and accessory sales or rental of storage-related equipment and supplies, such as boxes, labels, packing tape, and padlocks. Manufacturing, fabrication, and processing of goods; vehicle service or repair; personal goods repair; garage sales; retail sales (except of storage-related supplies); and other similar on-site industrial or commercial activities are prohibited.

c. No more than one security or caretaker quarters may be developed on the site. If established, such quarters shall be integrated into the principal building's design.

d. Perimeter walls and building exterior walls visible from abutting residential or commercial uses or from streets having an arterial or higher classification shall not include metal as a primary material.

e. Buildings that provide drive-up access to storage bays shall comply with the following standards:

1. Aisleways shall be provided adjacent to the storage bays and shall be designed to provide for efficient circulation and temporary customer parking while accessing storage bays. The minimum width of each aisleway shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.

2. The one- or two-way traffic flow patterns in aisleways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.

3. Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aisleways.

4. All access ways shall be paved with asphalt, concrete, or comparable paving materials.

5. Doors serving individual storage bays shall be completely screened from view from adjacent rights-of-way.

f. Open storage shall be limited to recreational vehicles, travel trailers, and utility trailers, as well as dry storage of pleasure boats of the type customarily maintained by persons for their personal use. Such storage shall comply with the following standards:

1. Open storage shall occur only within a designated area, which shall be clearly delineated by signage, pavement markings, fences or walls, or similar features.

2. The area used for open storage shall not exceed 25 percent of the buildable area of the site.

3. Outdoor storage areas shall be located to the rear of the principal structure and outside of all required setbacks.

g. If the establishment is adjacent to a Residential district or existing residential development, access to storage areas shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.

h. Indoor Climate Controlled Self-Service Storage shall be subject to all applicable standards for Self-Service Storage in subsections (a) through (g) above.

(iv) Small Loan Establishment

a. Daily hours of operation shall be limited to between 9:00 a.m. and 8:00 p.m.

b. A schedule of fees/charges shall be prominently posted where they are immediately visible to persons entering the business.

c. The establishment shall not share floor space with any other business.

d. Security lighting and cameras shall be provided on all open sides of the building to provide surveillance of the area within 20 feet of the building's exterior.

e. At least one security employee (with no other duties) shall be on the premises when the business is open.

f. A Small Loan Establishments shall not be located closer than 1,500 feet of another small loan establishment or pawnshop.

(5) Vehicle Sales and Services Uses

(i) Commercial vehicle service and repair

a. All service and repair activities shall be conducted within a building that is located at least 200 feet from all lands classified in a residential district or use, schools, and childcare facilities.

b. The demolition or junking of commercial vehicles is prohibited. Commercial vehicles shall not be parked or stored as a source of parts or for the purpose of sale or lease/rent.

(ii) Personal vehicle sales and rental

a. No materials for sale or rent other than vehicles shall be displayed in the front yard.

b. All areas where vehicles are displayed shall comply with the surfacing requirements for parking spaces in Sec. 25-5.2.4(a)(3), Surfacing.

c. All sales occurring on the premises, and any service and repair activities, shall be conducted within a building.

(iii) Personal vehicle service and repair

a. All service and repair activities shall be conducted within a building.

b. Vehicle storage areas shall be used exclusively for storage of vehicles in operable condition. The sale of parts from vehicles stored on-site at wholesale or retail is prohibited.

c. All tires, parts, or merchandise for sale shall be screened from view from the right-of-way.

(iv) Vehicle Fueling Station

a. All equipment for dispensing fuel shall be set back a minimum of 25 feet from the public right-of-way and a minimum of ten feet from all property lines.

b. All canopies over fuel dispensing areas shall be set back a minimum of ten feet from the public right-of-way and all property lines, and shall have a maximum clearance height of 15 feet above grade except where state or federal law requires higher clearance.

c. All utility lines on the site shall be installed underground.

d. All sales and installation operations shall be conducted in a wholly enclosed building. The maximum area of leasable enclosed store space in all zoning districts except the CR district shall be 4,500 square feet.

e. Any accessory uses shall be designed to ensure proper functioning of the site as it relates to vehicle stacking, circulation, and turning movements.

f. Outdoor storage of goods and materials is prohibited.

(6) Visitor Accommodation

(i) Campground

a. The minimum lot area shall be five acres.

b. Access to the campground shall be from a street having a collector or higher classification and not through a residential neighborhood.

c. Campsites and active recreational areas shall be set back a minimum of 50 feet from all property lines.

d. Camping trailers shall be parked only on designated campsites, which shall be at least 30 feet wide and have a minimum area of 1,600 square feet.

e. Accessory uses may include retail, service, and commercial recreational activities to serve the customary needs of campers, if the uses:

1. Are secondary to the campground;

2. Are internally oriented;

3. Do not have separate direct access to a public street; and

4. Do not display signs separate from signs for the campground that are visible from a street.

f. Camping trailers shall not be left on a campsite for more than 179 consecutive days.

(f) Industrial Uses Classification

(1) All Industrial Uses

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

(2) Industrial Services Uses

(i) Research Laboratories

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

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

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

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

(i) Motor Freight Terminal

a. The terminal shall be designed to accommodate stacking, circulation, and turning movements of freight vehicles in a manner that does not impede vehicular movement external to the site or block access to any required parking spaces located on the site.

b. The terminal shall have direct access onto a collector or higher classification street.

(ii) Warehousing, General

a. In districts other than the LI and I districts, a general warehouse shall comply with the following standards:

1. The maximum floor area shall be 10,000 square feet;

2. Loading and unloading shall be limited to the side or rear of the building and shall not occur before 7:00 a.m. or after 9:00 p.m.; and

3. Delivery of products, supplies, and equipment to and from the premises using tractor trailers shall not exceed 10 trips per day.

b. Retail sales to the general public are allowed only as an accessory use. A maximum of 10 percent of the gross floor area of the establishment or 1,000 square feet, whichever is smaller, may be accessible to the general public for retail sales.

(iii) Warehousing, Hazardous Materials

a. The use shall comply with applicable federal, state, and local regulations.

b. The use shall not be located within 600 feet of any residential use.

(4) Waste-Related Uses

(i) All Waste-Related Uses

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

(ii) Junkyard/salvage yard

a. Storage and salvage activities are prohibited within required setbacks.

b. Junk, parts, or other salvage materials shall be completely screened from view from off the premises.

c. Garbage or other putrescent waste likely to attract vermin shall not be kept on the premises.

(iii) Recycling Plant

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

SECTION 25-4.3. ACCESSORY USES AND STRUCTURES

Sec. 25-4.3.1. General

(a) Purpose

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

(b) Organization of This Section

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

Sec. 25-4.3.2. Accessory Uses and Structures Table

(a) Table Organization

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

(1) The left-most column in the table identifies accessory uses and structures in alphabetical order.

(2) The right-most column references any additional standards in Sec. 25-4.3.4, Specific Standards for Accessory Uses and Structures, that are specific to a particular accessory use or structure.

(3) The cells in the table use the following abbreviations to designate whether an accessory use or structure is allowed in the zoning district identified in the column heading.

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

(b) Unlisted Accessory Uses

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

(c) Accessory Uses and Structures Table

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

ACCESSORY USE OR STRUCTURE	AG	RESIDENTIAL								IN-ST	BUSINESS						INDUS-TRIAL		PLANNED DEVELOP-MENT			USE-SPECIFIC STANDARDS
	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD	MEC-PD	TN-PD	
Accessory dwelling unit	P	P	P	P	P	P		P											P		P	Sec. 25-4.3.4(a)
Automated teller machine (ATM)						P			P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.3.4(b)
Beekeeping	P	P	P	P	P	P											P		P		P	Sec. 25-4.3.4(c)
Bike rack	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Bike share station									P	P	P	P	P	P	P	P	P	P	P	P	P	
Community garden	P	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.3.4(d)
Composting (small-scale)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Drive-through facility										P	P	P	P		P	P	P			P	P	Sec. 25-4.3.4(e)
Electric vehicle (EV) level 1 or 2 charging station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.3.4(f)
Electric vehicle (EV) level 3 charging station	P								P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.3.4(f)
Garage or carport	P	P	P	P	P	P	P	P	P										P	P	P	
Greenhouse	P	P	P	P	P	P	P	P	P													
Home garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	
Home day care facility	S	S	S	S						P									P		P	Sec. 25-4.3.4(g)
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.3.4(h)
Homestay																						**Error! Reference source not found.**
Keeping of chickens (as accessory to a single-family detached dwelling unit or manufactured home)	P	P	P	P	P	P	P															Sec. 25-4.3.4(i)
Keeping of horses (as accessory use)	P	P																				Sec. 25-4.3.4(j)
Laundromat (as accessory use)						P	P	P	P						P	P			P	P	P	
Limited fuel/oil/gas distribution											P	P	P		P	P	P			P	P	Sec. 25-4.3.4(k)
On-premises and off-premises Sale of Alcoholic Beverages											P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.3.4(l)
Outdoor display of merchandise (as accessory to a consumer goods establishment)	P											P	P		P	P				P	P	
Outdoor seating/activity area (as accessory to an eating or drinking establishment use)											P	P	P	P	P	P			P	P	P	Sec. 25-4.3.4(m)
Outdoor storage area	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P	P	P	P	Sec. 25-4.3.4(n)

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

ACCESSORY USE OR STRUCTURE	AG	RESIDENTIAL								IN-ST	BUSINESS						INDUS-TRIAL		PLANNED DEVELOP-MENT			USE-SPECIFIC STANDARDS
	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD	MEC-PD	TN-PD	
Produce stand (as accessory use to a community garden)	P	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P			P	P	P	Sec. 25-4.3.4(o)
Solar energy conversion system (small-scale)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.3.4(p)
Swimming pool (accessory use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wind energy conversion system (small-scale)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.3.4(q)

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

(a) Applicability

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

(b) Not Established Prior to Principal Use

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

(c) Location on Lot

(1) Except for fences and accessory structures identified in subsection (2) below, accessory structures shall comply with the minimum front setback requirements that apply to principal structures in the zoning district in which the structure is located. In Residential districts, accessory structures located in a front yard shall not exceed four feet in height, except as otherwise provided by this Ordinance.

(2) Flag poles, mailboxes, basketball standards, and similar freestanding structures may be located in the minimum required front setback.

(3) Subject to subsections (4) and (5) below, accessory structures shall be set back a minimum of five feet from all side and rear lot lines.

(4) Accessory structures greater than 12 feet in height shall be set back from all side and rear lot lines a minimum distance of ten feet or the applicable minimum setback for principal structures in the district in which the structure is located, whichever is less.

(5) A carport, porte-cochere, porch, or similar structure that is attached to or situated within five feet of the principal structure on the lot shall be considered as a part of the principal structure and shall be subject to the minimum setback requirements of the district in which it is located.

(d) Maximum Height

(1) Except as otherwise provided by this Ordinance, accessory structures shall be subject to the same maximum building height standards that apply to principal structures in the district in which they are located.

(2) In Residential districts, an accessory structure shall not be taller than the tallest structure housing a principal use on the lot.

(e) Special Flood Hazard Areas

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

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

(a) Accessory Dwelling Unit

(1) Accessory dwelling units shall comply with the Building Code.

(2) Accessory dwelling units shall be occupied by non-paying guests only. Accessory dwelling units shall not be rented or leased, or held in ownership by other than the owner of the principal dwelling unit.

(3) Only one accessory dwelling unit shall be permitted per lot.

(4) Accessory dwelling units are allowed only on lots on which a single-family detached dwelling is the principal use and is permitted in the zoning district in which it is located.

(5) Either the principal dwelling unit or the accessory dwelling unit shall be the primary residence of the landowner.

(6) Accessory dwelling units shall be located either within the principal building or in the rear yard.

(7) The maximum height of detached accessory dwelling units shall not exceed the height of the principal building or 35 feet, whichever is less.

(8) The maximum floor area of an accessory dwelling unit shall be 400 square feet where the principal dwelling unit has a floor area of less than 800 square feet, or, in all other cases, the lesser of 50 percent of the floor area of the primary structure or 950 square feet.

(9) If detached from the principal structure, the structure housing the accessory dwelling unit shall have an exterior that is compatible with the principal structure in terms of color, siding, roof pitch, window detailing, roofing materials, and foundation or skirting appearance.

(10) A minimum of one off-street parking space shall be designated on the lot and made available for use by the occupants of the accessory dwelling unit.

(b) Automated Teller Machine

(1) An automated teller machine designed for walk-up use and located in the exterior wall of a building or within a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, and between parking areas and building entrances, and obstructions to vehicular movement in front of buildings and through parking areas.

(2) An automated teller machine designed for use by people in vehicles shall comply with the standards (including districts where permitted) that apply to drive-through facilities (see subsection (c) below).

(c) Beekeeping

The following standards apply to beekeeping as an accessory use:

(1) The minimum lot area is 15,000 square feet.

(2) Up to two bee colonies are allowed on lots having an area between 15,000 square feet and 30,000 square feet. Two additional bee colonies are allowed per each additional 15,000 square feet of lot area above 30,000 square feet.

(3) Hives shall be located a minimum of 25 feet from all property lines.

(4) Hives shall be maintained to prevent uncontrolled swarming.

(d) Community Garden

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

(2) Areas used for composting shall be limited to ten percent of the area of the lot.

(e) Drive-Through Facility

(1) Vehicular access to a drive-through facility shall be provided from a street having a collector or higher classification.

(2) Internal traffic circulation patterns on the site shall not cause queueing vehicles to impede vehicular movement external to the site or block access to any required parking spaces located on the site.

(3) Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.

(4) Drive-through facilities shall not be located on the front façade of the building they serve.

(5) Canopies or other features installed over a drive-through window shall maintain common roof lines and materials with the principal structure.

(6) Drive-through facilities shall comply with the neighborhood compatibility standards in Sec. 25-5.8.3(a)(4), Drive-Throughs and Outdoor Dining.

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

(1) Except as otherwise provided in subsection (2) below, EV charging station spaces shall be reserved for the charging of electric vehicles only. Such reserved spaces shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, the amperage and voltage levels, any enforceable time limits or tow-away provisions, and contact information for reporting non-operating equipment or other problems.

(2) A required accessible parking space for persons with physical disabilities may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.

(3) EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

(g) Home Day Care Facility

(1) Purpose

The purpose of this section is to establish standards for home day care facilities to ensure they are compatible with uses in the surrounding area and do not create

adverse impacts, such as additional traffic or noise. Standards in this section are intended to:

(i) Maintain the integrity of the City's residential neighborhoods; and

(ii) Provide strict and enforceable criteria for the establishment and operation of home day care facilities in residential neighborhoods in the City.

(2) Standards

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

(i) The facility shall be located in a single-family detached dwelling unit and shall be clearly incidental to the use of the premises for dwelling unit purposes by the caregiver.

(ii) Employment shall be limited to members of the family residing at the dwelling unit, with the exception of the substitute/alternate/assistant caregiver on record at the Alabama Department of Human Resources.

(iii) Except for play areas, the home day care facility use shall be carried on wholly within the principal building.

(iv) No structural or decorative alterations shall be made or permitted that will alter the single-family character of an existing residential structure or be incompatible with surrounding residences.

(v) No identification signs shall be permitted.

(vi) If located on a major arterial (collector street or above as defined by the City master plan), the facility shall provide an off-street drop-off/pickup area.

(vii) Outdoor play areas and playground equipment shall be limited to the rear or side yards only. Where such areas or equipment abut a property line shared with an abutting Residential use, the areas or equipment shall be enclosed with a minimum four-foot high fence or wall with a locking gate.

(viii) The facility shall comply with all state, county, and City licensing requirements, including those pertaining to building, fire, safety, and health codes.

(ix) In Residential districts, the following standards apply:

a. The facility shall not be located closer than 500 feet from another home day care facility on the same side of the street, or closer than 300 from another home day care facility on the opposite side of the street, measured from closest property boundary to closest property boundary;

b. Group nighttime homes are not allowed; and

c. Hours of operation of a group day care home shall be limited to between the hours of 2:00 p.m. and 7:00 p.m.

(x) In the AG District, group nighttime homes are not allowed.

(xi) Approval of a special exception permit or modification thereof shall not be transferable to another location without prior approval of the Board of Zoning Adjustment.

(xii) Before the facility begins operation, the applicant shall present to the Revenue Department a copy of the state license certifying that the Alabama Department of Human Resources has granted approval of the facility. This requirement shall be

a condition of approval of any application for a home day care facility approved before the applicant has presented the copy of the state license.

(h) Home Occupation

(1) Purpose

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

(i) Make adequate provisions to allow for home occupations in the City;

(ii) Maintain the integrity of the City's residential neighborhoods; and

(iii) Provide strict and enforceable criteria for the establishment and operation of home occupations in residential neighborhoods in the City.

(2) Standards

A home occupation shall comply with the following standards:

(i) The home occupation shall be conducted entirely within a dwelling unit in a principal structure. A home occupation shall not be permitted in an accessory structure.

(ii) Home occupation activities shall be conducted on the premises only by inhabitants of the dwelling unit housing the home occupation and up to one other employee.

(iii) The appearance of the dwelling unit housing the home occupation shall not be altered by the home occupation. The home occupation shall not be conducted in a manner which would cause the dwelling unit to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or emission of sounds or vibrations that carry beyond the premises as regulated by the sound ordinance in Section 16-9.1 of the City Code. There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property boundaries.

(iv) All on-site storage of materials and equipment related to the home occupation shall be located in the rear yard and shall be fully screened from the street and from adjoining lots. No more than one trailer may be stored on-site.

(v) The home occupation shall not involve any of the following:

a. Advertising, signage, displays, storage of goods or materials, and other evidence of the home occupation visible from the exterior of the dwelling unit housing the home occupation;

b. Sale of stocks of merchandise, supplies, or products to customers on the premises, except as otherwise provided in subsection (vii) below;

c. Use or storage of highly explosive or combustible material;

d. Outdoor parking of more than one truck or van for three or more consecutive days in any two-week period;

e. Outdoor overnight parking of more than three vehicles;

f. Parking of any vehicles not owned by the holder of the home occupation permit;

g. Activities that interfere with radio or television or other communicative signals in the area;

h. The provision of personal, medical, or dental services, such as services commonly provided at a barber or beauty shop, nail salon, spa, massage parlor, photography studio, doctor's office or clinic, or dentist's office, and other similar services;

i. Classes for group instruction, such as dance, martial arts, music, or similar classes;

j. Catering services;

k. Funeral or mortuary services;

l. Maintenance, rental, or repair of vehicles, equipment, appliances, household goods, or similar activities; or

m. Manufacturing or industrial activities, such as welding, carpentry, or similar activities.

(vi) All deliveries of goods and materials related to the home occupation made to the premises shall be by commercial common carriers only. For purposes of this section, commercial common carriers are commercial delivery services which commonly deliver packages weighing 150 pounds or less to the front door of residences or small businesses.

(vii) A maximum of one client of a home occupation is permitted on-site at any given time.

(viii) A maximum of one party, for the purchase of merchandise sales in association with a home occupation, may be conducted in any period of three successive months.

(ix) The granting of a special exception permit for a home occupation shall not give the grantee any property right or interest in the permit. Home occupation permits are nontransferable to another location.

(i) Keeping of Chickens

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

(1) The use shall comply with Chapter 4 of the City Code.

(2) All chickens shall be kept in an area completely enclosed by a fence or wall. The area shall be set back a minimum of 15 feet from all lot lines.

(3) Outside the AG District:

(i) Roosters are prohibited; and

(ii) The number of chickens kept shall no more than reasonable for consumption of chicken and/or eggs by the household.

(j) Keeping of Horses

(1) The keeping of horses as an accessory use to a single-family detached dwelling unit shall comply with Chapter 4 of the City Code.

(2) In the RS-E District, the number of horses allowed to be kept shall be two on lots of five acres or more plus one additional horse for each additional acre of lot area above five acres.

(k) Limited Fuel/Oil/Bottled Gas Distribution

(1) Limited fuel/oil/bottled gas distribution is allowed as an accessory use to consumer goods establishments, grocery stores, and vehicle fueling stations.

(2) At least five feet of clearance for use by pedestrians shall be maintained along walkways where fuel/oil/bottled gas are stored.

(3) Limited fuel/oil/bottled gas distribution as an accessory use is prohibited within 1,000 feet of a school or hospital.

(l) On-premises and Off-premises Sale of Alcoholic Beverages

(1) The sale of alcoholic beverages is allowed as an accessory use.

(2) A license to sell alcoholic beverages shall only be allowed if the principal use for the license type applied for is an allowable use in that zoning district.

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

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

(1) Hours of operation of the outdoor seating area shall be no more than those for the eating or drinking establishment.

(2) Food preparation shall occur only within the enclosed principal building containing the eating or drinking establishment.

(3) An outdoor seating area may be located on a public sidewalk only in accordance with Sec. 25-3.4.2, Sidewalk Café Overlay (SC-O) District.

(4) Outdoor seating areas shall comply with the neighborhood compatibility standards in Sec. 25-5.8.3(a)(4), Drive-Throughs and Outdoor Dining

(n) Outdoor Storage or Display Areas

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

(1) In Residential districts, the following outdoor storage uses are prohibited:

- **(i)** Storage of junk or salvage, including but not limited to scrap metal, used boxes or crates, used appliances, salvaged furniture or glassware, and salvaged vehicles or trailers or vehicle parts;
- **(ii)** Storage in connection with a trade other than a home occupation (see Sec. 25-4.3.4(h), Home Occupation); and
- **(iii)** Storage of building materials except in connection with active construction.

(2) Outdoor storage areas are prohibited in front yards.

(3) No materials shall be stored in required parking spaces or in areas intended for vehicular or pedestrian circulation.

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

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

(1) The produce stand shall not exceed 750 square feet in area and shall not be more than 15 feet in height.

(2) The produce stand shall be located on the lot where the community garden is located.

(3) The produce stand shall be:

(i) Limited to the retail sale of vegetables, fruits, or flowers grown on the premises;

(ii) Located to minimize the visual impact of the structure from adjacent public streets; and

(iii) Situated so that adequate ingress, egress, and off-street parking areas are provided.

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

(1) Solar energy equipment may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground. Building-mounted photovoltaic systems are permitted in all districts, subject to all necessary permit and building code requirements.

(2) A roof-mounted system may exceed the height standards of the district in which it is located by up to five feet, or, in the case of an existing structure that exceeds the maximum height standards of the district in which it is located, the system may extend up to five feet above the roof surface.

(3) The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the system, and for recording any such solar easement in the office of the Register of Deeds.

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

(1) Tower-mounted small-scale wind energy conversion systems shall not be located within a front yard or on any lot less than 10,000 square feet in area, except in the AG District.

(2) A small-scale wind energy conversion system shall be set back a distance equal to its total extended height above the ground, regardless of whether it is mounted on a building, tower, or other structure, from all property lines, public street rights-of-way, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.

(3) The maximum height of a small-scale wind energy conversion system (including the tower and extended blades) shall be the maximum height allowed in the zoning district plus 25 feet.

(4) Sound produced by any wind turbine under normal operating conditions, as measured at the property line abutting an existing residential use, shall not exceed 55 dBA at any time. The 55 dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner’s control, such as utility outages and/or severe wind storms.

(5) The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site. Bright, luminescent, or neon colors are prohibited.

(6) The blade tip or vane of any small-scale wind energy conversion system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.

(7) No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration (FAA).

(8) On a freestanding tower, any climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.

(9) A wind generator, tower, building, or other structure associated with a small-scale wind energy conversion system shall not include any signage visible from any public street other than the signage installed by the manufacturer or signage required by federal, state, or local law.

(10) A small-scale wind energy conversion system intended to connect to the electric utility shall not be installed until evidence has been provided to the Director that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator.

(11) If use of the system is discontinued for a continuous period of one year, the City shall deem it abandoned and provide the owner a written notice of abandonment stating that the owner has 90 days from the date of receipt of the notice to either resume use of the facility or file a notice of termination with the City. The owner shall remove the facility (including all towers, turbines, and above-ground structures and equipment) within 90 days after a notice of termination is filed.

SECTION 25-4.4. TEMPORARY USES AND STRUCTURES

Sec. 25-4.4.1. General

(a) Purpose

The purpose of this section is to authorize the establishment of certain temporary uses and structures, which are uses (including special events) and structures of a limited duration. This section identifies the zoning districts in which specific temporary uses and structures are allowed, sets out general standards applicable to all temporary uses and structures, and establishes special standards applicable to particular temporary uses and structures. This section is intended to ensure that such uses and structures do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

(b) Organization of This Section

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

temporary uses and structures. Sec. 25-4.4.4, Specific Standards for Temporary Uses and Structures, sets out additional standards that apply to specific temporary uses and structures.

Sec. 25-4.4.2. Temporary Uses and Structures Table

(a) Table Organization

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

(1) The left-most column in the table identifies temporary uses and structures in alphabetical order.

(2) The right-most column identifies any additional standards in Sec. 25-4.4.4, Specific Standards for Temporary Uses and Structures, that apply to a particular temporary use or structure.

(3) The cells in the table use the following abbreviations to designate whether temporary use or structure is allowed in the zoning district identified in the column heading.

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

(b) Temporary Uses and Structures Table

TABLE 25-4.4.2(B): TEMPORARY USES AND STRUCTURES

Temporary Use or Structure	Ag	Residential								In-st	Business						Indus-trial		Planned Develop-ment			Use-Specific Standards
	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD	MEC-PD	TN-PD	
Construction-related building, structure, or use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.4.4(a)
Farmers' market, temporary	P								P	P	P	P	P	P	P	P			P	P	P	Sec. 25-4.4.4(b)

TABLE 25-4.4.2(B): TEMPORARY USES AND STRUCTURES

Temporary Use or Structure	Ag	Residential								In-st	Business						Indus-trial		Planned Develop-ment			Use-Specific Standards
	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD	MEC-PD	TN-PD	
Flea market, temporary											P	P	P	P	P					P	P	Sec. 25-4.4.4(c)
Mobile food vending site	P									P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.4.4(d)
Model sales home/unit		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.4.4(e)
Sales, outdoor											P	P	P	P	P					P	P	Sec. 25-4.4.4(f)
Seasonal sale										P	P	P	P	P	P	P				P	P	Sec. 25-4.4.4(g)
Special event	S									S	S	S	S	S	S	S	S			S	S	Sec. 25-4.4.4(h)
Storage in portable shipping container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.4.4(i)
Temporary occupancy business										P	P	P	P	P	P	P	P	P	P	P	P	
Yard Sale	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	Sec. 25-4.4.4(k)

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

(a) Temporary Use Permit Required

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

(i) Yard sales;

(ii) Storage in a portable shipping container;

(iii) Mobile food vending sites in City parks or in the established Public Space Usage Area in accordance with Sec. 25-4.4.4(d)(2), Applicability; and

(iv) Events and activities identified as exempt from the standards for special events in Sec. 25-4.4.4(h)(2), Applicability.

(2) The temporary use permit required by subsection (1) above, shall be prominently displayed on the site.

(b) Parking, Access, and Circulation

(1) Adequate off-street parking shall be provided to serve the use.

(2) Except as otherwise provided by this Ordinance, the use or structure shall not occupy any required off-street parking spaces or loading areas.

(3) The site, including entrance and exit drives, shall be designed to ensure safe movement of vehicles and pedestrians.

(4) The use or structure shall be located and configured to accommodate associated pedestrian, parking, and traffic movement without disturbing environmentally sensitive lands or creating traffic hazards.

(c) Prohibited Activities

A temporary use or structure shall not:

(1) Permanently alter the site;

(2) Be located in a visibility triangle;

(3) Interfere with the normal operations of a permanent use located on the site; or

(4) Violate any conditions of approval that apply on the site.

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

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

(1) The temporary building, structure, or use shall not be moved onto the project site prior to the issuance of a building permit and shall be removed within 30 days after issuance of the certificate of occupancy for the building or completed development.

(2) The temporary building, structure, or use may be placed on a property adjacent to the construction site if site constraints make it infeasible to locate the structures or facilities on the construction site, provided the adjacent site is restored to its previous condition within 60 days after issuance of the certificate of occupancy for the building or completed development.

(3) Adequate off-street parking for the temporary building, structure, or use shall be provided.

(4) Construction site fencing may remain in place provided the building permit remains active and has not expired.

(5) Construction waste generated on-site shall be placed in receptacles or immediately removed from the site. Construction waste receptacles shall be regularly emptied to prevent overflow of waste.

(6) Temporary structures, such as a construction trailer or temporary modular unit, may be used as a real estate sales office, promotion and management office in any new construction project for the sale and promotion of properties within that project and/or its future phases only. A real estate office may not contain sleeping or cooking accommodation unless located in a model sales home/unit.

(7) A construction trailer may be used for a contractor’s office and/or for the contractor’s storage of equipment and materials.

(8) During the active construction period of a construction project involving a non-residential use or a residential development with building permit(s) for more than 50 units at

any one time, one mobile home or trailer may be allowed on the same property to be used as a temporary residence by a security guard.

(9) The Director shall issue the temporary use permit for an appropriate period of time not to exceed 12 months and may extend the temporary use permit for additional 12-month periods on finding that the building construction or land development is proceeding in a reasonably timely manner.

(b) Farmers' Market, Temporary

(1) The farmers' market shall operate only with written permission from the owner of the property on which it is located.

(2) The farmers' market shall be open only during daylight hours, unless located within a building in accordance with subsection (3) below.

(3) The farmers' market shall located on the open area or parking lot of property owned by a public agency or a not-for-profit organization, except the farmers' market may operate inside a building only during the months of December through March for a period not to exceed a total of 30 days.

(4) The farmers' market shall provide adequate ingress, egress, and off-street parking areas. Vehicular access to the subject property shall not be by means of streets internal to subdivisions or one-family neighborhoods.

(5) Sales shall be limited to the retail sale of agriculture, aquaculture, and horticulture products produced by the vendor, including the sale of products made by the vendor from such products (e.g., baked goods, jams and jellies, juices, cheeses), and incidental sales of crafts or similar home-made products made by the vendor.

(6) Items for sale shall not be displayed or stored within customer pathways.

(7) The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.

(8) The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

(c) Flea Market, Temporary

(1) The market shall operate only with written permission from the owner of the property on which it is located.

(2) The market shall operate for no more than 30 days in any one calendar year.

(3) The market shall be open only during daylight hours.

(4) The market shall only be located on the open area or parking lot of property owned by a public agency or a not-for-profit organization.

(5) Market sales shall be limited to the retail sale of merchandise, collectibles, crafts, antiques, and other items, excluding automobiles, automobile parts, and non-portable household appliances.

(6) Items for sale shall not be displayed or stored within customer pathways.

(7) The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.

(8) The market shall have a manager authorized to direct the operation of all participating vendors during all hours of operation.

(d) Mobile Food Vending Site

(1) Purpose and Intent

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

(i) Maintain the integrity of the City's business districts; and

(ii) Provide clear enforceable criteria for the establishment and operation of Mobile food kiosks, units, and sites in the City.

(2) Applicability

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

(i) On public or semipublic property not identified in subsections (ii) through (v) below, including but not limited to temporarily closed public right-of-way during special events.

(ii) Within a City park outside of the public right-of-way, subject to approval by the Parks and Recreation Department (a temporary use permit is not required). The Parks and Recreation Department shall communicate all such requests to the Director and to the Revenue Department, the Fire Department, and the Police Department. The Director will review such requests for ease of access and impact on parking in the area.

(iii) In the established Public Space Usage Area as established by City Council Resolution 13-338 adopted December 3, 2013, when approved by the Public Space Usage Committee (a temporary use permit is not required).

(iv) On any lot containing a commercial use that is not classified in a Residential district, and in accordance with Sec. 25-4.4.4(d)(3), Requirements on Lot Containing Commercial Use.

(v) In any of the special mobile food vending areas identified on the official Special Mobile Food Vending Area Map maintained by the Planning Department and incorporated herein by reference, subject to the corresponding maximum number of mobile food vending sites listed along with the map designation.

(3) Requirements on Lot Containing Commercial Use

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

(i) The Director shall communicate the temporary use permit application to the Building Department, the Revenue Department, the Fire Department, and the Police Department at least 48 hours before the use commences. The Director is authorized to approve temporary use permits that have a period of validity of one week or less. Temporary use permits having a period of validity of up to one year may be approved by the Director, with concurrence from the Building Department, the Revenue Department, the Fire Department, and the Police Department.

(ii) The use shall be clearly ancillary to the principal commercial use on the lot.

(iii) The mobile food vending site shall comply with any use-specific standards (see Section 25-4.2, Principal Uses) that apply to the principal commercial use on the lot.

(iv) The mobile food vending site shall not operate on the premises for more than four consecutive days out of seven.

(v) The hours of operation of mobile food vending units on the premises shall not extend beyond the normal business hours of the principal commercial use.

(4) Requirements in Special Mobile Food Vending Areas

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

(i) The temporary use permit application shall include proof that all other necessary permits and licenses have been obtained. Approval of the temporary use permit is subject to concurrence from the Building Department, the Revenue Department, the Fire Department, and the Police Department. Such approval must be obtained at least 48 hours before the operation of the mobile food vending site commences.

(ii) The temporary use permit application shall be considered a request to reserve the specified mobile food vending site. If all sites allowed within a particular special mobile food vending area are reserved, the applicant may request to be put on a wait list for the next available opening at that location. The maximum period of validity of temporary use permits granted within any such area shall be fourteen days (eight days of operation) per approval.

(iii) No mobile food vending unit shall operate for more than four days out of seven.

(5) General Standards

(i) Each mobile food unit or kiosk on the site shall obtain and prominently display a valid City of Decatur Business License.

(ii) Mobile food vending sites shall have a site coordinator who maintains a list of licensed vendors with the City of Decatur Revenue Department.

(iii) The site shall be located a minimum of 100 feet from all buildings housing an eating or drinking establishment, except when operated within any of the special mobile food vending areas or is expressly allowed in writing by any eating or drinking establishments within 100 feet.

(iv) Hours of operation shall be limited to between the hours of 6:00 a.m. to 12:00 a.m. Monday through Sunday.

(v) A mobile food units and kiosks shall be removed from the site each night unless during a multi-day special event where security and safety provisions are in place and on file.

(vi) Food preparation shall be regulated by the health department of the county in which the site is located, and a written permit and proof of inspection shall be posted at each mobile food unit or kiosk at all times

(vii) The applicant shall provide written permission from the property owner and the list of the vendors that will be located on the site to the Revenue Department. If the site is proposed to be located in a closed or barricaded public right-of-way, the applicant shall also provide a signed and approved temporary street barricade permit.

(viii) The site shall include adequate toilet facilities in accordance with applicable health department regulations.

(ix) Mobile food vending units and kiosks shall not be located:

a. In any required setback;

b. In any required parking space or aisle;

c. In any required landscaped buffer;

d. In a visibility triangle, unless the driveway or street is closed for its normal operation;

e. Over any public right-of-way or easement, unless part of a special event or the right-of-way is closed for its normal operation; or

f. In a manner that impedes an exit or entrance of an operating building.

(x) Each mobile food vending unit or kiosk shall provide a trash receptacle within three feet of the front or back of the unit or kiosk and shall keep the area within a ten-foot radius of the unit or kiosk free of trash and clean during operation and upon ceasing operation.

(xi) Exterior lighting shall comply with Section 25-5.6, Exterior Lighting Standards.

(xii) Any signage shall be attached to the mobile food vending unit or kiosk. Off-premises signs are prohibited.

(xiii) No outdoor loudspeaker, public address system, music, or other form of entertainment shall be audible from a stationary mobile food vending unit, kiosk or site.

(xiv) Any on-site preparation of food shall be performed only inside a mobile food vending unit or kiosk. The use of grills or other cooking facilities outside a mobile food vending unit or kiosk is prohibited on the site.

(xv) All mobile food vending units and kiosks shall have a fire inspection by the Fire Marshall prior to being located in a mobile food vending site. A mobile food vending unit or kiosk shall maintain and have available current inspection and/or test records of fire suppression hood systems on the mobile food vending unit or kiosk, if applicable, and shall comply with fire and explosion safety standards if a pressurized fuel system or container is used.

(xvi) Wastewater shall be collected and disposed of in accordance with applicable federal, state, and local requirements. Preapproval from Decatur Utilities shall be required.

(xvii) No mobile food vendor may rent, lease, sublet, or otherwise permit other vendors to use a site or space for which the original vendor has received approval from the City.

(xviii) Mobile food vending units approved by the City to operate in street parking along an active public right-of-way must be oriented in such a way that all business is conducted on the side of the unit facing the curb.

(e) Model Sales Home/Unit

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

(1) A model sales home/unit shall be located on a lot or building site approved as part of the development or within a building approved as part of the development.

(2) Adequate measures shall be taken to ensure the use will not adversely affect the health and safety of residents or workers in the area, and will not be detrimental to the use or development of adjacent properties or the surrounding neighborhood.

(3) There shall be no more than one model sales home/unit per builder in the development.

(4) The building used as or containing a sales office shall comply with all dimensional standards and other development requirements.

(5) The building shall be aesthetically compatible with the character of the surrounding area in terms of exterior color, predominant exterior materials, and landscaping.

(6) A model sales home/unit may be used for temporary sales/leasing until such time as the last lot or residential unit is developed.

(7) On termination of the temporary real estate sales/leasing use of a model sales home/unit, the home/unit shall be converted into, or removed and replaced with, a permanent permitted use, and any excess parking shall be removed and landscaped in accordance with the development permits and approvals for the development.

(8) A model sales home shall not be used for storage of building materials.

(9) The number of employees using the model home as an office may not exceed five.

(10) A temporary use permit for the use shall be issued only when actual construction on or in the immediate vicinity of the development site necessitates the model sales home/unit. The permit shall be initially valid for no more than three years. The Director may grant written extensions of this time period, however, the permit shall remain valid no longer than the time required for the construction of the development.

(f) Sales, Outdoor

(1) The sales activity shall be incidental to a primary use permitted in the zoning district in which it is located.

(2) The front yard shall remain free of permanent structures. All items related to the outdoor sales, including tables, chairs, fences, walls, cordons and accouterments, shall be removed from the front yard whenever the establishment is not open for business. The front yard shall remain open and unenclosed.

(3) The display area shall not extend beyond the sidewalk or concrete apron entrance of the building, nor encroach into a public right-of-way.

(4) If the private sidewalk or pedestrian way in front of the building is used for display of merchandise, a minimum width of four feet must remain unobstructed for pedestrian use.

(5) Temporary sales activities are prohibited on vacant property and from vehicles, except sales are allowed from vehicles when conducted by a commercial establishment that occupies a principal building on the lot where the sales occur.

(6) When outdoor sales or table service is not provided, lightweight chairs and tables may be located anywhere in the front yard provided the tables or chairs are located behind the property line and are not in the public right-of-way.

(g) Seasonal Sales

(1) The display/sales area shall be located at least 25 feet from an existing street line and from any adjacent lot lines.

(2) Adequate measures shall be taken to ensure that the use will not adversely affect the health and safety of residents or workers in the area, and will not be detrimental to the use or development of adjacent properties or the general neighborhood.

(3) Off-street parking shall be adequate to accommodate the proposed sale of products.

(4) Seasonal Sales shall be valid for no more than 45 consecutive days. Any building/display booth must be portable and completely removed at the end of the period.

(h) Special Event

(1) Purpose

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

(i) Maintain the integrity of the City's business districts;

(ii) Provide clear and enforceable standards for special events in the City; and

(iii) Make adequate provisions for the allowance of special events in the City.

(2) Applicability

(i) All special events (including but not limited to cultural events, religious events, musical events, celebrations, festivals, fairs, carnivals, circuses, and communal camping) held on private property within the City shall comply with the standards in this subsection, unless exempted in accordance with section (ii) below.

(ii) The following events or activities are exempt from the standards of this subsection and may occur without a temporary use permit for a special event. They are subject to all other applicable procedures and standards of this Ordinance:

a. Special events or activities occurring within, or on the grounds of, a single-family detached development;

b. Any event sponsored in whole or in part by the City;

c. Any event conducted on public property, such as school sites and public parks, and public events on private property. Special events must comply with any guidelines, regulations, and permitting process required by the authorizing agency (e.g. School District or a Parks and Recreation Department); and

d. Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; wedding services conducted at

places of worship, reception halls, or similar facilities; and funeral services conducted at places of worship, funeral homes, or cemeteries.

(3) Standards

(i) Prior to the issuance of a special exception permit for the special event, the applicant shall submit a copy of a valid City business privilege license for the special event.

(ii) The special event shall not create an unreasonable risk of significant:

a. Damage to public or private property, beyond normal wear and tear;

b. Injury to persons;

c. Public or private disturbances or nuisances;

d. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;

e. Additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; and

f. Other adverse effects upon the public health, safety, or welfare.

(iii) The special event shall not be of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event.

(iv) The special event shall not be at a time and location that has already been permitted or reserved for other activities.

(v) Approved temporary toilet facilities shall be provided for the duration of the special event.

(vi) Adequate off-street parking shall be provided to accommodate anticipated parking demands.

(vii) All electrical hookups shall comply with the City's Electrical Code.

(viii) All portable storage/office buildings shall comply with the manufacturer's installation instructions and the Building Code.

(ix) All tents shall be certified by the manufacturer to comply with applicable flame resistance standards.

(x) Special exception permits for special events are nontransferable and shall remain valid only for the time period specified on the permit.

(4) Conditions of Approval

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

(i) Provision of temporary parking facilities, including vehicular access and egress;

(ii) Control of nuisance factors, such as the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;

(iii) Regulation of temporary buildings, structures, and facilities, including placement, height, size, location of equipment, and open spaces, including buffer areas and other yards;

(iv) Provision of sanitary and medical facilities;

(v) Provision of solid waste collection and disposal;

(vi) Provision of security and safety measures;

(vii) Use of an alternative location or date for the proposed special event;

(viii) Modification or elimination of certain proposed activities; and

(ix) Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this subsection.

(i) Storage in Portable Shipping Container

(1) Storage containers shall not exceed 160 square feet in floor area or be taller than nine feet.

(2) Containers shall be located within a driveway, parking, or loading area. In cases where the driveway, parking, or loading area extends behind the front façade of a building, the container shall be placed behind the front façade.

(3) In cases where improved driveways, parking, or loading areas are not present, containers shall be located so as to minimize their visibility from streets or adjacent residential areas, to the extent practicable.

(4) Nothing in these standards shall limit the placement of more than one container on a lot or site, provided compliance with all other applicable standards is maintained.

(5) Except for storage containers located on construction sites, storage containers shall not be located on an individual parcel or site for more than 30 consecutive days per site per occurrence. This time period may be extended for a maximum period of 30 days if a written request for an extension is submitted to the Director prior to the expiration of the initial 30 days.

(6) Storage containers may be placed on a residential site a maximum of two occurrences per year.

(7) A minimum period of six months is required between the removal of a storage container from a nonresidential site and the subsequent placement of a storage container on the site.

(8) A portable shipping container is prohibited from use as a permanent accessory structure or as building material for a primary structure in any residential zoning district.

(j) Temporary Occupancy Business

(1) Signs shall comply with Section 25-5.9, Sign Standards.

(2) Approved temporary toilet facilities shall be provided for the entire length of the occupancy. This requirement may be waived at the discretion of the Building Director.

(3) Off-street parking shall be provided in accordance with the zoning district and occupancy classification applied for on the application, subject to the discretion of the Building Director.

(4) A site plan showing the required parking shall be provided that complies with the requirements of this Ordinance and all other applicable City requirements.

(5) All electrical hookups shall comply with the City’s Electrical Code.

(6) All portable storage/office buildings shall comply with the manufacturer's installation instructions and the requirements of the City’s Building Code.

(7) All tents shall comply with Tent Certification for Flame Resistance.

(8) The appropriate application fee shall be paid to the City.

(9) A signed Temporary Occupancy Business Requirements Affidavit shall be provided to the City.

(10) A City Business Privilege License shall be approved and a copy maintained on file in the Revenue Department.

(k) Yard Sale

(1) Sales shall not be held more than five times in a calendar year.

(2) Each yard sale event is limited to the daylight hours.

(3) Sales shall not last longer than three consecutive days.

(4) Sales shall be prohibited on commercially developed properties and vacant lots.

(5) Goods intended for sale shall not be stored or displayed in the front or side yards of a dwelling unit except on the day of the sale.

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

5

DEVELOPMENT STANDARDS

Section 25-5.1.	Mobility, Circulation, and Connectivity Standards	5-1
Sec. 25-5.1.1.	Purpose and Intent	5-1
Sec. 25-5.1.2.	Applicability	5-1
Sec. 25-5.1.3.	Multimodal Access and Circulation System Required	5-2
Sec. 25-5.1.4.	Pedestrian Access and Circulation	5-2
Sec. 25-5.1.5.	Bicycle Access and Circulation	5-5
Sec. 25-5.1.6.	Vehicular Access and Circulation	5-6
Section 25-5.2.	Off-Street Parking and Loading Standards	5-13
Sec. 25-5.2.1.	Purpose and Intent	5-13
Sec. 25-5.2.2.	Applicability	5-14
Sec. 25-5.2.3.	Parking Plan Required	5-14
Sec. 25-5.2.4.	General Standards for Off-Street Parking and Loading Areas	5-14
Sec. 25-5.2.5.	Off-Street Parking Space Standards	5-21
Sec. 25-5.2.6.	Minimum Off-Street Loading Berths	5-33
Sec. 25-5.2.7.	Bicycle Parking Standards	5-33
Section 25-5.3.	Landscaping and Buffer Standards	5-37
Sec. 25-5.3.1.	Purpose and Intent	5-37
Sec. 25-5.3.2.	Applicability	5-37
Sec. 25-5.3.3.	Landscaped Buffers	5-39
Sec. 25-5.3.4.	Foundation Landscaping	5-42
Sec. 25-5.3.5.	Off-Street Parking Area Landscaping	5-42
Sec. 25-5.3.6.	General Standards for Planting and Maintenance	5-44
Sec. 25-5.3.7.	Planting and Design of Landscaped Areas	5-47
Sec. 25-5.3.8.	Maintenance Standards	5-48
Section 25-5.4.	Open Space Set-Aside Standards	5-48
Sec. 25-5.4.1.	Purpose	5-48
Sec. 25-5.4.2.	Applicability	5-48
Sec. 25-5.4.3.	Amount of Open Space Set-Asides Required	5-49
Sec. 25-5.4.4.	Areas Counted as Open Space Set-Asides	5-49
Sec. 25-5.4.5.	Areas Not Counted as Open Space Set-Asides	5-53
Sec. 25-5.4.6.	Design of Open Space Set-Asides	5-54
Sec. 25-5.4.7.	Ownership, Management, and Maintenance of Open Space Set-Asides	5-56
Section 25-5.5.	Fence and Wall Standards	5-56
Sec. 25-5.5.1.	Purpose and Intent	5-56
Sec. 25-5.5.2.	Applicability	5-56
Sec. 25-5.5.3.	General Location Standards	5-57
Sec. 25-5.5.4.	Height	5-58
Sec. 25-5.5.5.	Materials	5-58
Sec. 25-5.5.6.	Appearance	5-59
Sec. 25-5.5.7.	Construction	5-59

Sec. 25-5.5.8. Gates 5-59
Sec. 25-5.5.9. Security Exemption Plan 5-60

Section 25-5.6. Exterior Lighting Standards 5-60
Sec. 25-5.6.1. Purpose and Intent 5-60
Sec. 25-5.6.2. Applicability 5-60
Sec. 25-5.6.3. Lighting Plan 5-61
Sec. 25-5.6.4. Prohibited Lighting 5-62
Sec. 25-5.6.5. Street Lighting 5-62
Sec. 25-5.6.6. General Standards for Exterior Lighting 5-62
Sec. 25-5.6.7. Lighting Design Standards for Specific Uses and Site Features 5-64
Sec. 25-5.6.8. Measurement 5-66
Sec. 25-5.6.9. Exemption for Security Plan 5-66

Section 25-5.7. Development Form and Design Standards 5-66
Sec. 25-5.7.1. Purpose and Intent 5-66
Sec. 25-5.7.2. Applicability 5-67
Sec. 25-5.7.3. Multifamily Design Standards 5-67
Sec. 25-5.7.4. Nonresidential and Mixed Use Design Standards 5-72
Sec. 25-5.7.5. Large Retail Establishment Form and Design Standards 5-77

Section 25-5.8. Neighborhood Compatibility Standards 5-79
Sec. 25-5.8.1. Purpose and Intent 5-79
Sec. 25-5.8.2. Applicability 5-79
Sec. 25-5.8.3. Neighborhood Compatibility Standards 5-81

Section 25-5.9. Sign Standards 5-86
Sec. 25-5.9.1. Findings 5-86
Sec. 25-5.9.2. Purpose and Intent 5-87
Sec. 25-5.9.3. Severability 5-87
Sec. 25-5.9.4. Applicability 5-87
Sec. 25-5.9.5. General Standards 5-89
Sec. 25-5.9.6. Temporary Signs 5-92
Sec. 25-5.9.7. Permanent Signs 5-94

Section 25-5.10. Floodplain Management 5-103
Sec. 25-5.10.1. Statutory Authorization 5-103
Sec. 25-5.10.2. Findings of Fact 5-103
Sec. 25-5.10.3. Purpose 5-103
Sec. 25-5.10.4. Objectives 5-104
Sec. 25-5.10.5. General Provisions 5-104
Sec. 25-5.10.6. Administration 5-109
Sec. 25-5.10.7. Provisions for Flood Hazard Reduction 5-117
Sec. 25-5.10.8. Variance Procedures 5-130
Sec. 25-5.10.9. Floodplain Management Terms Defined Error! Bookmark not defined.

Section 25-5.11. Stormwater Management Standards 5-147
Sec. 25-5.11.1. Purpose and Intent 5-147
Sec. 25-5.11.2. Stormwater Detention Facilities 5-147
Sec. 25-5.11.3. Erosion and Sediment Control 5-147

Section 25-5.12. Green Building Incentives 5-148
Sec. 25-5.12.1. Purpose and Intent 5-148
Sec. 25-5.12.2. Applicability 5-148
Sec. 25-5.12.3. Incentives 5-149
Sec. 25-5.12.4. Procedure 5-149
Sec. 25-5.12.5. Menu of Green Building Features 5-150
Sec. 25-5.12.6. Failure to Install or Maintain Green Building Features 5-152

Article 25-5. Development Standards

SECTION 25-5.1. MOBILITY, CIRCULATION, AND CONNECTIVITY STANDARDS

Sec. 25-5.1.1. Purpose and Intent

The purpose of this Section is to ensure that developments are served by a coordinated multimodal transportation system that permits the safe and efficient movement of motor vehicles, transit, bicyclists, and pedestrians within the development and between the development and external transportation systems, neighboring development, and local destination points, such as places of employment, schools, parks, and shopping areas. Such a multimodal transportation system is intended to:

(a) Provide transportation options;

(b) Increase the effectiveness of local service delivery;

(c) Reduce emergency response times;

(d) Promote healthy walking and bicycling;

(e) Facilitate use of public transportation;

(f) Support Complete Streets, as defined and described in the comprehensive plan;

(g) Contribute to the attractiveness of the development and community;

(h) Connect neighborhoods and increase opportunities for interaction between neighbors;

(i) Reduce vehicle miles of travel and travel times;

(j) Reduce greenhouse gas emissions;

(k) Improve air quality;

(l) Minimize congestion and traffic conflicts; and

(m) Preserve the safety and capacity of the City's transportation systems.

Sec. 25-5.1.2. Applicability

(a) General

The standards in this section apply to all new development in the City.

(b) Timing of Review

Review for compliance with the standards of this section shall occur during review of applications for a planned development district (see Sec. 25-2.4.3) or site plan (major or minor) (see Sec. 25-2.4.5), as appropriate.

(c) Developer Responsible for Access and Circulation Improvements

The developer shall provide road, street, bikeway, sidewalk, and other access and circulation improvements in accordance with applicable City and state standards for design and construction, and shall dedicate any required rights-of-way or easements.

Sec. 25-5.1.3. Multimodal Access and Circulation System Required

All new development shall be served by a system of sidewalks, paths, roadways, accessways, and other facilities designed to provide for multiple travel modes (pedestrian, bicycle, and motor vehicle), as appropriate to the development's size, character, and relationship to surrounding development and development patterns and existing and planned community transportation systems. Pedestrian, bicycle, and motor vehicle access and circulation systems shall be coordinated and integrated so as to provide transportation choices within and to and from the proposed development, as appropriate.

Sec. 25-5.1.4. Pedestrian Access and Circulation

(a) General

All new development, except a single-family detached dwelling unit or two-family dwelling unit on an individual lot, shall be served by an internal pedestrian circulation system (including sidewalks, pedestrian paths, and/or trails) that permits safe, convenient, efficient, and orderly movement of pedestrians among origin and destination points within the development, and between the adjoining parts of an existing or planned external, community-wide pedestrian circulation system and any adjoining public parks, greenways, schools, community centers, transit stops, and shopping areas. Origin and destination points within the development shall, at a minimum, include the following (if included in the development):

(1) The primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions);

(2) Off-street parking bays;

(3) Recreation facilities and other common use areas and amenities; and

(4) Any designated or planned transit stops (on-site or on an adjacent street).

(b) Sidewalks

(1) Unless exempted by subsection (2) below, or waived or modified in accordance with subsection (5) below, all new development shall install sidewalks on both sides of all streets having curb and gutter construction within the development site and along the entire frontage of the development site with an existing street having curb and gutter construction.

(2) The following are exempt from the sidewalk installation requirement in subsection (1) above:

- **(i)** Development in a residential subdivision where the density is 1.0 dwelling units per acre or less;
- **(ii)** Portions of a residential development site along an alleyway; and
- **(iii)** Internal streets in a development of any use in the Industrial use classification.

(3) Sidewalks shall have a minimum width of five feet, unless a greater width is specified by another provision of this Ordinance.

(4) Where a development site fronts an existing street with insufficient right-of-way width to accommodate installation of a sidewalk along the frontage in accordance with subsection (1) above, the developer shall install a sidewalk on the development site within a dedicated widening of the right-of-way or dedicated public easement running parallel and adjacent to the public street.

(5) The Director may waive or modify the requirement for sidewalks in subsection (1) above, in specific locations on determining the sidewalk:

- **(i)** Would be duplicative of an existing sidewalk, greenway, or other pedestrian way;
- **(ii)** Is included in a project for which federal, state, or local funding has been allocated;
- **(iii)** Is impractical or infeasible due to the presence of topographic conditions or natural features, such as steep grades that do not allow connections to be made without stairs; or
- **(iv)** Would not be located within 600 feet of an existing sidewalk on the same side of the street or within 600 feet of a planned school or other public use, provided a public easement for the future installation of a sidewalk is granted where there is insufficient right-of-way to accommodate a sidewalk.

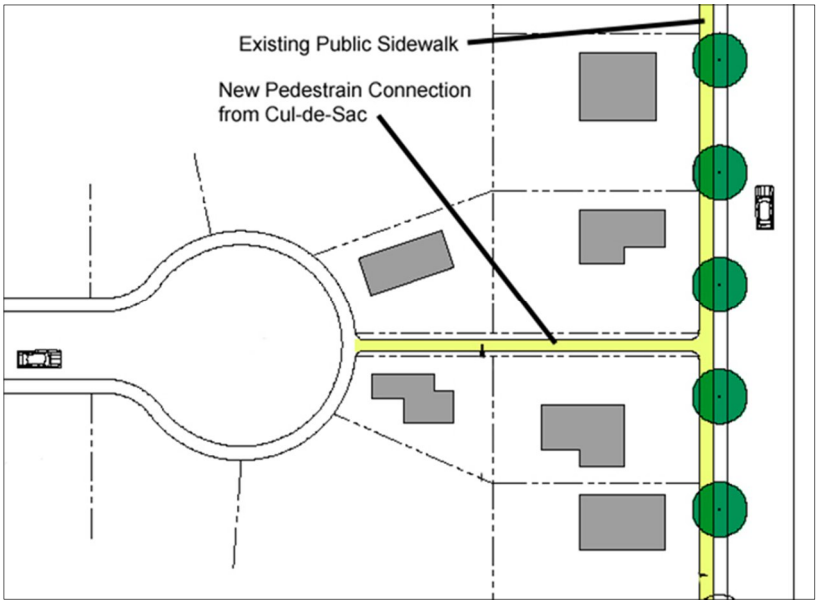
(c) Pedestrian and Bicycle Connections through Blocks and Cul-de-Sacs

Any residential subdivision approved after ___ [*insert the effective date of this Ordinance*] shall comply with following standards:

(1) Any block within the subdivision having a block length greater than 1,000 feet shall provide a mid-block right-of-way at least five feet wide for pedestrian and bicycle connection through the block.

(2) A right-of-way at least eight feet wide for pedestrian and bicycle access shall be provided between a cul-de-sac head or street turnaround and any adjacent existing or proposed sidewalk, trail, greenway or other type of pedestrian facility (as shown in Figure 25-5.1.4(c): Pedestrian Connections), unless the Director determines such a connection is impractical or infeasible due to the presence of topographic conditions or natural features.

Figure 25-5.1.4(c): Pedestrian Connections



(d) Pedestrian Cross-Access

All new townhouse, multifamily, nonresidential, and mixed-use development shall comply with the following standards:

(1) The internal pedestrian circulation system shall be designed to allow for pedestrian walkway cross-access between the development's buildings and parking areas and those on adjoining lots containing a townhouse, multifamily, nonresidential, or mixed-use development, or to the boundary of adjoining vacant land zoned to allow multifamily residential, nonresidential, or mixed-use development.

(2) The Director may waive or modify the requirement for pedestrian cross-access where the applicant clearly demonstrates that such cross–access would be duplicative of an existing greenway or other pedestrianway or is impractical or infeasible due to the presence of any of the following at the point(s) where through-connections would otherwise be required: topographic conditions, natural features, visual obstructions or parking space locations that create traffic hazards, or the existence of mature or protected trees.

(3) Easements allowing cross-access to and from properties served by a pedestrian cross-access, along with agreements defining maintenance responsibilities of landowners, shall be recorded with the Register of Deeds before issuance of a building permit for the development.

Sec. 25-5.1.5. Bicycle Access and Circulation

(a) General

All new development, except a single-family or two-family dwelling unit on an individual lot, shall allow for internal bicycle circulation such that bicycle access to the development's primary use is safe and convenient, specifically by providing the following, in coordination with the Engineering Department or the Alabama Department of Transportation, as applicable:

(1) Bicycle parking facilities required by Sec. 25-5.2.7, Bicycle Parking Standards, in areas near the primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions) for bicycle storage;

(2) Connections to any adjacent existing or planned on-street or off-street bicycle facilities outside the development, or internal bicycle systems in adjacent developments; and

(3) Connections to any designated or planned transit stops (on-site or on an adjacent street).

(b) Bicycle Facilities

(1) Off-Street Bicycle Facilities

Bicycle paths shall:

(i) Allow two-way bicycle circulation;

(ii) Be at least five feet wide and surfaced with a smooth-surface (such as hot-mix asphalt), durable, and dustless material; and

(iii) Be distinguishable from vehicular traffic lanes they cross by painted markings, a change in pavement material or color, raised paving height, decorative bollards, and/or flashing caution signals.

(2) On-Street Bicycle Facilities

(i) Bicycle lanes shall be designed and provided in accordance with the cross-section, paving, and other standards applicable to the roadways of which they are a part.

(ii) On-street bicycle lanes shall be painted green with white lines six inches wide outlining the boundaries of the lane.

(iii) Bicycle lane markings and signage shall comply with all MUTCD standards and be placed at the beginning of the bicycle lane and at an interval specified by MUTCD standards.

(c) Bicycle Cross Access

(1) All new multifamily, nonresidential, and mixed-use development shall comply with the following standards:

(i) Any internal bicycle circulation system shall be designed and constructed to provide bicycle cross-access between it and any internal bicycle circulation system on adjoining parcels containing a multifamily, nonresidential, or mixed-use development, or to the boundary of adjoining vacant land zoned to allow multifamily, nonresidential, or mixed-use development.

(ii) The Director may waive or modify the requirement for bicycle cross-access on determining that such cross–access is impractical or undesirable for typical bicyclists' use due to the presence of topographic conditions, natural features, or safety factors. Undesirable conditions shall be defined as those limiting mobility for bicycles as a form of transportation, such as steep grades, narrow connections bounded on both sides by walls or embankments, or limited visibility when straight-line connections are not achievable.

(iii) Easements allowing cross-access to and from lands served by a bicycle cross-access, along with agreements between owners of lands that provide and are served by the cross-access defining the owners' maintenance responsibilities, shall be recorded with the Register of Deeds before issuance of a building permit for the development.

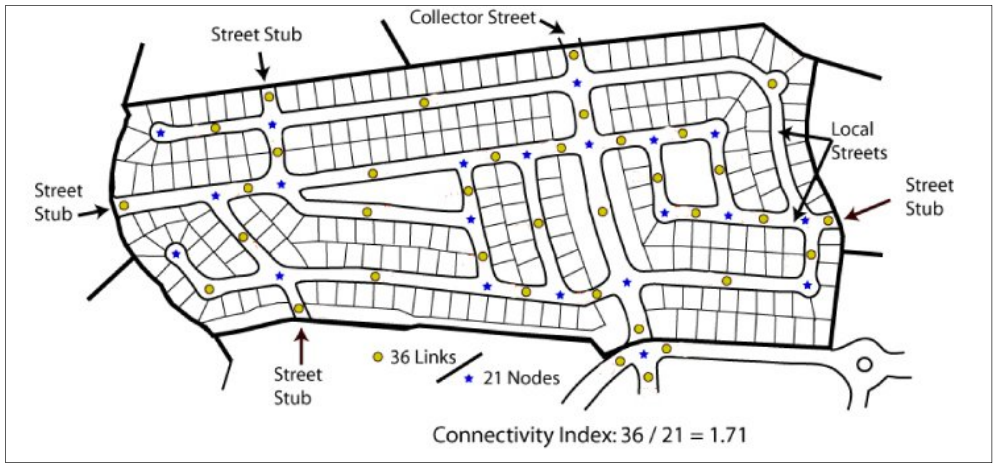
Sec. 25-5.1.6. Vehicular Access and Circulation

(a) Street Connectivity

(1) Minimum Connectivity Ratio

(i) Except as otherwise provided by subsection (iii) below, the street network in any new residential subdivision approved after ___ [*insert the effective date of this Ordinance*] shall achieve a connectivity ratio of not less than 1.5 (see example in Figure 25-5.1.6(a)(1) below).

Figure 25-5.1.6(a)(1): Example of Street Connectivity Ratio Calculation



(ii) For the purposes of subsection (i) above, the phrase "connectivity ratio" is defined as the number of street links divided by the number of nodes, as set out below.

a. Nodes

Nodes exist at street intersections and cul-de-sac heads within the development and immediately adjacent to the development (such as intersections that provide access to the development through an entry street or driveway).

b. Links

Links are stretches of road or alleys that connect nodes. Street stub-outs are considered as links, but temporary dead-end streets or alleys internal to a development are not counted as links. Links external to the development that connect to nodes associated with the development shall be included in the connectivity ratio calculation.

(iii) The minimum connectivity ratio required by subsection (i) above, may be reduced by the Director if the landowner/applicant demonstrates it is infeasible to achieve due to natural features, existing road configurations, or adjacent existing development patterns. In these instances, internal street design shall achieve as high a connectivity ratio as reasonably practical, especially by providing stub-outs and other potential connections that may be made in the future, including through public infrastructure improvements.

(2) External Street Connections

(i) Extension of Streets to Adjoining Lands

a. The arrangement of streets in a residential subdivision approved after ___ [*insert the effective date of this Ordinance*] shall provide for the alignment and continuation of existing or proposed streets into adjoining lands where the adjoining lands are undeveloped and deemed appropriate for future development, or are developed and include opportunities for such connections.

b. Street rights-of-way shall be extended to or along adjoining property boundaries such that a street connection or street stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west).

c. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed with the words "FUTURE STREET CONNECTION" to inform landowners.

d. Stub streets shall be identified on subdivision plats in accordance with the Subdivision Regulations, including a notation that all street stubs are intended for connection with future streets on adjoining undeveloped or underdeveloped lands.

e. Stub streets that exceed 150 feet in length shall include a turn-around that shall be removed when the stub street is connected.

(ii) Continuation of Adjacent Streets

Proposed street layouts shall be coordinated with the existing street system in surrounding areas. Existing streets shall, to the maximum extent practicable, be extended into the proposed development to provide access to adjacent developments and subdivisions and to provide for additional points of ingress and egress.

(iii) Development Entry Points

a. Unless exempted by subsection b below, all subdivisions approved after ___ [*insert the effective date of this Ordinance*] shall provide a minimum number of access points from the development to the street system outside the development in accordance with Table 25-5.1.6(a)(2)(iii): Required Development Entry Points.

TABLE 25-5.1.6(A)(2)(III): REQUIRED DEVELOPMENT ENTRY POINTS

DEVELOPMENT TYPE	MINIMUM NUMBER OF ACCESS POINTS
RESIDENTIAL USE TYPES (BY NUMBER OF UNITS)	
80 or fewer units	1
Between 81 and 160 units	2
161 or more units	3
ALL OTHER USE TYPES (BY SITE AREA)	
Less than 5 acres	1
Between 5 and 20 acres	2
More than 20 acres	2 + 1 per every additional 20 acres or portion thereof

b. A proposed subdivision is not subject to subsection a above, if it is demonstrated that the following conditions apply:

1. No other street access points can be located due to existing lot configurations, absence of connecting streets, or environmental or topographic constraints;

2. A connection to a street outside the development that would otherwise be required by subsection a above, will not be authorized by the appropriate permitting agency based on factors outside of the control of the landowner; or

3. Alternative access can be provided in a manner acceptable to the City.

(b) Street Layout and Design

Streets and roads shall be designed and constructed in accordance with standards and requirements of the Engineering Department or the Alabama Department of Transportation, as applicable.

(c) Traffic Calming

(1) Street widths not in excess of basic design standards, short block lengths, on-street parking, controlled intersections, roundabouts, and other traffic-calming measures are encouraged on all local streets that connect between two nodes in the connectivity index system, provided they do not interfere with emergency vehicle access.

(2) Residential development shall employ measures to interrupt direct vehicle flow on linear street segments over 2,400 linear feet long, to the maximum extent practicable. Such measures may include, but shall not be limited to:

(i) Mini-roundabouts at intersections;

(ii) Curvilinear street segments to slow traffic and interrupt monotonous streetscapes;

(iii) Traffic-diverting physical devices such as neckdowns, chicanes, and diverter islands;

(iv) Roadway striping to limit vehicular cartway widths or accommodate bike lanes; and

(v) Speed tables, raised intersections, or elevated pedestrian street crossings.

(3) Any physical installations that narrow the roadway and extend curbs toward the street centerline, such as bulb-outs and chicanes, are discouraged on streets less than 24 feet wide, but are encouraged on wider streets as a traffic calming device and to reduce crossing distance for pedestrians, where practicable.

(4) All traffic calming measures shall be coordinated with the Engineering Department and the Alabama Department of Transportation, as applicable.

(d) Access Management

(1) General

Driveway location and design shall comply with the City of Decatur Access Management/Traffic Circulation Standards, proven engineering practices, and the Alabama Department of Transportation Access Management Manual, as applicable.

(2) Beltline

New development abutting the Beltline Highway/Highway 67 shall not have direct access onto the Beltline Highway/Highway 67. Instead, access to the development shall be provided from an existing street or road that intersects the Beltline Highway/Highway 67, an access road, or an internal drive that has similar design characteristics as a primary drive aisle required by Sec. 25-5.2.4(l)(1), Primary Drive Aisle, as determined by the Director. Where access to the development is from a frontage road, the developer shall make any needed provisions (bond, build, or realign) to ensure the frontage road is constructed to City specifications.

(3) Highway 20

The standards in subsections (i) and (ii) below, apply to Alabama Highway 20 between I-565 and U.S. Highway 31 in Limestone County.

(i) Minimum Intersection Spacing

a. Any new access point onto Highway 20 shall be considered a new intersection and must be approved by the Alabama Department of Transportation. Approval of a traffic study prepared by the applicant is required.

b. New access points shall comply with the "Highway 20 Access Management Plan" as adopted and made part of the master plan for the City by Planning Commission resolution number 001-2010.

c. A maximum of two fully directional access points shall be permitted for the entire length of Alabama Highway 20 between I-565 and U.S. Highway 31 in Limestone County, as follows:

1. One fully directional access point shall be not less than 2,000 feet from the point that the exit ramp for I-65 separates from Alabama Highway 20; and

2. The second fully directional access point shall be not less than a mile from the other fully directional access point.

d. Right-in and right-out access points may be considered between the fully directional access points identified in subsection c above. Such access points shall meet or exceed Alabama Department of Transportation standards and shall comply with all requirements identified in the required traffic study and in a proposed land use plan if available.

(ii) Design Standards for Access Points

a. New access points shall include acceleration lanes for the appropriate turning movements in accordance with Alabama Department of Transportation guidelines and the Alabama Highway 20 Roadway Access Management Study. Proposed turn lanes shall be included in the traffic study prepared by the applicant and in a proposed land use plan if available

b. Traffic signals shall be limited to fully directional access points. The installation of traffic signals shall require approval and permitting by the Alabama Department of Transportation and shall only be considered if a traffic signal warrant study prepared by the applicant is submitted to and approved by the City and the Alabama Department of Transportation.

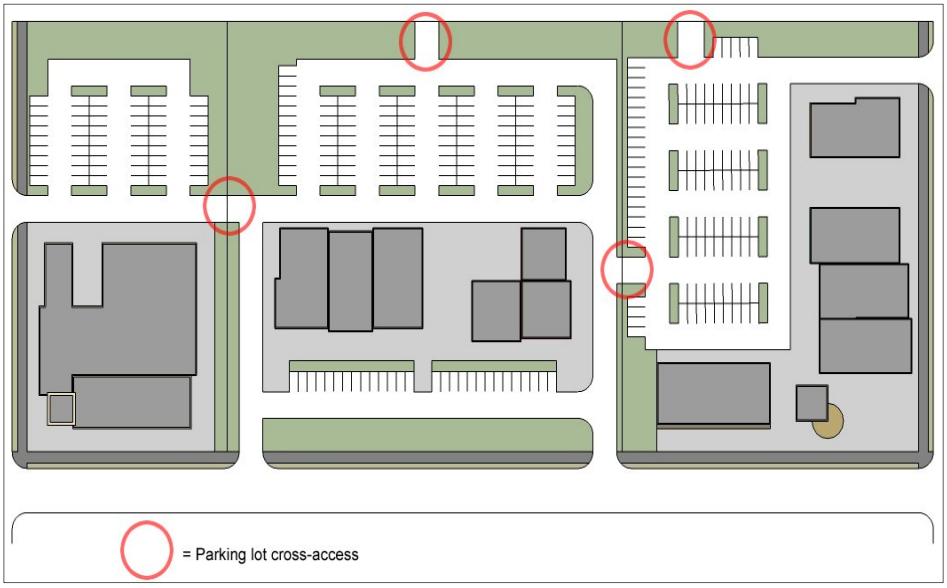
(e) Vehicular Cross-Access

(1) An internal vehicular circulation system in new nonresidential and mixed-use development, other than uses in the Industrial use classification, shall be designed and constructed to provide vehicular cross-access between areas used for the parking and circulation of motor vehicles within the development and any such areas on adjoining parcels containing nonresidential or mixed-use development, other than uses in the Industrial use classification, or to the boundary of adjoining vacant land in an Institutional or Business base zoning district (see Figure 25-5.1.6(e): Example of Vehicular Cross-Access). The cross-access shall consist of a driveway or drive aisle that is at least 22 feet wide or two one-way driveways or aisles that are each at least 14 feet wide.

(2) The Director may waive or modify the requirement for vehicular cross-access on determining that such cross–access is impractical or undesirable due to the presence of topographic conditions, natural features, or vehicular safety factors.

(3) Easements allowing cross-access to and from lands served by a vehicular cross-access, along with agreements defining maintenance responsibilities of landowners pertaining to the vehicular cross-access, shall be recorded with the Register of Deeds before issuance of a building permit for the development.

Figure 25-5.1.6(e): Example of Vehicular Cross Access



(f) Vehicle Stacking Spaces and Lanes

(1) Vehicle Stacking Spaces

(i) Off-street vehicle stacking spaces shall be provided as required in Table 25-5.1.6(f)1: Vehicle Stacking Spaces Required.

TABLE 25-5.1.6(F)1: VEHICLE STACKING SPACES REQUIRED

USE OR ACTIVITY	MINIMUM NUMBER OF STACKING SPACES	MEASURED FROM
Bank or financial institution with ATM	3 per lane	Teller window or ATM

TABLE 25-5.1.6(F)1: VEHICLE STACKING SPACES REQUIRED

USE OR ACTIVITY	MINIMUM NUMBER OF STACKING SPACES	MEASURED FROM
Vehicle fueling station	1	Each end of the outermost gas pump island
Gated driveway	3	Gate
Nursing home	3	Drop-off entrance
Hospital	5	Drop-off entrance
School	8 spaces	Drop-off entrance
Retail sales and services uses	4 per lane	Order window
Restaurant with a drive-through facility [1]	4	Order box
Automatic car wash	6 per bay	Bay entrance
Self-service car wash	2 per bay	Bay entrance
Oil change/lubrication shop	3 per bay	Bay entrance
Other	Uses not specifically listed are determined by the Director based on standards for comparable uses, or alternatively based on a parking demand study	

NOTES:

[1] Restaurants with drive-through service shall provide at least four additional stacking spaces between the order box and the pick-up window.

(ii) Each off-street vehicle stacking space shall be a minimum of 10 feet wide and 20 feet long.

(iii) Stacking spaces shall not impede on-site or off-site vehicular traffic movements or movements into or out of parking spaces.

(iv) Stacking spaces shall not impede on-site or off-site bicycle or pedestrian traffic movements.

(2) Vehicle Stacking Lanes

All nonresidential and mixed-use development, excluding industrial uses, shall provide stacking lanes between the edge of the street right-of-way and entrances into off-street parking areas in accordance with the stacking lane distance set forth in Table 25-5.1.6(f)(2): Minimum Stacking Lane Length for Parking Area Entrance Driveway, based on the number of off-street parking spaces in the parking area (see Figure 25-5.1.6(f)(3): Illustration of Stacking Lane for Parking Area Entrance Driveway).

TABLE 25-5.1.6(F)(2): MINIMUM STACKING LANE LENGTH FOR PARKING AREA ENTRANCE DRIVEWAY

NUMBER OF OFF-STREET PARKING SPACES	MINIMUM STACKING LANE DISTANCE (FT) [1]
1 - 49	25
50 – 249	50

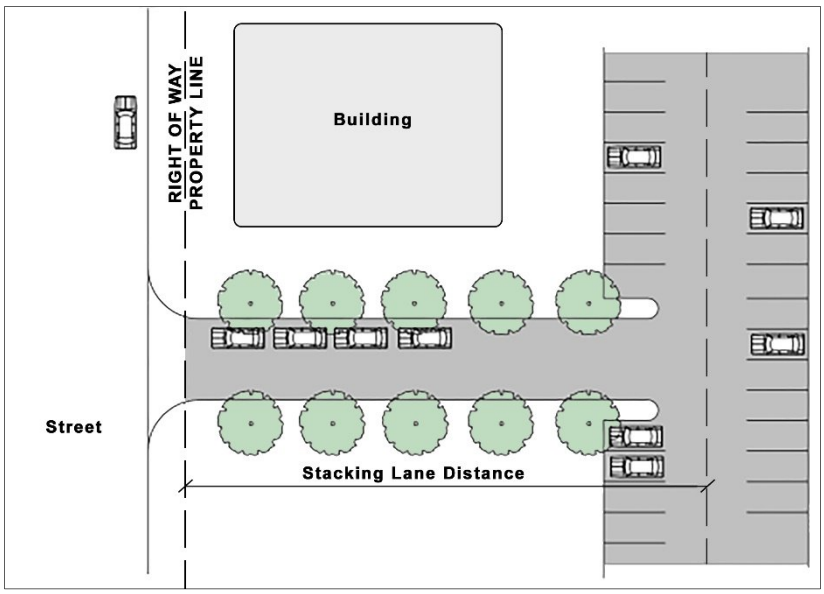
TABLE 25-5.1.6(F)(2): MINIMUM STACKING LANE LENGTH FOR PARKING AREA ENTRANCE DRIVEWAY

NUMBER OF OFF-STREET PARKING SPACES	MINIMUM STACKING LANE DISTANCE (FT) [1]
250 – 499	100
500 or more	100 + 15 feet for every additional 50 spaces beyond 500

NOTES:

[1] Stacking lane distance is measured from the intersection of the driveway with the street right-of-way, along the centerline of the stacking lane, to its intersection with the centerline of the first entrance into a parking area or other internal intersecting driveway.

Figure 25-5.1.6(f)(3): Illustration of Stacking Lane for Parking Area Entrance Driveway



SECTION 25-5.2. OFF-STREET PARKING AND LOADING STANDARDS

Sec. 25-5.2.1. Purpose and Intent

The purpose of this section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking and loading demand of the different zoning districts and different uses allowed by this Ordinance. The standards in this section are intended to provide for adequate off-street parking and loading while supporting walkable urbanism in appropriate locations, and allowing the flexibility needed to accommodate alternative parking solutions and support redevelopment and infill development.

Sec. 25-5.2.2. Applicability

(a) General

(1) All development, other than an expansion or enlargement of an existing structure or a change of use, shall provide off-street vehicular parking, bicycle parking, and loading areas in accordance with the standards of this section.

(2) If an existing structure or use is expanded or enlarged (in terms of the number of dwelling units, floor area, number of employees, or seating capacity), any additional off-street vehicular parking bicycle parking, and loading spaces that may be required shall be provided in accordance with the requirements of this section for the expanded or enlarged part of the structure or use, subject to Article 25-6: Nonconformities.

(3) Any change in use of an existing structure or land shall be accompanied by provision of any additional off-street vehicular parking, bicycle parking, and loading spaces required for the new use by this section.

(b) Timing of Review

Review for compliance with the standards of this section shall occur during review of applications for a planned development district (see Sec. 25-2.4.3), special exception permit (see Sec. 25-2.4.4), site plan (major or minor) (see Sec. 25-2.4.5), building permit (see Sec. 25-2.4.7), or certificate of occupancy (see Sec. 25-2.4.13), as appropriate.

Sec. 25-5.2.3. Parking Plan Required

Applications for development subject to this section shall include a parking plan if more than ten off-street vehicular parking spaces are required for the proposed development. The parking plan shall accurately designate the number and location of required parking spaces, access aisles, and driveways, and the relation of the vehicular off-street parking facilities and bicycle parking facilities (if applicable) to the development they are designed to serve, including how the parking facilities coordinate with the vehicular, pedestrian, and bicycle circulation systems for the development.

Sec. 25-5.2.4. General Standards for Off-Street Parking and Loading Areas

(a) Single-Family, Two-Family, Three-Family, and Four-Family Dwelling units

Parking spaces provided for single-family, two-family, three-family, four-family, and townhouse dwelling units are not subject to the requirements in subsections (b) through (n) below. Instead, such parking spaces shall comply with the standards in this section (Sec. 25-5.2.4(a)).

(1) Location of Parking Spaces

Off-street parking spaces required by Sec. 25-5.2.5, Off-Street Parking Space Standards, shall be located on the same lot as the use they serve.

(2) Size of Parking Spaces

Required off-street parking spaces shall be a minimum of eight feet wide and 16 feet in length.

(3) Surfacing

Parking spaces and driveways shall be surfaced with asphalt, concrete, brick, pavers, or a similar hard, all-weather material approved by the Director, or by gravel or crushed stone that complies with the following:

(i) The gravel or crushed stone shall be a minimum of two inches deep; and

(ii) The parking spaces and driveway shall have a visible and definable edge made of landscape timbers, brick, vegetation such as low shrubs or decorative grasses, or a similarly distinctive and durable material approved by the Director, to contain the gravel or crushed stone and to distinguish the parking spaces and driveway from the rest of the yard.

(4) Parking of Large Commercial Trucks Prohibited

The parking of commercial vehicles having a gross vehicle weight rating of more than 13,000 pounds on any lot zoned for residential use is prohibited except for loading and unloading for 48 hours.

(5) Inoperable vehicles may not be parked forward of the building line.

(b) Location and Arrangement

(i) It is a violation for any person or cause to be parked by any vehicle or to abandon any vehicle or junk vehicle as defined by city code on any private or public property in the town without the express or implied consent of the owner or person in possession and control of the property or for a time period in excess of that for which consent was given by the owner or person in possession and control of the property.

(1) Off-Street Parking

(i) Off-street parking shall be provided on the same lot as the principal structure or use, unless an alternative arrangement is approved in accordance with Sec. 25-5.2.5(b), Off-Street Parking Alternatives.

(ii) Parking spaces are prohibited in required landscaped buffers, frontage landscaping strips, and perimeter landscaping strips (see Section 25-5.3, Landscaping and Buffer Standards).

(iii) In the CB and UC-MX districts, all off-street parking areas shall be located outside of the front yard, on the side(s) or rear of the building.

(iv) Each off-street parking space shall open directly onto an aisle or paved driveway and not onto a public street. Parking spaces and driveways shall be arranged so that ingress and egress to a public street is by forward motion of the vehicle only.

(v) Parking areas shall be designed to provide emergency vehicle access in accordance with applicable City and state regulations.

(vi) No obstructions are permitted in visibility triangles.

(2) Loading Areas and Commercial Vehicle Parking Areas

(i) These areas if allowed shall be located in a rear yard or a side yard that does not front a street.

(ii) Loading areas shall be located adjacent to the building's loading doors, in an area that promotes their practical use.

(iii) These areas shall be located and designed so vehicles using them can maneuver safely and conveniently to them from a public street and complete loading without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

(iv) Loading shall not be permitted between 10:00pm and 6:00am when adjacent to a residential district except in the LI and I zoning districts. Commercial Vehicle Parking shall not exceed 24 hours unless prior approval as a Commercial Vehicle Parking area or owned by an onsite retailer or wholesaler except in LI and I zoning districts.

(c) Surfacing

(1) Except as provided in subsection (2) below, all off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material. Use of surfacing that includes recycled materials (e.g., glass, rubber, used asphalt, brick, block, and concrete) is encouraged. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.

(2) The use of pervious or semi-pervious parking lot surfacing materials—including, but not limited to—pervious asphalt and concrete, open joint pavers, and reinforced grass/gravel/shell grids may be approved for off-street parking and loading areas, if the surfacing is subject to an on-going maintenance program (e.g., sweeping, annual vacuuming). Any pervious or semi-pervious surfacing used for aisles within or driveways to parking and loading areas shall be certified as capable of accommodating anticipated traffic loading stresses and maintenance impacts. Sites using pervious or semi-pervious parking lot surfacing materials shall still meet all standards of Section 25-5.11, Stormwater Management Standards.

(d) Markings

Each required off-street parking area and space, and each off-street loading area and berth, shall be identified by surface markings that are arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Such markings—including striping, directional arrows, lettering on signs and in handicapped-designated areas, and labeling of the pavement—shall be maintained so as to be readily visible at all times.

(e) Overhang Protection

A parking space adjacent to required landscaping, a pedestrian walkway, or a public right-of-way shall include a minimum six-inch high vertical concrete curb or bumper guard installed so that parked vehicles will not extend beyond the marked boundaries of each parking space, except where a wall or other vertical barrier achieves the same result.

(f) Dimensional Standards for Parking Spaces and Aisles non commercial

(1) Except as otherwise provided in subsection (2) below, standard vehicle parking spaces and aisles shall comply with the minimum dimensional standards established in Table 25-5.2.4(f)(1): Dimensional Standards for Parking Spaces and Aisles. See Figure 25-5.2.4(f)(2): Measurement of Parking Space and Aisle Dimensions.

TABLE 17-5.2.4(F)(1): DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES [1][2]

PARKING ANGLE (DEGREES)	STALL WIDTH (FT)	STALL DEPTH PERPENDICULAR TO CURB (FT)	AISLE WIDTH (FT) [3]	STALL LENGTH ALONG CURB (FT)	DOUBLE ROW + AISLE, CURB TO CURB (FT)
A	B	C	D	E	F
0	9	9	11	22	29
45	9	19	12	13	50
60	9	20	15	10.5	55
90	10	18	22	9	58

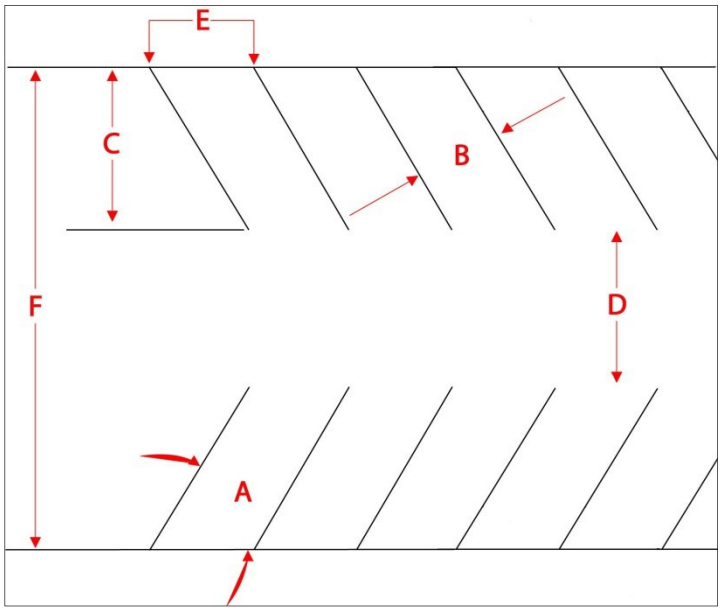
NOTES:

[1] Refer to Figure 25-5.2.4(f)(2), below, for illustrations showing how dimensions for parking spaces and aisles in various configurations (A-F) are measured.

[2] Dimensional standards may be modified by the Director for ramped parking structures to ensure adequate room is provided.

[3] For one-way traffic. Aisles for two-way traffic shall be at least 22 feet wide (for all parking angles). The Director may approve an aisle width less than the minimum upon determining that the aisle is sufficiently wide to allow vehicles to conveniently maneuver through the parking area and access each parking space without driving through any other parking space.

Figure 25-5.2.4(f)(2): Measurement of Parking Space and Aisle Dimensions



(2) Parking spaces having a minimum width of eight feet and a minimum depth of 16 feet are permitted for:

(i) Up to 20 percent of required off-street parking spaces, if designated for use by compact cars; and

(ii) Parking spaces used for valet and tandem parking (see Sec. 25-5.2.5(b)(6), Valet and Tandem Parking).

(g) Dimensional Standards for Loading Berths

(1) Each loading berth shall be of sufficient size to accommodate the types of vehicles likely to use the loading area. The minimum loading berth size that presumptively satisfies loading berth needs is at least 12 feet wide and 45 feet long in general industrial, distribution, or warehousing uses. For all other uses, a berth as short as 33 feet may be allowed. The Director may require a larger loading berth or allow a smaller loading berth on determining that the characteristics of the particular development warrant such increase or reduction and the general standard is met.

(2) Each loading berth shall have at least 15 feet of overhead clearance.

(h) Accessible Parking for Persons with Disabilities

Accessible parking for persons with disabilities shall be provided in accordance with the Building Code.

(i) Lighting

Parking and loading area exterior lighting shall comply with Section 25-5.6, Exterior Lighting Standards.

(j) Landscaping

Parking and loading area landscaping shall comply with Section 25-5.3, Landscaping and Buffer Standards.

(k) Electric Vehicle Charging Stations

(1) Up to twenty percent of the off-street parking spaces required by Sec. 25-5.2.5(a), Minimum and Maximum Off-Street Vehicular Parking Spaces, may be used and designated as electric vehicle (EV) charging stations. The Director may approve the use and designation of additional required parking spaces as electric vehicle charging stations, provided that such additional spaces shall count as only one-half of a parking space when computing the minimum number of parking spaces required.

(2) Parking spaces used as electric vehicle charging stations in accordance with subsection (1) above, shall:

- **(i)** Be consolidated into group(s) of contiguous spaces located where they can be readily identified by electric vehicle drivers (e.g., through signage); and
- **(ii)** Not be operated for commercial purposes, other than as an accessory use to a principal commercial use.

(l) Large Parking Lots

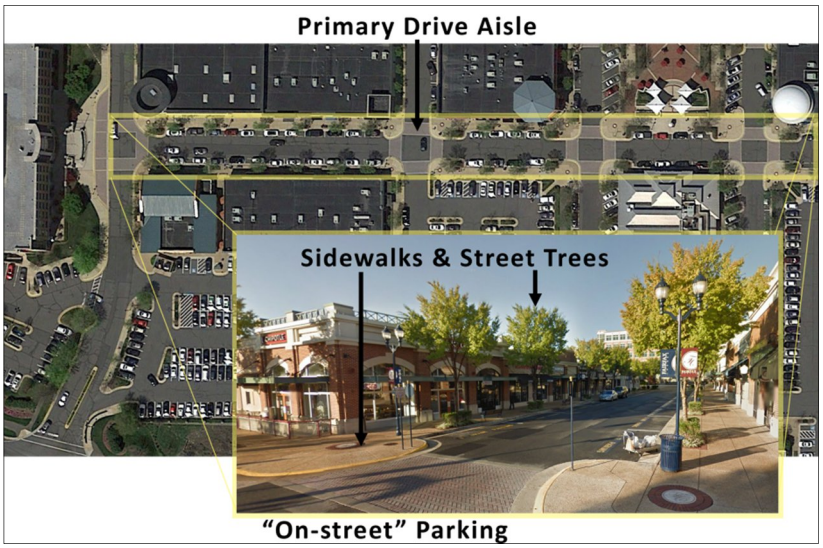
Parking areas containing 200 or more spaces, whether developed at one time or in phases, shall comply with the following standards:

(1) Primary Drive Aisle

Primary drive aisles shall be provided within the parking area in accordance with the following standards:

- **(i)** Be designed to appear as an extension of the public street network extending from the public right-of-way along the full length of the primary façades of structures being served by the drive aisle (see Figure 25-5.2.4(l): Location of Primary Drive Aisle);
- **(ii)** Have a minimum cross-section width between curbs to serve two travel lanes and accommodate parallel parking spaces along both sides of the drive aisle in areas not needed for turning movements;
- **(iii)** Be striped to designate parallel parking spaces, where appropriate;
- **(iv)** Include a sidewalk or curb-delineated pedestrian path along the front façade of a building when the drive aisle is aligned parallel to that building façade; and
- **(v)** Provide street trees along both sides of the primary drive aisle with a maximum spacing of 40 feet on-center.

Figure 25-5.2.4(l): Location of Primary Drive Aisle



(2) Pedestrian Pathways

Improved pedestrian pathways shall be provided within the parking area in accordance with the following standards:

(i) One minimum five-foot wide pathway providing access from the parking area to an entrance to the use served by the parking is required at a minimum, every six parallel parking rows (every three double-row parking bays) or every 200 feet, whichever is the lesser dimension;

(ii) A landscaping strip shall be provided along one or both sides of each pathway and shall be planted with shade trees spaced at a maximum average distance of 40 feet on center, measured linearly along the pathway from perpendicular lines extending to the center of the tree;

(iii) For parking areas serving Retail Sales and Services uses, pathways shall be at the same grade as the abutting parking surface, or shall provide access points for persons pushing shopping carts spaced a minimum of one every 75 feet along each side of the pathway;

(iv) Pathways shall be aligned with and perpendicular to the primary entrance into the building served by the parking lot, to the maximum extent practicable; and

(v) Pathways shall be paved with asphalt, cement, brick, or other comparable material, and shall be distinguished by contrasting color or materials when crossing drive aisles.

(m) Maintained in Good Repair

Off-street parking and loading areas, including access drives, shall be maintained at all times in a safe condition and in good repair (free from potholes, structural failures, etc.).

(n) Use of Off-Street Parking and Loading Areas

Off-street parking areas required by this section (Section 25-5.2) shall be used solely for the parking of licensed motorized non commercial vehicles in operating condition. Required parking spaces and loading berths shall not be used for a commercial parking off street use

unless prior approval for said use the display of goods for sale or for the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies, except in accordance with a valid temporary use permit.

Sec. 25-5.2.5. Off-Street Parking Space Standards

(a) Minimum and Maximum Off-Street Vehicular Parking Spaces

(1) Minimum and Maximum Parking Standards

(i) New development shall provide the minimum number of off-street vehicular parking spaces required by Table 25-5.2.5(a)(1): Minimum Number of Off-street Parking Spaces, based on the proposed use(s), subject to subsection (2) below, and Sec. 25-5.2.5(b), Off-Street Parking Alternatives. Interpretation of the off-street parking spaces required for unlisted principal uses or principal uses with variable parking demands shall be in accordance with Sec. 25-5.2.5(a)(2)(iv), Unlisted Uses and Uses Having Variable Parking Demand.

(ii) New retail, office, mixed-use, or multifamily development in the CB or UC-MX districts shall not provide more than 125 percent of the minimum number of off-street vehicular parking spaces required in Table 25-5.2.5(a)(1), based on the proposed uses(s), subject to subsection (2) below, and Sec. 25-5.2.5(b), Off-Street Parking Alternatives.

TABLE 25-5.2.5(A)(1): MINIMUM NUMBER OF OFF-STREET PARKING SPACES

PRINCIPAL USE CATEGORY/TYPE	MINIMUM NUMBER OF PARKING SPACES
	ALL DISTRICTS EXCEPT CB [1] [2]
ALL AGRICULTURAL/RURAL	
Agriculture	No minimum
Agritourism	No minimum
Equestrian Center	No minimum
Feedlot	No minimum
Forestry	No minimum
Riding and boarding stable	No minimum
Rural retreat	1.0 per 4 guests
RESIDENTIAL	
Household Living	
Dwelling unit, Single-family detached	2.0 per du
Dwelling unit, Single-family attached	2.0 per du
Dwelling unit, Duplex	2.0 per du
Dwelling unit, Triplex or Fourplex	2.0 per du
Dwelling unit, Live-work unit	2.0 per du
Dwelling unit, Multifamily	1.5 per du (studio – 2 BR) 2.0 per du (3+ BR)

TABLE 25-5.2.5(A)(1): MINIMUM NUMBER OF OFF-STREET PARKING SPACES

PRINCIPAL USE CATEGORY/TYPE	MINIMUM NUMBER OF PARKING SPACES
	ALL DISTRICTS EXCEPT CB [1] [2]
Dwelling unit, Manufactured home	2.0 per du
Manufactured home park	2.0 per du
Group Living	
Boarding house	1.0 per bedroom
Cooperative house	1.0 per bedroom
Dormitory	0.5 per bedroom
Fraternity or sorority house	1.0 per bedroom
Residential care home	1.0 per 3 beds
Residential care facility	1.0 per 3 beds
CIVIC/INSTITUTIONAL	
Communication	
Broadcasting studio	1.0 per 200 sf
Data center	No minimum
Wireless telecommunications facility	No minimum
Community Service	
Animal shelter	2.0 per 1,000 sf
Childcare facility	1.0 per 400 sf
Civic, social, or fraternal organization	1.0 per 250 sf
Community garden	No minimum
Cultural facility	2.5 per 1,000 sf
Government building	3.0 per 1,000 sf
Post office	3.3 per 1,000 sf
Public assembly, Indoor	1.0 per 8 seats
Public safety facility	3.0 per 1,000 sf
Recreation facility, Public or quasi-public	No minimum
Education	
College or University	Alternative parking plan required
School, Elementary, middle, or high	Elementary and middle: 1.0 per 8 students design capacity High school: 1.0 per 2 students design capacity
Technical or Trade School	2.5 per 1,000 sf
Funeral and Mortuary Services	
Crematory	No minimum
Funeral home or mortuary	1.0 per 150 sf assembly area
Health Care	
Hospital	2.5 per 1,000 sf
Medical or dental laboratory	2.0 per 1,000 sf
Medical or dental office/clinic	3.3 per 1,000 sf

TABLE 25-5.2.5(A)(1): MINIMUM NUMBER OF OFF-STREET PARKING SPACES

PRINCIPAL USE CATEGORY/TYPE	MINIMUM NUMBER OF PARKING SPACES
	ALL DISTRICTS EXCEPT CB [1] [2]
Nursing home	1.0 per 4 beds
Parks and Open space	
Arboretum or botanical garden	No minimum
Cemetery	No minimum
Park or greenway	No minimum
Transportation	
Airport	Alternative parking plan required
Parking (as principal use)	n/a
Passenger terminal, surface transportation	Alternative parking plan required
Rail transportation support facility	No minimum
Truck or Commercial Parking Off Street	Alternative Parking Plan required
Utilities	
Solar energy collection system, Large scale	2.0 per 1,000 sf office facilities
Utility facility, Major	2.0 per 1,000 sf office facilities
Utility facility, Minor	No minimum
COMMERCIAL	
Animal Care	
Kennel	2.0 per 1,000 sf
Pet care service	4.0 per 1,000 sf
Veterinary hospital or clinic	3.0 per 1,000 sf
Business Service	
Business service center	3.0 per 1,000 sf
Conference or training center	4.0 per 1,000 sf
Eating or Drinking Establishments	
Bar	1.0 per 125 sf seating area
Brewpub	
Microbrewery	
Nightclub	
Restaurant	
Office	
Office, Contractor	1.5 per 1,000 sf
Office, General business and professional	3.0 per 1,000 sf
Personal Services	
Dry-cleaning service	1.2 per 1,000 sf
Laundry, Self-service	2.0 per 1,000 sf

TABLE 25-5.2.5(A)(1): MINIMUM NUMBER OF OFF-STREET PARKING SPACES

PRINCIPAL USE CATEGORY/TYPE	MINIMUM NUMBER OF PARKING SPACES
	ALL DISTRICTS EXCEPT CB [1] [2]
Personal grooming or well-being service	2.0 per 1,000 sf
Personal or household goods repair	2.0 per 1,000 sf
Studio	2.0 per 1,000 sf
Recreation/Entertainment	
Art gallery	2.5 per 1,000 sf
Country club	2.5 per 1,000 sf
Golf course	5.0 per hole
Performing arts center	1.0 per 4 seats design capacity
Recreation facility, Indoor	5.0 per 1,000 sf
Recreation facility, Outdoor	1.0 per 5 seats or 1.0 per 5,000 sf outdoor area
Sexually-oriented business	3.3 per 1,000 sf
Stadium, arena, or amphitheater	3.0 per 1,000 sf
Retail Sales and Services	
ABC store	3.3 per 1,000 sf
Bank or financial institution	3.3 per 1,000 sf
Consumer goods establishment	3.3 per 1,000 sf
Pawnshop	3.3 per 1,000 sf
Self-service storage	1.0 per 200 rental spaces
Self-service storage, indoor climate controlled	1.0 per 200 rental spaces
Small loan establishment	3.3 per 1,000 sf
Vehicle Sales and Services	
Commercial fuel depot	1.0 per employee
Commercial vehicles sales and rentals	3.3 per 1,000 sf
Commercial vehicle service and repair	3.0 per repair bay
Personal vehicle car wash	3 per wash bay
Personal vehicle sales and rental	3.3 per 1,000 sf
Personal vehicle service and repair	3.0 per repair bay
Vehicle fueling station	3.3 per 1,000 sf
Visitor Accommodations	
Campground	1.0 per campsite
Hotel or motel	1.0 per bedroom
Tourist home	1.0 plus 1.0 per bedroom

TABLE 25-5.2.5(A)(1): MINIMUM NUMBER OF OFF-STREET PARKING SPACES

PRINCIPAL USE CATEGORY/TYPE	MINIMUM NUMBER OF PARKING SPACES
	ALL DISTRICTS EXCEPT CB [1] [2]
INDUSTRIAL	
Industrial Services	
Industrial services, General	1.5 per 1,000 sf
Research laboratories	
Manufacturing, Assembly, and Processing	
Lumber yard or mill	1.5 per 1,000 sf
Manufacturing, assembly, or processing, Light	
Manufacturing, assembly, or processing, General	
Manufacturing, assembly or processing, heavy	
Slaughterhouse	
Warehousing Freight Movement, and Wholesale Sales	
Motor freight terminal	1.0 per 1.5 employees
Warehousing, General	1.5 per 1,000 sf
Warehousing, Hazardous materials	1.5 per 1,000 sf
Wholesale sales	1.5 per 1,000 sf
Waste-Related Uses	
Composting facility	1.5 per 1,000 sf office facilities
Junk/salvage yard	1.5 per 1,000 sf office facilities
Recycling plant	1.5 per 1,000 sf
Solid waste collection and disposal	1.5 per 1,000 sf office facilities
[1] CB: No minimum number of parking spaces is required by this Ordinance. [2] UC-MX: All parking must be contained on the site of the development, or on adjacent property (adjacent property may be separated by an alley), or provided for with a shared parking agreement with an adjoining property owner.	

(2) Rules for Calculating Minimum and Maximum Spaces

(i) Fractions

When calculation of the minimum number of required parking spaces or maximum allowed parking spaces results in a fractional number, a fraction of less than 0.5 shall be disregarded and a fraction of 0.5 or more shall be rounded to the next highest whole number.

(ii) Parking Structure Spaces Not Counted Toward Maximum

Parking spaces within an above-ground or an underground parking structure do not count toward the maximum number of parking spaces in Sec. 25-5.2.5(a), Minimum and Maximum Off-Street Vehicular Parking Spaces.

(iii) Development Having Multiple Uses

a. Except as otherwise provided in subsection b below, where there are multiple uses within a structure or on a parcel, the minimum and maximum standards in Sec. 25-5.2.5(a), Minimum and Maximum Off-Street Vehicular Parking Spaces, shall be applied to each use based on the extent of the use.

b. The minimum number of off-street parking spaces for developments having more than one use category or type identified in Table 25-5.2.5(a)(2): Time of Day Demand Factors, shall be calculated using the following methodology:

1. Determine the minimum number of off-street vehicular parking spaces required by Table 25-5.2.5(a)(1) for each component principal use in the development.

2. Multiply the number determined for each use under subsection 1 above, by the corresponding percentages for each of the six time periods in the columns of Table 25-5.2.5(a)(2) below. The resulting amounts represent the time-specific peak demand levels expected for each principal use.

3. For each time period (in the columns of Table 25-5.2.5(a)(2)), sum the numbers calculated under subsection 2 above, for all proposed land uses (rounding down all fractions). These sums represent the total estimated shared demand for each time period throughout a typical day.

4. The highest total (for a time period) calculated under subsection 3 above, is the minimum number of off-street parking spaces required for the development.

TABLE 25-5.2.5(A)(2): TIME OF DAY DEMAND FACTORS

USE	WEEKDAY			WEEKEND		
	2:00 A.M. TO 7:00 A.M.	7:00 A.M. TO 6:00 P.M.	6:00 P.M. TO 2:00 A.M.	2:00 A.M. TO 7:00 A.M.	7:00 A.M. TO 6:00 P.M.	6:00 P.M. TO 2:00 A.M.
Office	20%	100%	20%	0%	10%	0%
Retail Sales and Services	0%	100%	80%	0%	100%	60%
Restaurant	20%	80%	100%	20%	80%	100%
Residential	100%	60%	100%	100%	80%	100%
Hotel or motel	100%	60%	100%	100%	60%	100%
Personal Services	20%	100%	40%	0%	60%	0%
Conference or training center	0%	60%	100%	0%	80%	100%
All other uses	Use 100% of requirements from Table 25-5.2.5(a)(1)					

(iv) Unlisted Uses and Uses Having Variable Parking Demand

a. An applicant proposing to develop a use that references this section in Table 25-5.2.5(a)(1): Minimum Number of Off-street Parking Spaces, or a use not listed in Table 25-5.2.5(a)(1), shall propose required minimum and allowed maximum off-street vehicular parking for the use using one of the three methods set forth in subsection b below.

b. On receiving an application the proposes minimum and maximum parking in accordance with subsection a above, the Director shall review the applicant's proposed amount of off-street parking for the use and shall determine the required minimum and allowed maximum off-street vehicular parking for the use using one of the following methods:

1. Apply the standards for minimum required and maximum allowed off-street parking spaces specified in Sec. 25-5.2.5(a), Minimum and Maximum Off-Street Vehicular Parking Spaces, for the listed use that is deemed most similar to the proposed use;

2. Establish the minimum required and maximum allowed off-street parking spaces by reference to resources published by the Institute for Transportation Engineers (ITE), or other professionally accepted sources, with the maximum allowed number of parking spaces not to exceed 125 percent of the minimum required number of parking spaces; or

3. Require that the applicant conduct a parking demand study to demonstrate the appropriate minimum requirement and maximum allowance for off-street parking spaces. The study shall estimate parking demand based on the recommendations of the ITE, or another acceptable source of parking demand data. This demand study shall include relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

(b) Off-Street Parking Alternatives

(1) Alternative Parking Plan

(i) The Director is authorized to approve an alternative parking plan that proposes any of the following as an alternative to the provision of off-street vehicular parking spaces in accordance with Sec. 25-5.2.5(a), Minimum and Maximum Off-Street Vehicular Parking Spaces:

a. Parking spaces that exceed the maximum number of allowed spaces, in accordance with subsection (2) below; or

b. One or more off-street parking alternative(s) set forth in subsections (3) through (6) below.

(ii) An alternative parking plan may be submitted with an application for a planned development district (see Sec. 25-2.4.3), special exception permit (see Sec. 25-2.4.4), site plan (major or minor) (see Sec. 25-2.4.5), building permit (see Sec. 25-2.4.7), or certificate of occupancy (see Sec. 25-2.4.13).

(2) Provision of Parking Spaces Over Maximum Allowed

An alternative parking plan may propose to exceed the maximum number of off-street vehicular parking spaces allowed by Sec. 25-5.2.5(a), Minimum and Maximum Off-

Street Vehicular Parking Spaces. The Director shall approve such a plan only on finding a parking demand study prepared by a professional transportation engineer demonstrates how the maximum number of parking spaces allowed by Sec. 25-5.2.5(a) is insufficient for the proposed development.

(3) Shared Parking for Single-Use Development

An applicant for a development having only one principal use may meet a portion of the minimum number of off-street vehicular parking spaces required for that use by Sec. 25-5.2.5(a), Minimum and Maximum Off-Street Vehicular Parking Spaces, through sharing parking with other existing uses. Such use of shared parking may be approved through an alternative parking plan (see Sec. 25-5.2.5(b)(1), Alternative Parking Plan) in accordance with subsections (i) through (vii) below.

(i) Adequate Spaces

Shared parking is allowed only where there are adequate parking spaces for current developments relying on the shared parking lot.

(ii) Maximum Shared Spaces

Up to 60 percent of the number of parking spaces required for the use may be shared with other uses, provided that the time periods having the highest parking demands do not overlap for the uses.

(iii) Location

a. Shared parking spaces shall be located adjacent to the development or on the same block and within 800 feet of the primary pedestrian entrances to the uses served by the parking, measured along the pedestrian walkway from the shared parking area to the primary pedestrian entrance, not necessarily along a straight line (see subsection iv below).

b. Shared parking spaces shall not be separated from the use they serve by a principal arterial or higher classified street.

(iv) Pedestrian Access

Adequate and safe pedestrian access by a walkway protected by a landscape buffer or a curb separation and elevation from the street grade shall be provided between the shared parking areas and the primary pedestrian entrances to the uses served by the shared parking.

(v) Signage Directing Public to Parking Spaces

Signage shall be provided to direct the public to the shared parking spaces.

(vi) Justification

The alternative parking plan shall include justification of the feasibility of shared parking among all uses proposed to share parking, using methods from ITE, ULI, or another acceptable source. Such justification shall address, at a minimum, the size and type of the uses proposed to share off-street vehicular parking spaces, the composition of their tenants, the types and hours of their operations, the anticipated peak parking and traffic demands they generate, and the anticipated rate of turnover in parking space use.

(vii) Shared Parking Agreement

An approved shared parking arrangement shall be enforced through written agreement among all the owners or long-term lessees of lands containing the uses proposed to share off-street vehicular parking spaces, in accordance with subsections a through f below.

a. The agreement shall provide all parties the right to joint use of the shared parking area for at least 15 years, and shall ensure that as long as the off-site parking is needed to comply with this section, land containing either the off-site parking area or the served use will not be transferred, except in conjunction with the right to maintain the off-site parking spaces.

b. The agreement shall state that no party can cancel the agreement without first sending notice by certified mail to the Director, at least 90 days prior to the termination of the agreement.

c. The agreement shall be submitted to the Director for review and comment, and then to the City Attorney for review and approval before execution.

d. An attested copy of an approved and executed agreement shall be recorded with the Register of Deeds before issuance of a certificate of occupancy for any use to be served by the shared parking area.

e. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowners. A violation of the agreement shall constitute a violation of this Ordinance, which may be enforced in accordance with Article 25-7: Enforcement.

f. No use served by the shared parking agreement may be continued if the shared parking becomes unavailable to the use, unless substitute off-street vehicular parking spaces are provided in accordance with this section (Section 25-5.2).

(4) Off-Site Parking

An applicant may propose to meet a portion of the minimum number of off-street vehicular parking spaces required for a use by Sec. 25-5.2.5(a), Minimum and Maximum Off-Street Vehicular Parking Spaces, using off-site parking, i.e. off-street vehicular parking spaces located on a parcel or lot separate from the parcel or lot containing the use. Such use of off-site parking may be approved through an alternative parking plan (see Sec. 25-5.2.5(b)(1), Alternative Parking Plan) in accordance with subsections (i) through (v) below.

(i) Zoning District Classification

The zoning district classification of the land where the off-site vehicular parking is proposed shall be one that allows the use served by off-site parking (and thus off-street parking accessory to such use), or that allows the parking as a principal use.

(ii) Location

a. Off-site parking spaces shall be located within the following distances of the primary pedestrian entrances to the uses served by the parking:

1. For residential uses, including mixed-use dwelling units: 400 feet; and

2. For all other uses: 600 feet.

b. The distances specified in subsection a above, shall be measured along the pedestrian walkway from the off-site parking area to the primary pedestrian entrance, not necessarily along a straight line (see subsection iv below).

(iii) Space Clearly Marked

Each parking space shall be clearly marked with signage that:

a. Indicates that the space is reserved exclusively for the use being served, and that the user may cause violators to be towed;

b. Does not exceed two square feet in sign area; and

c. Does not include any commercial message.

(iv) Pedestrian Access

Adequate, safe, and well-lit pedestrian access shall be provided between the off-site vehicular parking area and the primary pedestrian entrances to the use served by the off-site parking.

(v) Off-Site Parking Agreement

If land containing the off-site vehicular parking area is not under the same ownership as land containing the principal use served, the off-site parking arrangement shall be established in a written agreement between the owners of land containing the off-site vehicular parking area and land containing the served use. The agreement shall comply with the following requirements:

a. The agreement shall provide the owner of the served use the right to use the off-site vehicular parking area for at least 15 years, and shall specify that the parking spaces are for the exclusive use of the served use, including any customers and employees;

b. The agreement shall state that no party can cancel the agreement without first sending notice by certified mail to the Director, at least 90 days prior to the termination of the agreement;

c. The agreement shall be submitted to the Director, for review and comment, and then to the City Attorney, for review and approval before execution;

d. An attested copy of an approved and executed agreement shall be recorded with the Register of Deeds before issuance of a certificate of occupancy for any use to be served by the off-site parking area;

e. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner(s);

f. A violation of the agreement shall constitute a violation of this Ordinance, which may be enforced in accordance with 25-7: Enforcement; and

g. No use served by the off-site vehicular parking may be continued if the off-site parking becomes unavailable, unless substitute off-street parking spaces are provided in accordance with this section (Section 25-5.2).

(5) Deferred Parking

An applicant may propose to defer construction of up to 25 percent of the number of off-street vehicular parking spaces required by Sec. 25-5.2.5(a), Minimum and Maximum Off-Street Vehicular Parking Spaces. Such a deferral may be approved through an alternative parking plan (see Sec. 25-5.2.5(b)(1), Alternative Parking Plan) in accordance with subsections (i) through (v) below.

(i) Justification

The alternative parking plan shall include a study demonstrating that because of the location, nature, or mix of uses, there is a reasonable probability the number of vehicular parking spaces actually needed to serve the development is less than the minimum required by Sec. 25-5.2.5(a), Minimum and Maximum Off-Street Vehicular Parking Spaces.

(ii) Reserve Parking Plan

The alternative parking plan shall include a reserve parking plan identifying:

a. The amount of off-street vehicular parking being deferred; and

b. The location of the area to be reserved for future parking, if future parking is needed.

(iii) Parking Demand Study

a. The alternative parking plan shall provide assurance that within two years after the initial certificate of compliance is issued for the proposed development, an off-street parking demand study evaluating the adequacy of the existing parking spaces in meeting the off-street vehicular parking demand generated by the development will be submitted to the Director.

b. If the Director determines that the study demonstrates the existing vehicular parking is adequate, then construction of the remaining number of vehicular parking spaces shall not be required, and the land area may be used for other purposes. If the Director determines the study indicates additional parking is needed, such parking shall be provided consistent with the reserve parking plan and the standards of this section (Section 25-5.2).

(iv) Limitations on Reserve Areas

Areas reserved for future vehicular parking shall not be used for buildings, storage, loading, or other purposes. Such area may be used for temporary overflow parking, provided such use is sufficiently infrequent to ensure maintenance of its ground cover in a healthy condition.

(v) Landscaping of Reserve Areas Required

Areas reserved for future off-street vehicular parking shall be landscaped with an appropriate ground cover, and if ultimately developed for off-street parking, shall be landscaped in accordance with Section 25-5.3, Landscaping and Buffer Standards.

(6) Valet and Tandem Parking

An applicant may propose to use valet or tandem parking to meet a portion of the minimum number of off-street vehicular parking spaces required for commercial uses by Sec. 25-5.2.5(a), Minimum and Maximum Off-Street Vehicular Parking Spaces.

Such use of valet or tandem parking may be approved through an alternative parking plan (see Sec. 25-5.2.5(b)(1), Alternative Parking Plan) in accordance with subsections (i) through (iii) below.

(i) Number of Valet or Tandem Spaces

The maximum percentage of the total number of off-street vehicular parking spaces provided that may be designated for valet and tandem spaces are set forth in Table 25-5.2.5(b)(6): Maximum Percentage of Total Spaces Used for Valet and Tandem Parking.

TABLE 25-5.2.5(B)(6): MAXIMUM PERCENTAGE OF TOTAL SPACES USED FOR VALET AND TANDEM PARKING

USE	MAXIMUM PERCENTAGE OF OFF-STREET PARKING SPACES DESIGNATED FOR VALET AND TANDEM SPACES
Hotel	60
Restaurant	50
All Other Commercial Uses	35

(ii) Drop-Off and Pick-Up Areas

The development shall provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building(s) served, but may not be located in a fire lane or where its use would impede vehicular or pedestrian circulation, cause queuing in a public street, or impede an internal drive aisle serving the development. The use of sidewalks for the stationing of vehicles is prohibited.

(iii) Valet or Tandem Parking Agreement

Valet or tandem parking may be established and managed only in accordance with a valet or tandem parking agreement that complies with the following requirements:

a. The agreement shall be for a minimum of 10 years and shall include provisions ensuring that a valet parking attendant will be on duty during hours of operation of the uses served by the valet parking.

b. The agreement shall be submitted to the Director for review and comment, and then to the City Attorney for review and approval before execution.

c. An attested copy of an approved and executed agreement shall be recorded in the office of the Register of Deeds before issuance of a certificate of occupancy for any use to be served by the valet or tandem parking.

d. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner(s). A violation of the agreement shall constitute a violation of this Ordinance, which may be enforced in accordance with Article 25-7: Enforcement.

e. No use served by valet or tandem parking may be continued if the valet or tandem service becomes unavailable, unless substitute off-street vehicular parking spaces are provided in accordance with this section (Section 25-5.2).

Sec. 25-5.2.6. Minimum Off-Street Loading Berths

New development in any district except the CB district that involves routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development shall provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner. (Development in the CB district shall not reduce the number of existing loading berths on the site.) Table 25-5.2.6: Minimum Number of Off-street Loading Berths, sets forth the minimum number of loading berths for the different principal uses. For proposed uses not listed in Table 25-5.2.6, the requirement for a use most similar to the proposed use, as determined by the Director, shall apply.

TABLE 25-5.2.6: MINIMUM NUMBER OF OFF-STREET LOADING BERTHS

PRINCIPAL USE CLASSIFICATION/ CATEGORY	GROSS FLOOR AREA (GFA)	MINIMUM NUMBER OF LOADING BERTHS
COMMERCIAL CIVIC/INSTITUTIONAL, AND INDUSTRIAL USES		
Office Uses; Eating or Drinking Establishment Uses; Stadium, Arena or Amphitheater	At least 3,000 sq. ft. and up to 75,000 sq. ft.	1
	Each additional 100,000 SF or major fraction thereof	Add 1
Commercial, Civic/Institutional, and Industrial Uses	At least 2,400 sq. ft. but less than 15,000 sq. ft.	1
	Each additional 40,000 sq. ft.	Add 1

Sec. 25-5.2.7. Bicycle Parking Standards

(a) Minimum Required Bicycle Parking

Bicycle parking spaces are required in the CB and CR district in accordance with Table 25-5.2.6(a): Minimum Bicycle Parking Standards for CB and CR Districts, based on the development's principal use(s), for the following:

(1) New development; and

(2) Any individual expansion or alteration of a building existing prior to ___ [*insert the effective date of this Ordinance*] if the expansion increases the building's gross floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's gross floor area (including interior alterations).

TABLE 25-5.2.6(A): MINIMUM BICYCLE PARKING STANDARDS FOR CB AND CR DISTRICTS

PRINCIPAL USE	REQUIRED MINIMUM NUMBER OF BICYCLE PARKING SPACES
RESIDENTIAL USES	
Dwelling unit, Multifamily	1 per 5 dwelling units
Dormitory	1 per 4 dwelling units
All other Residential uses	No minimum

CIVIC/INSTITUTIONAL USES	
Public assembly, Indoor	1 per 1,500 gross square feet (gsf) of assembly area
All other Community Service uses	1 per 2,000 gsf
Education uses	1 per 8 students planned capacity
Health Care uses	1 per 10,000 gsf
Airport	No minimum
Parking (as principal use)	1 per 20 automobile parking space (min. 4 and max. 40)
Passenger terminal, surface transportation	1 per every 10 projected a.m. peak period daily riders
Rail transportation support facility	No minimum
Solar energy collection system, Large scale	No minimum
Utility facility, Minor	No minimum
All other Civic/Institutional uses	1 per 10,000 gsf
COMMERCIAL USES	
Animal Care uses	2
Business Service uses	1 per 2,000 gsf
Eating or Drinking Establishment uses	1 per 2,000 gsf
Office uses	1 per 2,000 gsf
Personal Services	1 per 2, gsf
Performing arts center	1 per 40 seats
Stadium, arena, or amphitheater	1 per 40 seats plus 1 per 3,000 gsf of non-seated area
All other Recreation/Entertainment uses	1 per 40 seats plus 1 per 3,000 gsf of non-seated area
Retail Sales and Services uses	1 per 2,000 gsf
Vehicle Sales and Services	2
Visitor Accommodations	2
INDUSTRIAL USES	
Industrial Services	1 per 10,000 gsf
All other Industrial uses	No minimum

NOTES:

[1] When calculation of the minimum number of required spaces results in a fractional number, that fractional number shall be rounded to the next highest whole number.

(b) Reduction Based on Alternative Bicycle Parking Plan

The Director may authorize up to a 35 percent reduction in the minimum number of bicycle parking spaces required by Sec. 25-5.2.7(a), Minimum Required Bicycle Parking, if the applicant submits an alternative bicycle parking plan that:

(1) Demonstrates the demand and need for bicycle parking on the site is less than required by this section because of the site's location, the site design, proximity to transit, or other factors; or

(2) Offers a strategy that demonstrates other non-auto and non-bicycle travel modes will be used by occupants and users of the development that reduces the demand for bicycle parking spaces.

(c) General Bicycle Parking Standards

(1) Each bicycle parking space shall be located on a paved or similar hard, all-weather surface, having a slope not greater than three percent.

(2) Lighting shall be provided for bicycle parking spaces that are accessible to the public or bicyclists after dark.

(3) Bicycle parking is encouraged to be visible from the main entrance of the building it serves; however, directional signage shall be provided where a bicycle parking space is not visible from a main entrance to the building for which the bicycle parking space is required.

(4) The minimum dimensional requirements for a bicycle parking space are:

(i) Six feet long by two feet wide (see Figure 25-5.2.7(a)1: Illustration of Bicycle Parking Space and Parking Rack Dimensional Standards); or

(ii) If designed for vertical storage, four feet long by two feet wide by eight feet high (see Figure 25-5.2.6(a)2: Illustration of Vertical Bicycle Parking Dimensional Standards).

Figure 25-5.2.7(a)1: Illustration of Bicycle Parking Space and Parking Rack Dimensional Standards

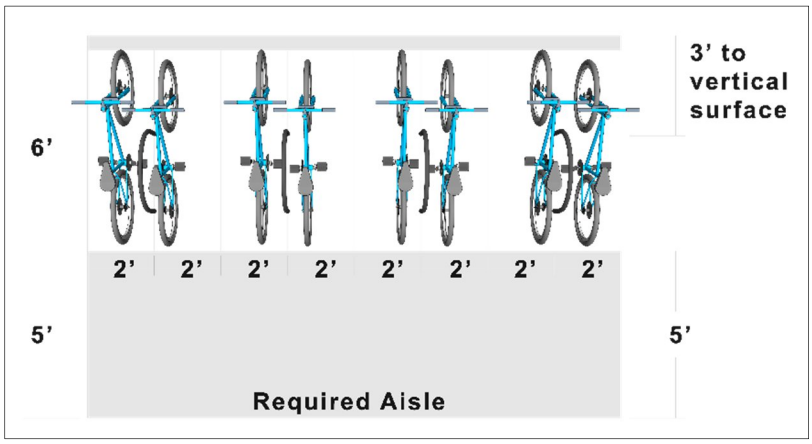
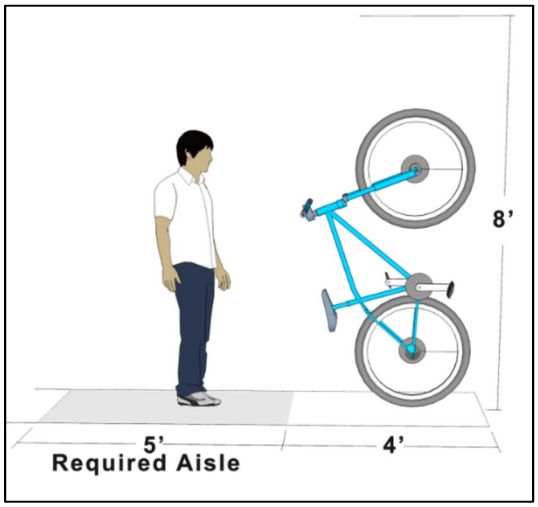


Figure 25-5.2.7(a)2: Illustration of Vertical Bicycle Parking Dimensional Standards



(5) Each bicycle parking space shall be accessible without moving another parked bicycle, unless bicycle parking and retrieval services are offered.

(6) Not more than 35 percent of required bicycle parking spaces may be vertical or wall-mounted parking, unless bicycle parking and retrieval services are offered.

(7) A bicycle parking rack shall:

- **(i)** Allow for the securing of the frame and at least one wheel of a bicycle in a bicycle parking space to the rack with an industry-standard U-shaped bike lock;
- **(ii)** Provide each bicycle parking space with support for a bicycle in a stable position with direct support to the bicycle frame;
- **(iii)** Be securely anchored to the ground or to a structural element of a building or other structure;
- **(iv)** Be designed and located so it does not block pedestrian circulation systems and pedestrian pathways;
- **(v)** Be constructed of materials designed to withstand cutting, severe weather, and permanent exposure to the elements, such as powder-coated steel or stainless steel;
- **(vi)** An aisle or other walking area, depending on the configuration of the bicycle parking, shall be provided in the direction from which bicycles are loaded onto the rack, between all bicycle parking spaces served by the rack and any bicycle spaces served by another bicycle parking rack, vehicular surface areas, or obstructions, including but not limited to fences, walls, doors, posts, columns, or landscaping areas (see Figure 25-5.2.7(a)1: Illustration of Bicycle Parking Space and Parking Rack Dimensional Standards, and Figure 25-5.2.6(a)2: Illustration of Vertical Bicycle Parking Dimensional Standards);
- **(vii)** Be located at least three feet from any vertical surface, such as another bicycle parking rack, the side of a building, a tree, or a fence or wall (see Figure 25-5.2.7(a)1: Illustration of Bicycle Parking Space and Parking Rack Dimensional Standards); and

(viii) Be separated from any abutting vehicular surface area by at least three feet and a physical barrier, such as curbing, wheel stops, reflective wands, bollards, or a fence or wall.

(8) Bicycle parking areas shall be maintained free of inoperable bicycles (such as bicycles with flat tires or missing parts) and debris. Bicycle parking racks shall be maintained in good repair, securely anchored, and free of rust.

(9) Unless otherwise provided by subsection (i) or (ii) below, bicycle parking spaces shall be located within 75 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route.

(i) A bicycle parking space that is located in a bicycle parking area serving more than one use shall be located within 150 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route.

(ii) Long-term bicycle parking that provides enhanced protection from weather, theft, and vandalism, such as bicycle lockers or designated and secured indoor storage areas, shall be located within 500 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route.

SECTION 25-5.3. LANDSCAPING AND BUFFER STANDARDS

Sec. 25-5.3.1. Purpose and Intent

The purpose and intent of these landscaping and buffer standards are to promote the general health, safety, and welfare by:

(a) Improving the quality of the built and natural environments through improved air quality, energy conservation, reduced stormwater runoff and erosion, increased capacity for groundwater recharge, reduced heat island effect, and growth of native plants and trees;

(b) Protecting and enhancing the value of property in the City and minimizing potential conflicts between incompatible abutting developments;

(c) Enhancing the appearance of buildings and parking lots; and

(d) Enhancing the City's streetscapes by:

(1) Separating pedestrians from motor vehicles;

(2) Abating glare and moderating temperatures of impervious areas;

(3) Filtering air of fumes and dust;

(4) Providing shade;

(5) Attenuating noise; and

(6) Reducing the visual impact of large expanses of pavement.

Sec. 25-5.3.2. Applicability

(a) General

Unless exempted by subsection (b), below, the standards of this section apply to:

(1) All new development; and

(2) Expansion or alteration of a building if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area (including interior alterations).

(b) Exemptions

(1) The following are exempt from all standards in this section:

- **(i)** Development of a single-family detached or duplex dwelling unit on a single lot;
- **(ii)** Uses in the Agricultural/Rural use classification;
- **(iii)** Off-street surface parking areas in the I District containing fewer than 50 parking spaces; and
- **(iv)** Sites containing only unoccupied public utility equipment that is completely screened from view from adjoining rights-of-way and lots.

(2) The following are exempt from the standards in Sec. 25-5.3.4, Foundation Landscaping:

- **(i)** Development in the CB or UC-MX districts; and
- **(ii)** Residential development other than multifamily and mixed-use development.

(3) The following are exempt from the standards in Sec. 25-5.3.5(b), Perimeter Landscaping:

- **(i)** Parking areas of less than 5,000 square feet or having fewer than 15 parking spaces; and
- **(ii)** Portions of parking areas that border national- or state-owned wildlife preserves, navigable waterways, jurisdictional wetlands as defined by the U.S. Army Corps of Engineers, or floodways.

(4) Parking areas of less than 5,000 square feet or having fewer than 15 parking spaces are exempt from the standards in Sec. 25-5.3.5(c), Interior Landscaping.

(c) Timing of Review

Review for compliance with the standards of this section shall occur during review of applications for a planned development district (see Sec. 25-2.4.3), special exception permit (see Sec. 25-2.4.4), site plan (major or minor) (see Sec. 25-2.4.5), building permit (see Sec. 25-2.4.7), or certificate of occupancy (see Sec. 25-2.4.13), as appropriate.

(d) Installation or Performance Bond Required

(1) No certificate of occupancy shall be issued until all landscaping required by this section has been installed, or a performance bond or an irrevocable letter of credit has been posted in accordance with subsection (2) below.

(2) When circumstances preclude immediate planting, a certificate of occupancy may be granted after:

- **(i)** The owner or developer completes all curbing, irrigation systems, and other improvements preliminary to planting; and
- **(ii)** The property owner or developer posts a performance bond, or irrevocable letter of credit with the Planning Department in an amount equal to 125 percent of the cost of the total required planting, including labor. Surety shall be made payable to the City. Landscaping must be completed and approved within nine months

after a certificate of occupancy is issued in order to redeem the bond. If the installation of the required landscaping is not completed during this period, the Director may obtain funds pursuant to the surety and use them to complete the installation of the required landscaping.

Sec. 25-5.3.3. Landscaped Buffers

(a) Buffer Types Defined

Table 25-5.3.3(a): Landscaped Buffer Options, defines four types of landscaped buffers based on their function and minimum width and screening requirements. Each landscaped buffer type includes three options to satisfy minimum width and screening requirements.

TABLE 25-5.3.3(A): LANDSCAPED BUFFER OPTIONS

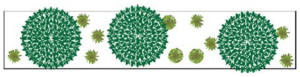
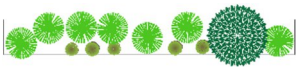
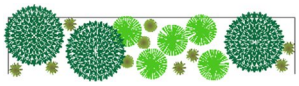
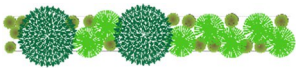
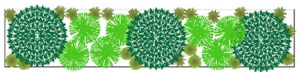
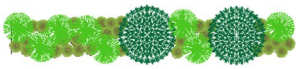
BUFFER TYPE AND DESCRIPTION	MINIMUM WIDTH AND SCREENING REQUIRED		
	OPTION 1	OPTION 2	OPTION 3 [1]
TYPE A: BASIC BUFFER			
 Functions as a basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of eight feet.	**Minimum Width:** 20 ft **Minimum Plantings:** (per 100 linear feet) 3 large trees *Illustration:* 	**Minimum Width:** 12 ft **Berm:** Minimum Height: 4 ft **Minimum Plantings:** (per 100 linear feet) 1 large tree 6 small or medium trees *Illustration:* 	**Minimum Width:** 8 ft **Fence or Wall:** Minimum Height: 3 ft Minimum Opacity: 25% **Minimum Plantings:** (per 100 linear feet) 6 medium trees 5 evergreen shrubs
TYPE B: AESTHETIC BUFFER			
 Functions as an intermittent visual obstruction from the ground to 20 feet, and creates the impression of spatial separation without eliminating visual contact between uses.	**Minimum Width:** 20 ft **Minimum Plantings:** (per 100 linear feet) 3 large trees 3 shrubs *Illustration:* 	**Minimum Width:** 12 ft **Berm:** Minimum Height: 4 ft **Minimum Plantings:** (per 100 linear feet) 1 large tree 7 small or medium trees 5 shrubs *Illustration:* 	**Minimum Width:** 8 ft **Fence or Wall:** Minimum Height: 4 ft Minimum Opacity: 50% **Minimum Plantings:** (per 100 linear feet) 6 medium trees 10 evergreen shrubs

TABLE 25-5.3.3(A): LANDSCAPED BUFFER OPTIONS

BUFFER TYPE AND DESCRIPTION	MINIMUM WIDTH AND SCREENING REQUIRED		
	OPTION 1	OPTION 2	OPTION 3 [1]
TYPE C: SEMI OPAQUE BUFFER			
 Functions as a semi-opaque screen from the ground to at least a height of four feet.	**Minimum Width:** 20 ft **Minimum Plantings:** (per 100 linear feet) 3 large trees 5 small or medium trees 10 shrubs *Illustration:* 	**Minimum Width:** 12 ft **Berm:** Minimum Height: 4 ft **Minimum Plantings:** (per 100 linear feet) 2 large trees 7 small or medium trees 15 shrubs *Illustration:* 	**Minimum Width:** 8 ft **Fence or Wall:** Minimum Height: 6 ft Minimum Opacity: 50% **Minimum Plantings:** (per 100 linear feet) 6 medium trees 15 evergreen shrubs
TYPE D: OPAQUE BUFFER			
 Functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong separation.	**Minimum Width:** 20 ft **Minimum Plantings:** (per 100 linear feet) 3 large trees 7 small trees 20 shrubs *Illustration:* 	**Minimum Width:** 12 ft **Berm:** Minimum Height: 4 ft **Minimum Plantings:** (per 100 linear feet) 2 large trees 8 small trees 30 shrubs *Illustration:* 	**Minimum Width:** 8 ft **Fence or Wall:** Minimum Height: 6 ft Minimum Opacity: 100% **Minimum Plantings:** (per 100 linear feet) 6 medium trees 20 evergreen shrubs

NOTES:

[1] The use of Option 3 requires approval by the Board of Zoning Adjustment if it determines it to be comparable in effect to the landscaping and buffer standards in Options 1 and 2.

(b) Required Landscaped Buffer Type

Table 25-5.3.3(b): Required Landscaped Buffer Type, specifies the type of landscaped buffer that new development shall provide between it and adjacent property, based on the proposed use of the development site and the use of the adjacent property, or, if the adjacent land is vacant, the zoning district classification of the adjacent land. The required landscaped buffer types in Table 25-5.3.3(b) are indicated by letters corresponding to the landscaped buffer types defined in Table 25-5.3.3(a): Landscaped Buffer Options.

TABLE 25-5.3.3(B): REQUIRED LANDSCAPED BUFFER TYPE

A = TYPE A BUFFER B = TYPE B BUFFER C = TYPE C BUFFER D = TYPE D BUFFER
"-" = BUFFER NOT REQUIRED

USE PROPOSED	EXISTING USE OR ZONING OF VACANT LAND ON ADJACENT SITE [1]				
	SINGLE-FAMILY RESIDENTIAL [RS-E, RS-10, RS-7, RS-5, RMAN, RT]	MULTIFAMILY RESIDENTIAL [RM-M, RM-H]	INSTITUTIONAL OR COMMERCIAL [INST, CN, CC, CR, CB, UC-MX, O-MX, MEC-PD]	INDUSTRIAL OR WAREHOUSING [LI, I]	AGRICULTURAL [AG]
Single-family	-	C	C	D	-
Multifamily	C/D/(2)	-	B	D	-
Civic/Institutional or Commercial	C	B	-	C	-
Industrial	D	D	C	-	-
Agricultural/Rural	-	-	-	-	-

NOTES:

[1] The zoning district classification of vacant land is indicated in brackets in the table heading row. If the vacant land is classified in a planned development district, the use of the adjacent site that is indicated on the PD Master Plan for the district shall apply for purposes of determining required buffer type.

(2) Multi-family backyard buffering where the height is 2 floors or less is a C, semi opaque, where the floor level is 3 floors or greater the buffering required is opaque utilizing Option 2

(c) Location of Landscaped Buffer

(1) Except as otherwise provided by subsection (2) below, landscaped buffers required by this section shall be located on the lot where development is proposed along the outer perimeter of the lot and shall extend to the lot boundary line.

(2) Where the proposed development on a lot and the use on an abutting lot are both nonresidential or mixed-use, the landscaped buffer may be located along a shared easement between the lots.

(d) Development within Required Landscaped Buffer

(1) The required landscaped buffer shall not contain any development, impervious surfaces, or site features except those required or allowed by this section (e.g., fences and walls and sidewalks).

(2) Sidewalks, trails, and other elements associated with passive recreation may be placed in landscaped buffers if all required landscaping is provided and damage to existing vegetation is minimized.

(3) Overhead and underground utilities required or allowed by the City are permitted in landscaped buffers, but shall minimize the impact to vegetation, to the maximum extent practicable. Where required landscaping material is damaged or removed due to utility

activity within a required buffer, the landowner shall be responsible for replanting all damaged or removed vegetation as necessary to ensure the landscaped buffer meets the standards in this ordinance.

(e) Credit for Parking Area Perimeter Landscaping

Perimeter landscaping around off-street parking areas provided in accordance with Sec. 25-5.3.5(b), Perimeter Landscaping, may be credited toward the landscaped buffer requirements in this section.

Sec. 25-5.3.4. Foundation Landscaping

(a) Except as provided in subsection (b) below, a landscaped bed that complies with the following standards shall be provided along the front of each primary structure and along building façades and adjacent parking spaces, except at building entrances:

(1) The bed shall have a minimum average horizontal depth from the building of four feet.

(2) The bed shall contain a minimum of one shrub for each three linear feet of building front and a minimum of one tree for every 30 linear feet of building front. All plantings shall be spaced to accommodate plant size at maturity.

(3) Where not covered by plantings, the bed shall be covered by mulch or ground cover, other than turf grass, and shall be protected by a barrier to prevent damage from vehicles and maintenance equipment.

(4) Trees and shrubs shall be well-distributed, though not necessarily evenly spaced.

(b) In the I District, the foundation landscaping required by subsection (a) above, may be offset by the addition of equal area and plantings to parking area perimeter and/or frontage landscaping.

Sec. 25-5.3.5. Off-Street Parking Area Landscaping

(a) Frontage Landscaping

A landscaping strip that complies with the following standards shall be provided between off-street surface parking areas and any adjacent public right-of-way:

(1) The landscaping strip shall extend the length of the parking area frontage on the public-right-of way, except where there are driveways or accessways approved by the Director or the state highway department, as appropriate.

(2) The landscaping strip shall have a minimum average horizontal depth of five feet.

(3) The landscaping strip shall include the following minimum plantings for every 50 linear feet of parking area frontage along the right-of-way, excluding the width of driveways and accessways:

(i) One canopy tree; and

(ii) Six shrubs, or a three-foot high berm.

(4) Where not covered by plantings, the landscaping strip shall be covered by mulch or ground cover, other than turf grass, and shall be protected by a barrier to prevent damage from vehicles and maintenance equipment.

(5) All plantings and berms shall be located outside the visibility triangle.

(6) The landscaping strip shall begin behind the edge of the public right-of-way rather than the edge of the pavement, unless they are the same.

(7) Where not also a part of a required landscaped buffer, landscaping elements that comply with this standard do not require any specific opacity, provided the plantings are healthy.

(b) Perimeter Landscaping

A landscaping strip that complies with the following standards shall be provided along the perimeter of any off-street surface parking area or parking structure between the parking area or structure and adjoining lots, except in areas where buffers are provided in accordance with Sec. 25-5.3.3, Landscaped Buffers, or where there are walkways, bicycle paths, or vehicular connections to abutting lots:

(1) The landscaping strip shall have a minimum average horizontal depth of five feet, measured at a perpendicular angle from the adjoining property to the back of curb.

(2) The landscaping strip shall include the following minimum plantings for every 50 linear feet of parking area perimeter:

(i) One canopy tree; and

(ii) Six shrubs, or a three-foot high berm.

(3) Where not covered by plantings, the landscaping strip shall be covered by mulch or ground cover, other than turf grass, and shall be protected by a barrier to prevent damage from vehicles and maintenance equipment.

(4) Landscaping on adjoining property shall not count toward the required perimeter landscaping area.

(5) Where not also a part of a required landscaped buffer, landscaping elements that comply with this standard do not require any specific opacity, provided the plantings are healthy.

(c) Interior Landscaping

(1) Off-street surface parking areas shall include interior landscaping in accordance with the following standards:

(i) Minimum Landscaping Area and Plantings

Parking areas containing at least 50 parking spaces or having at least 12,000 square feet of parking and drive aisle area shall provide interior landscaping consisting of landscape islands and peninsulas, on a minimum of six percent of the parking area and shall contain at least one tree and four shrubs for every 200 square feet of required interior landscaping.

(ii) Landscape Islands and Peninsulas

Landscape islands and peninsulas required by subsection (i) above shall comply with the following standards:

1. Each island or peninsula shall be:

i. A minimum of 160 square feet in area;

ii. A minimum of six feet in its least dimension; and

iii. Planted with at least one tree.

2. No individual island or peninsula shall count as more than 1,000 square feet of required interior landscaping.

3. Islands and peninsulas shall be designed to visually break up large expanses of parking areas, to distribute shade throughout the parking area, to ensure the safe and efficient movement of pedestrians and vehicles, and to permit access by emergency vehicles. When practical, islands and peninsulas shall be evenly distributed between the circulation drives and parking rows to channel traffic safely around the parking areas and to separate parking rows.

(iii) Parking Spaces Adjacent to Building or Internal Sidewalk

Foundation landscaping shall be provided between parking spaces and any adjacent building.

(iv) Large Parking Lots

Parking lots containing more than 200 parking spaces comply with the standards in Sec. 25-5.2.4(l), Large Parking Lots.

(v) Where not also a part of a required landscaped buffer, landscaping elements that comply with this standard do not require any specific opacity, provided the plantings are healthy.

(2) In the I District, the interior landscaping required by subsection (1) above, may be offset by the addition of equal landscaping area and plantings to parking area perimeter and/or frontage landscaping.

Sec. 25-5.3.6. General Standards for Planting and Maintenance

(a) Credit for Existing Vegetation

(1) Existing vegetation in good health that meets all applicable standards in this section (Section 25-5.3) may be used to satisfy any planting requirements, provided the vegetation is in fair or better condition and is protected before and during development in accordance with subsection (2) below. Existing trees may be counted toward the tree requirements in this section (Section 25-5.3), at the option of the applicant, on a one-to-one basis, if they comply with the following additional standards:

(i) Have a minimum caliper of three inches;

(ii) Are located at least two feet from the nearest curb in a planting area of at least 100 square feet;

(iii) Have a live crown at least 30 percent of the total tree height;

(iv) Be identified on the landscaping plan as a “tree to be saved”; and

(v) Be able to be incorporated into proposed landscaping areas with minimum cut or fill or compaction.

(2) Existing vegetation used satisfy planting requirements in accordance with subsection (1) above, shall be protected before and during development as follows:

(i) Trees shall be fenced with a sturdy and visible fence before grading or other development activity begins. Fencing shall be erected no closer than one linear foot to the tree's drip line.

(ii) No vehicle passage, construction, grading, equipment or material storage, or related activity shall be allowed within the fenced area.

(iii) Trees and shrubs shall be protected from chemical contamination from liquids and other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, and rinse water from vehicle cleaning, including rinsing of concrete truck tanks and chutes.

(b) Minimum Plant Diversity

To curtail the spread of disease and insect infestation in a plant species, new shrub and tree plantings shall be of different genuses in accordance with Table 25-5.3.6(b): Minimum Shrub and Tree Diversity. Where different genuses of shrubs and trees are required in accordance with Table 25-5.3.6(b), each required genus shall be planted in roughly equal proportions with the other required genuses. Nothing in this subsection shall be construed to prevent the planting of a greater number of different genuses than specified in Table 25-5.3.6(b).

TABLE 25-5.3.6(B): MINIMUM SHRUB AND TREE DIVERSITY

MINIMUM NUMBER OF SHRUBS OR TREES REQUIRED ON SITE	MINIMUM NUMBER OF GENUSES OF SHRUBS OR TREES REQUIRED ON SITE
SHRUBS	
40 or fewer	2
More than 40 but fewer than 70	3
70 or more	4
TREES	
20 or fewer	2
More than 20 but fewer than 40	3
40 or more	4

(c) Tree Size

For the purpose of this Ordinance, small tree species grow to an average of no more than 30 feet high at maturity, medium tree species grow to an average of more than 30 feet and less than 70 feet high at maturity, and large tree species grow to an average of 70 feet or higher at maturity.

(d) Adapted to Site Conditions

Vegetative material shall be adapted to the site conditions where it will be planted. The use of xeriscaping with native, drought-tolerant vegetation is encouraged to reduce dependency on irrigation.

(e) Nuisance Tree Species

The tree species identified in Table 25-5.3.6(e): Nuisance Tree Species, shall not count toward plantings required by this section (Section 25-5.3).

TABLE 25-5.3.6(E): NUISANCE TREE SPECIES

TYPE OF TREE	NUISANCE SPECIES
Large Trees	Box elder Silver Maple Catalpa Sycamore Cottonwood True Poplars Native Elms (American, Winged, Cedar, Slipper and September Willows) Tree-of-Heaven Colorado Blue Spruce Red Spruce Live Oak Laurel Oak
Medium Trees	Camphor Cut leaf European Birch (Paulownia) Eastern White Pine Princess tree Silk tree Chinaberry Bradford Pear Mimosa Hackberry Cleveland Pear Sweet Gum
Small Trees	Sumac

Sec. 25-5.3.7. Planting and Design of Landscaped Areas

(a) Trees and shrubs shall conform to the minimum size standards based on the most recent American Standard for Nursery Stock published by the American Association of Nurserymen and approved by the American National Standards Institute.

(b) Trees and shrubs shall be planted within a bed of mulch or ground cover other than turf grass. Grass or other permanent ground cover shall cover all other landscaped areas, except where there is an improved walkway.

(c) Effective measures shall be taken to control erosion and storm water runoff through the use of mulches, ground cover plants, erosion-control netting, and similar measures.

(d) Inorganic materials shall cover more than ten percent of the landscaped area.

(e) Synthetic or artificial material in imitation of trees, shrubs, turf, ground covers, vines, or other plants do not count toward the planting requirements in this section (Section 25-5.3).

(f) Berms with ground cover that necessitates mowing shall have a slope not greater than one foot of rise per three feet of run.

(g) Landscaping shall be designed at maturity to be compatible and not to interfere with existing and planned overhead and underground electrical, communications, and television cables and conduits; public water supply lines; and storm and sanitary sewer lines.

(h) Hedges, walls, and berms, when not required, are recommended to help minimize the visual impact of off-street parking areas.

(i) The use of permanent broad-area mulch beds is recommended to increase absorption of surface water; retard erosion, runoff, and stream siltation; protect tree roots and stems; and foster tree health.

(j) Planting dates recommended by the city are shown in Table 25-5.3.7(j):

TABLE 25-5.3.7(J): RECOMMENDED PLANTING DATES

TYPE OF PLANT MATERIALS	NORMAL PLANTING DATES
Noncontainer-grown deciduous	October 1 to April 1
Noncontainer-grown other	October 1 to April 1
Container-grown	Year round if suitable precautions are taken to protect the planting stock from extremes of moisture and temperature; if there is doubt, obtain a variance or a performance bond.

Sec. 25-5.3.8. Maintenance Standards

(a) Landscaping required by this section (Section 25-5.3) shall be maintained in a healthy and growing condition and kept free from refuse and debris. All unhealthy and dead materials shall be replaced during the next appropriate planting period.

(b) All pruning shall be accomplished according to good horticultural standards. Trees shall be pruned only as necessary to promote healthy growth. Trees shall be allowed to attain their normal size and shall not be severely pruned or "hat-racked" in order to permanently maintain growth at a reduced height (see Figure 25-5.3.8(b): Example of Hat-Racking). Trees may be periodically pruned or thinned in order to reduce the leaf mass in preparation for tropical storms. All pruning shall be accomplished in accordance with the standards established by the Tree Care Industry Association.

Figure 25-5.3.8(b): Example of Hat-Racking

(c) All required landscaping shall be comprised of species that are drought tolerant or that are planted with sufficient irrigation systems to maintain the tree in good health.

SECTION 25-5.4. OPEN SPACE SET-ASIDE STANDARDS

Sec. 25-5.4.1. Purpose

Open space set-asides are intended for the use and enjoyment of a development's residents, employees, or users. Open space set-asides serve numerous purposes, including preserving natural resources, ensuring resident access to open areas and active recreation, reducing the heat island effect of developed areas, providing civic and meeting spaces, enhancing storm water management, and providing other public health benefits.

Sec. 25-5.4.2. Applicability

(a) General

Unless exempted in accordance with subsection (b), below, all new development shall comply with the standards in this section.

(b) Exemptions

The following development is exempt from the standards in this section:

(1) Development in the Agricultural/Rural use classification;

(2) Development of a single-family detached or two-family dwelling unit on a single lot;

(3) Nonresidential or mixed-use development of 10,000 square feet or less as the sole principal structure on a lot;

(4) Nonresidential or mixed-use development on a lot having an area of one acre or less; and

(5) Development that would result in total required minimum open space set-asides, including all phases of development, of 100 square feet or less (see Sec. 25-5.4.3, Amount of Open Space Set-Asides Required).

(c) Timing of Review

Review for compliance with the standards of this section shall occur during review of applications for a planned development district (see Sec. 25-2.4.3), special exception permit (see Sec. 25-2.4.4), site plan (major or minor) (see Sec. 25-2.4.5), or building permit (see Sec. 25-2.4.7), as appropriate

Sec. 25-5.4.3. Amount of Open Space Set-Asides Required

Development subject to the standards in this section shall provide the minimum amounts of open space set-asides identified in Table 25-5.4.4: Required Minimum Open Space Set-Asides, based on the district classification.

TABLE 25-5.4.4: REQUIRED MINIMUM OPEN SPACE SET-ASIDES

USE CLASSIFICATION	MINIMUM OPEN SPACE SET-ASIDE AREA (AS PERCENTAGE OF DEVELOPMENT SITE AREA)	
	CB, UC-MX DISTRICTS	ALL OTHER BASE AND PD DISTRICTS
Residential	5%	5%
Civic/Institutional]	7.5%	10%
Commercial	Not Applicable	5%
Industrial	Not Applicable	5%

Sec. 25-5.4.4. Areas Counted as Open Space Set-Asides

The features and areas identified in Table 25-5.4.5: Open Space Set-Aside Areas, shall be credited towards compliance with the minimum open space set-aside standards in Sec. 25-5.4.3 above, if they are designed and maintained in accordance with Table 25-5.4.5:

TABLE 25-5.4.5: OPEN SPACE SET-ASIDE AREAS

TYPICAL IMAGES OF AREA COUNTED AS COMMON OPEN SPACE SET-ASIDES	DESCRIPTION	DESIGN AND MAINTENANCE REQUIREMENTS
NATURAL FEATURES		
	Natural features (including lakes, ponds, rivers, streams, rivers, wetlands, drainageways, and other riparian areas), riparian buffers, flood hazard areas, wildlife habitat and woodland areas	Preservation of any existing natural features shall have highest priority for locating open space set-asides, except in the CB and UC-MX districts. Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, and unhealthy conditions.
ACTIVE RECREATIONAL AREAS		
	Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, and community buildings and clubhouses, and land dedicated for parks.	Active recreational areas shall be compact and contiguous, to the maximum extent practicable, unless used to link or continue existing public open space lands. Outside of the CB and UC-MX districts, the following requirements apply: • A minimum of 35 percent of the total required open space set-aside area within a residential development shall consist of active recreational areas. • Active recreational areas may occupy up to 100 percent of required open space set-asides if no natural features exist on the site.

TABLE 25-5.4.5: OPEN SPACE SET-ASIDE AREAS

TYPICAL IMAGES OF AREA COUNTED AS COMMON OPEN SPACE SET-ASIDES	DESCRIPTION	DESIGN AND MAINTENANCE REQUIREMENTS
PASSIVE RECREATION (INCLUDING PLANTINGS AND GARDENS)		
	Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, gazebos, and similar structures	Passive recreation shall have direct access to a public street or right-of-way.
SQUARES, FORECOURTS, AND PLAZAS		
	Squares, forecourts, plazas, and civic greens that provide active gathering places and opportunities to create special places	Such features shall be at least 500 square feet in area. Such features shall have direct access to a street or sidewalk or pedestrian way that connects to a street and shall be designed to accommodate people sitting and gathering, incorporating benches, tables, fountains, or other similar amenities. Surrounding buildings shall be oriented toward the square, forecourt, or plaza when possible, and a connection shall be made to surrounding development. No less than 25 percent of the total open space set-aside area in a development in the CB and UC-MX districts shall be a square, forecourt, or plaza.

TABLE 25-5.4.5: OPEN SPACE SET-ASIDE AREAS

TYPICAL IMAGES OF AREA COUNTED AS COMMON OPEN SPACE SET-ASIDES	DESCRIPTION	DESIGN AND MAINTENANCE REQUIREMENTS
REQUIRED LANDSCAPE AREAS AND AGRICULTURAL BUFFER		
	All areas occupied by required landscaping areas, tree protection areas, perimeter buffers, vegetative screening, and riparian buffers, and agricultural buffers, except landscaped area within vehicular use areas	See Section 25-5.3, Landscaping and Buffer Standards; Section 25-5.8, Neighborhood Compatibility Standards
STORMWATER MANAGEMENT AREAS TREATED AS SITE AMENITIES		
	Up to 100 percent of the land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices), when such features are treated as an open space site amenity	To qualify, stormwater management facilities shall support passive recreation uses by providing access, gentle slopes (less than 3:1), and pedestrian elements such as paths and benches, and shall be subject to a maintenance agreement approved by the operating authority or agency having regulatory authority over the facility.

TABLE 25-5.4.5: OPEN SPACE SET-ASIDE AREAS

TYPICAL IMAGES OF AREA COUNTED AS COMMON OPEN SPACE SET-ASIDES	DESCRIPTION	DESIGN AND MAINTENANCE REQUIREMENTS
PUBLIC ACCESS EASEMENTS WITH PATHS OR TRAILS		
	Public access easements that combine utility easements with paths or trails that are available for passive recreational activities such as walking, running, and biking	Such public access easements shall include at least one improved access from a public street, sidewalk, or trail that includes signage designating the access point.
GREEN/VEGETATED ROOFS		
	A roof or portion of a roof designed and used for vegetative growth. Green/vegetated roofs may be credited toward required open space set-asides, green building standards, and green building incentives.	In the CB and UC-MX districts, green/vegetated roofs count toward the minimum required open space set-aside in Table 25-5.4.5.

Sec. 25-5.4.5. Areas Not Counted as Open Space Set-Asides

The following areas shall not be counted as open space set-asides:

(a) Private yards not subject to an open space or conservation easement;

(b) Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements;

(c) Vehicular parking areas or lots (excluding the landscaped areas);

(d) Driveways for dwelling units;

(e) Land covered by structures not designated for active recreational uses;

(f) Designated outdoor storage areas; and

(g) Storm water management facilities and ponds, unless located and designed as a site amenity (e.g., with low fencing, vegetative landscaping, gentle slopes, fountain or other visible water circulation device, and pedestrian access or seating).

Sec. 25-5.4.6. Design of Open Space Set-Asides

Land used as an open space set-aside shall comply with the following design standards:

(a) Location

Open space shall be located so as to be readily accessible and useable by occupants and users of the development, as appropriate. Where possible, a portion of the open space set-aside should provide focal points for the development through prominent placement or easy visual access from streets.

(b) Configuration

(1) Open space set-asides shall be compact and contiguous unless a different configuration is needed to continue an existing trail accommodate preservation of natural features, or satisfy a higher priority element in (d), below.

(2) If the development site is adjacent to existing or planned public trails, parks, or other public open space area land, the open space set-aside, to the maximum extent practicable, must be located to adjoin, extend, and enlarge the trail, park, or other public land (see Figure 25-5.4.6: Example Open Space Set-Aside Configuration).

Figure 25-5.4.6: Example Open Space Set-Aside Configuration

(3) If a passive recreation open space set-aside area with a minimum width of 20 feet or more abuts an existing or planned public open space area, no perimeter buffer shall be established between the two open space areas.

(c) Orientation of Adjacent Buildings

To the maximum extent possible, buildings adjacent to the required open space set-asides shall have at least one entrance facing the open space set-aside.

(d) Prioritization of Open Space Set-Asides

(1) Except in the CB and UC-MX districts, and to the maximum extent practicable, open space set-asides shall be located and organized to include, protect, and enhance as many of the following open areas and features as possible, in the following general order of priority:

- **(i)** Natural features such as riparian areas, riparian buffers, flood hazard areas, floodplains, and wildlife habitat and woodland areas;
- **(ii)** Water features such as rivers, bays, lakes, creeks, canals, natural ponds, and retention and detention ponds if designed as a site amenity;
- **(iii)** Protected trees and other mature trees;
- **(iv)** Parks and trails;
- **(v)** Lands with active agricultural uses and activities;
- **(vi)** Perimeter buffers or visual transitions between different types or intensities of uses; and
- **(vii)** Areas that accommodate multiple compatible open space set-aside uses rather than a single use.

(2) In the CB and UC-MX districts, the establishment of squares, plazas, forecourts, civic greens, and similar urban open space amenities shall have the highest priority.

(e) Development in Open Space Set-Asides

Development within open space set-asides shall be limited to that appropriate to the purposes of the type(s) of open space set-asides. Where appropriate, such development may include, but is not limited to, walking, jogging, and biking paths or trails; benches or other seating areas; meeting areas; tables, shelters, grills, trash receptacles, and other picnic facilities; docks and other facilities for fishing; environmental education guides and exhibits; historic interpretive signage; gazebos and other decorative structures; fountains or other water features; play structures for children; gardens or seasonal planting areas; pools; athletic fields and courts; and associated clubhouses.

Sec. 25-5.4.7. Ownership, Management, and Maintenance of Open Space Set-Asides

(a) Open space set-asides shall be managed and maintained as permanent open space through one or more of the following options:

(1) Conveyance of open space set-aside areas to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open space purposes, in perpetuity;

(2) Conveyance of open space set-aside areas to a third party beneficiary such as an environmental or civic organization that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes, in perpetuity; or

(3) Establishment of easements on those parts of individually-owned lots including open space set-aside areas that require the areas to be managed consistent with the land's intended open space purposes and prohibit any inconsistent future development, in perpetuity.

(4) Conveyance of open space set-aside areas to the City, if accessible from public right-of-way and if the City agrees to maintain the land.

(b) All options involving private ownership of open space set-aside areas shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities.

(c) Responsibility for managing and maintaining open space set-asides rests with the owner of the land of the open space set-asides. Failure to maintain open space set-asides in accordance with this section and the development approval or permit shall be a violation of this Ordinance.

SECTION 25-5.5. FENCE AND WALL STANDARDS

Sec. 25-5.5.1. Purpose and Intent

The purpose and intent of this Section is to regulate the location, height, and appearance of fences and walls to:

(a) Maintain visual harmony within neighborhoods and throughout the City;

(b) Protect adjacent lands from the indiscriminate placement and unsightliness of fences and walls;

(c) Ensure the safety, security, and privacy of land; and

(d) Ensure that fences and walls are subject to timely maintenance, as needed.

Sec. 25-5.5.2. Applicability

(a) General

Unless exempted by subsection (b) below, any construction or replacement of fences or walls shall comply with the standards in this section.

(b) Exemption

(1) The following fences and walls are exempt from the standards of this section:

(i) Fences and walls required for support of a principal or accessory structure;

(ii) Temporary fences and barricades around construction sites;

(iii) Fences for tree protection (temporary and permanent);

(iv) Landscaping berms installed without fences;

(v) Noise attenuation walls installed by a public entity along a public roadway;

(vi) Fences and walls necessary for soil erosion and control;

(vii) Fences at parks and schools, where such uses are operated by public entities;

(viii) Specialized fences used for protecting livestock or for other similar agricultural functions if part of a use in the Agricultural/Rural use classification; and

(ix) Fences and walls exempt from permitting by the Building Code.

(2) Retaining walls are exempt from all standards in this section.

(c) Timing of Review

Review for compliance with the standards of this section shall occur during review of applications for a planned development district (see Sec. 25-2.4.3), special exception permit (see Sec. 25-2.4.4), or a site plan (major or minor) (see Sec. 25-2.4.5), as appropriate.

Sec. 25-5.5.3. General Location Standards

(a) Fences and walls shall be located outside of the public right-of-way.

(b) Fences and walls are allowed on the property line between two or more lots of land held in private ownership.

(c) Fences and walls may be located within any minimum setback.

(d) Fences located within utility easements shall receive written authorization from the easement holder or the City, as applicable. The City shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access utility easements or facilities.

(e) Fences and walls shall not be located where they would block or divert a natural drainage flow onto or off of any land. Nothing in this section shall be construed to prevent the installation of temporary fencing to protect existing trees, limit sedimentation, or control erosion.

(f) Fences and walls shall not be located where they would prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices, in accordance with the City's adopted Fire Code (see Chapter 11 of the City Code);

(g) Fences and walls shall not be located in a visibility triangle; and

(h) Fences and Walls shall not block required access to a building from a window or door.

Sec. 25-5.5.4. Height

(a) General

(1) A fence or wall located in a minimum setback shall comply with the height standards in Table 25-5.5.4: Maximum Fence or Wall Height.

TABLE 25-5.5.4: MAXIMUM FENCE OR WALL HEIGHT

YARD WHERE LOCATED	INDUSTRIAL DISTRICTS (FEET)	ALL OTHER DISTRICTS (FEET)
Front Yard	6	4
Side yard adjacent to a street	8	4
Rear or side yard not adjacent to a street	8	6

(b) Exceptions

(1) Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height standards in this section.

Fences of up to ten feet in height are allowed in front, side, and rear yards at major utilities, wireless telecommunications facility, government building, and other public safety uses. Heights may be increased further through an approved security exemption plan (see Sec. 25-5.5.9, Security Exemption Plan).

(2) Fences and walls up to eight feet in height are allowed for community gardens.

(3) Fences and walls up to eight feet in height are allowed to screen service and loading areas, if the fence or wall complies with the setback requirements for the associated building.

(4) Supporting columns or posts may be taller than the maximum allowed height for the fence or wall, if they do not extend more than 18 inches above the top of the fence or wall.

Sec. 25-5.5.5. Materials

(a) General Materials

Unless otherwise specified in subsection (b) below, fences and walls shall be constructed of any one or more of the following materials:

(1) Masonry, concrete, or stone;

(2) Painted wood, pressure treated wood, or rot-resistant wood such as cedar, cypress, or teak;

(3) Metal (ornamental iron, wrought iron, welded steel and/or electro-statically plated black aluminum);

(4) Vinyl;

(5) Composite materials designed to appear as wood, metal, or masonry;

(6) Walls clad with substrate material intended to support living vegetation;

(7) Chain link

(b) Prohibited Materials

The following fence types or materials are prohibited:

(1) Barbed and/or razor wire, unless approved as part of a security exemption plan in accordance with Sec. 25-5.5.9, Security Exemption Plan, on land with an agricultural use, or on land used for installation and operation of high-voltage equipment at substations for electrical generation, transmission, and distribution in connection with providing public utility service in the City by a regulated public utility;

(2) Fences constructed of chicken wire, corrugated metal, fabric materials, fiberboard, garage door panels, plywood, rolled plastic, sheet metal, debris, junk, or waste materials, unless such materials are recycled and reprocessed for marketing to the general public as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber);

(3) Above ground fences that carry electrical current, except as used for the purposes of enclosing livestock or domestic animals in the AG and RS-E Districts (this shall not prohibit below-ground electrical fences intended for the keeping of pets).

Sec. 25-5.5.6. Appearance

(a) Finished Side to Outside

Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (e.g., one side of a fence has visible support framing and the other does not, or one side of a wall has a textured surface and the other does not), then the more "finished" side of the fence shall face the exterior of the lot rather than the interior of the lot. See Figure 25-5.5.6: Fence with Finished Side Out.

Figure 25-5.5.6: Fence with Finished Side Out

Sec. 25-5.5.7. Construction

Fences and walls shall comply with all applicable Building Code requirements.

Sec. 25-5.5.8. Gates

All unattended gates and gates opening onto a public sidewalk area shall be self-closing, self-latching, and locked when not in use.

Sec. 25-5.5.9. Security Exemption Plan

(a) A landowner in need of heightened security may submit to the Director a security exemption plan proposing a fence or wall taller than what is permitted by this section or proposing the use of barbed and/or razor wire or electric wire atop a fence or wall for security reasons. The Director may approve or approve with conditions, the security exemption plan, upon finding all of the following:

(1) Need for Safety or Security Reasons

The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, or represent a significant hazard to public safety without:

(i) A taller fence or wall;

(ii) An electric fence; or

(iii) Use of barbed and/or razor wire atop a fence or wall.

(2) No Adverse Effect

The proposed fence or wall will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

(b) If the Director finds the applicant fails to demonstrate compliance with subsection (a) above, the security plan shall be disapproved

SECTION 25-5.6. EXTERIOR LIGHTING STANDARDS

Sec. 25-5.6.1. Purpose and Intent

The purpose and intent of this section is to regulate exterior lighting to:

(a) Ensure all exterior lighting is designed and installed to maintain adequate lighting levels on site;

(b) Ensure that excessive light spillage and glare are not directed at adjacent lands, neighboring areas, and motorists;

(c) Curtail light pollution, reduce skyglow, and preserve the nighttime environment for the enjoyment of residents and visitors;

(d) Conserve energy and resources to the greatest extent possible; and

(e) Provide security for persons and land.

Sec. 25-5.6.2. Applicability

(a) General

Unless exempted by subsection (b), below, the standards of this section apply to:

(1) All new development; and

(2) Expansion or alteration of a building if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area (including interior alterations).

(b) Exemptions

The following types of lighting are exempted from the standards of this section:

(1) Lighting exempt under state or federal law;

(2) FAA-mandated lighting associated with a utility tower or airport;

(3) Lighting for public monuments and statuary;

(4) Lighting solely for signage (see Section 25-5.9, Sign Standards)

(5) Lighting for outdoor recreational uses such as ball diamonds, football fields, soccer fields, other playing fields, tennis courts, and similar uses, provided that:

(i) Light poles are not more than 30 feet in height, except at ball diamonds, football fields, and other playing fields, where they can be taller;

(ii) Maximum illumination at the property line is not brighter than two foot-candles; and

(iii) Exterior lighting is extinguished no later than 11:00 p.m., except to complete an activity that is in progress prior to 11:00 p.m.

(6) Temporary lighting for circuses, fairs, carnivals, theatrical, and other performance areas, provided such lighting is discontinued upon completion of the performance;

(7) Temporary lighting of construction sites, provided such lighting is discontinued upon completion of the construction activity;

(8) Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation;

(9) Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;

(10) Underwater lighting in swimming pools, fountains, and other water features;

(11) Holiday or festive lighting-provided such lighting does not create unsafe glare on street rights-of-way; and

(12) Installed outdoor lighting fixtures that do not comply with provisions of this section on __ [*insert the effective date of this Ordinance*], provided they are brought into compliance with this section when they become unrepairable.

(c) Timing of Review

Review for compliance with the standards of this section shall occur during review of applications for a special exception permit (see Sec. 25-2.4.4), site plan (major or minor) (see Sec. 25-2.4.5), or building permit (see Sec. 25-2.4.7), as appropriate.

Sec. 25-5.6.3. Lighting Plan

To ensure compliance with the standards of this section, a lighting plan demonstrating how exterior lighting will comply with the standards of this section shall be included as a part of the development application for which review for compliance is required (see Sec. 25-5.6.2(c), above). The lighting plan shall include all information the Director determines necessary to support a determination of

compliance or non-compliance with the standards in this section, which may include information on the types, locations, and heights of proposed fixtures; proposed hours of illumination; and photometric calculations, certified by the manufacturer of the lighting technology or a qualified professional to be compliant with these standards.

Sec. 25-5.6.4. Prohibited Lighting

The following exterior lighting is prohibited:

(a) Light fixtures that imitate an official highway or traffic control light or sign;

(b) Light fixtures that have a flashing or intermittent pattern of illumination, except signage with an intermittent pattern of illumination allowed in accordance with Section 25-5.9, Sign Standards;

(c) Searchlights, except when used by state, federal, or local authorities, or where they are used to illuminate alleys, parking garages and working (maintenance) areas, if they are shielded and aimed so that they do not result in lighting on any adjacent lot or public right-of-way exceeding two foot-candles; and

Sec. 25-5.6.5. Street Lighting

(a) All streetlights shall be located inside full cut-off fixtures mounted on non-corrosive poles served by underground wiring.

(b) The light structure and light color of streetlights in an individual subdivision or development shall be consistent throughout the subdivision or development.

Sec. 25-5.6.6. General Standards for Exterior Lighting

Development subject to this section shall comply with the following standards:

(a) Hours of Illumination

Civic/Institutional uses, Commercial uses, and Industrial uses that are adjacent to existing residential development and vacant lands in a Residential zoning district shall extinguish all exterior lighting—except lighting necessary for security or emergency purposes—by 11:00 P.M. or within one hour of closing, whichever occurs first. For the purposes of this paragraph, lighting “necessary for security or emergency purposes” shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas. Lighting activated by motion sensor devices is strongly encouraged.

(b) Shielding with Full Cut-Off Fixtures

All exterior luminaries, including security lighting, shall be full cut-off fixtures that are directed downward, consistent with Figure 25-5.6.6(b)1: Full Cut-off Fixtures. In no case shall lighting be directed at or above a horizontal plane through the lighting fixture. See Figure 25-5.6.6(b)2: Examples of Fully Shielded Light Fixtures.

Figure 25-5.6.6(b)1: Full Cut-Off Fixtures

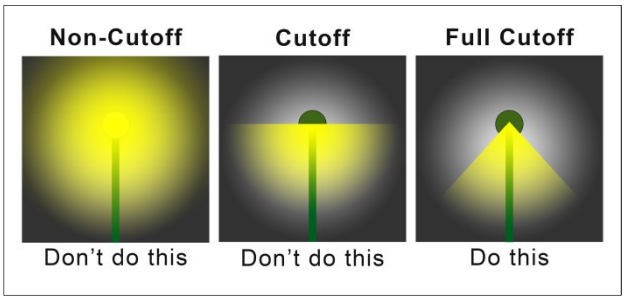
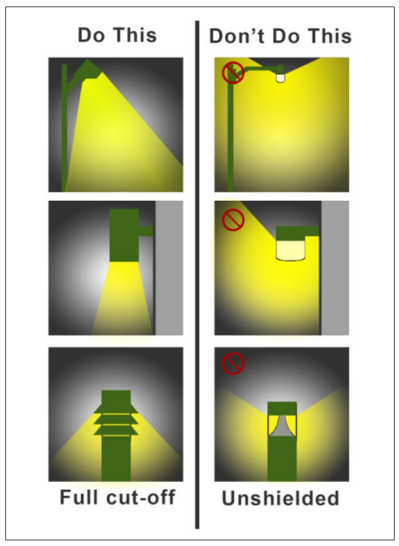


Figure 25-5.6.6(b)2: Examples of Fully Shielded Light Fixtures



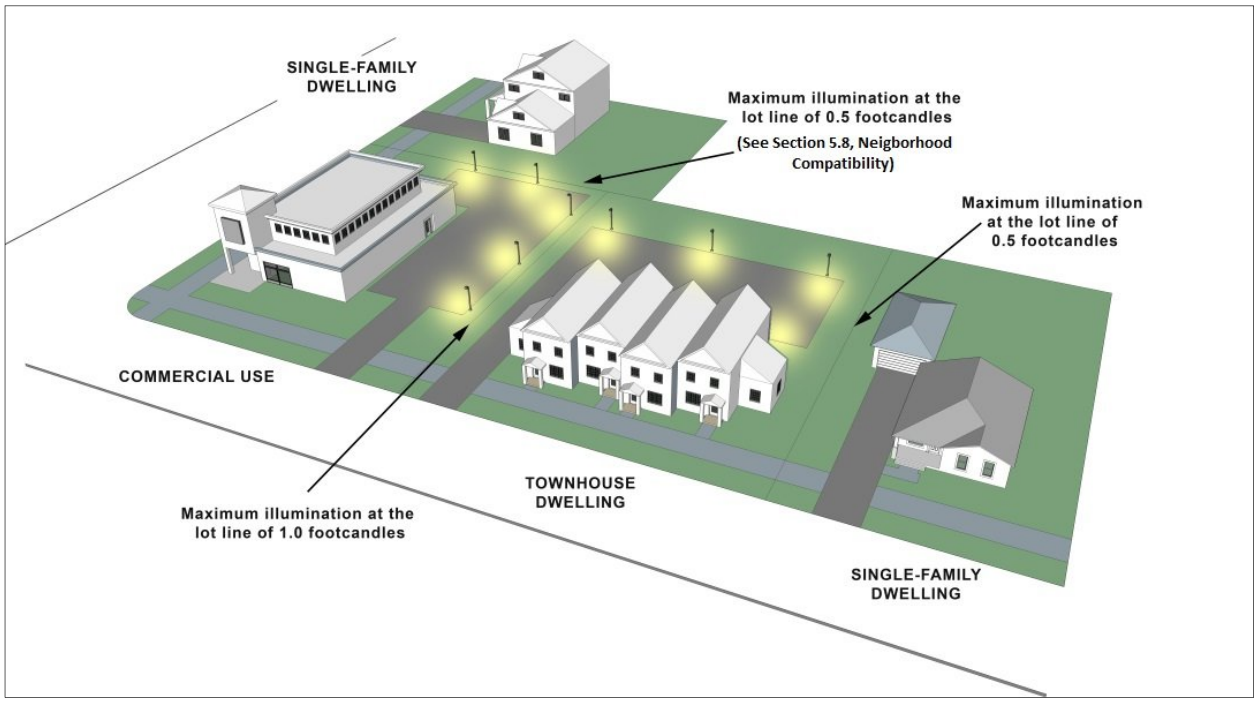
(c) Maximum Illumination at Lot Line

All exterior lighting shall be designed and located so that the maximum illumination measured in foot-candles at ground level at a lot line (Figure 25-5.6.6(c): Illustration of Maximum Illumination Levels) shall not exceed the standards in Table 25-5.6.6(c): Maximum Illumination Levels.

TABLE 25-5.6.6(C): MAXIMUM ILLUMINATION LEVELS

TYPE OF USE OR DISTRICT ABUTTING THE LOT LINE	MAXIMUM ILLUMINATION AT LOT LINE (FOOT-CANDLES)
Single-family detached and Agricultural/Rural uses	0.5
Other residential uses	1.0
Commercial uses, mixed-use developments, and land in the CB or UC-MX districts	1.5
Industrial uses	2.0
Stand-alone parking facility	2.5

Figure 25-5.6.6(c): Illustration of Maximum Illumination Levels



(d) Correlated Color Temperature (CCT)

The rated color temperature of outdoor light sources shall not exceed 5,000K.

(e) Efficiency

All exterior light fixtures shall generate at least 80 lumens per watt of energy consumed, as shown on the manufacturer's specifications for the fixture.

Sec. 25-5.6.7. Lighting Design Standards for Specific Uses and Site Features

(a) Off-Street Surface and Roof-Top Parking Areas

(1) Maintained average horizontal illuminance values in surface and roof-top parking areas during times when the parking area is in use shall not exceed 4.0 foot-candles of illumination.

(2) The required minimum night-time illumination of surface and roof-top parking areas is one foot-candle.

(3) The ratio of maximum-to-minimum horizontal illuminance within surface and roof-top parking area shall not exceed 10:1.

(b) Sports and Performance Venues

Lighting fixtures for outdoor sports areas, athletic fields, and performance areas shall be equipped with an existing glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

(c) Pedestrian Lighting

(1) Light fixtures for sidewalks, walkways, trails, and bicycle paths, outside of vehicular surface areas (parking lots), except for pedestrian bollard lamps, shall comply with the following standards:

- **(i)** Provide at least 1.2 foot-candles of illumination, but not exceed 2.0 foot-candles;
- **(ii)** Have a maximum height of 15 feet; and
- **(iii)** Be placed a maximum of 100 feet apart.

(2) Any pedestrian bollard lamps shall be mounted no higher than four feet above grade and shall not exceed 900 lumens for any single lamp (see Figure 25-5.6.7(c)(2): Examples of Pedestrian Bollard Lamps).

Figure 25-5.6.7(c)(2): Examples of Pedestrian Bollard Lamps

(d) Decorative and Landscape Lighting

Outdoor light fixtures used for decorative effects shall comply with the following standards:

(1) Decorative lighting intended to enhance the appearance of a building and/or landscaping shall cast all light downward (rather than upward) against the building surface or onto a landscape feature.

(2) Decorative lighting and shall not exceed 1,600 lumens for any single fixture.

(e) Wall Pack Lights

Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and shall not exceed 6,000 lumens for any single fixture.

(f) Canopies

Areas under a canopy shall be designed so as not to create glare off-site. Acceptable methods include one or both of the following:

(1) A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides a full cutoff or fully-shielded light distribution; or

(2) A surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.

Sec. 25-5.6.8. Measurement

(a) General

Light level measurements shall be made at the lot line of the land upon which the light to be measured is being generated or on the parking surface, as appropriate. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent.

(b) Calibration

Measurements shall be taken with a light meter that has been calibrated within two years.

Sec. 25-5.6.9. Exemption for Security Plan

(a) Government facilities, parks, public safety, and other development may submit a security plan to the Director proposing exterior lighting that deviates from the standards in this section. The Director shall approve or approve with conditions the security plan and its proposed deviation from the standards, upon finding all of the following:

(1) The proposed deviation from the standards is necessary for the adequate protection of the subject land, development, or the public;

(2) The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding land without the additional lighting; and

(3) The proposed deviation from the standards is the minimum required and will not have a significant adverse effect on neighboring lands.

(b) If the Director finds the applicant fails to demonstrate compliance with (a), above, the security plan shall be denied.

SECTION 25-5.7. DEVELOPMENT FORM AND DESIGN STANDARDS

Sec. 25-5.7.1. Purpose and Intent

The purpose and intent of these development form and design standards are to:

(a) Establish a minimum level of development quality for multifamily, nonresidential, and mixed-use buildings;

(b) Promote greater compatibility between uses; and

(c) Provide landowners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land.

Sec. 25-5.7.2. Applicability

(a) General

Unless exempted by subsection (b) below:

(1) All new multifamily, single-family attached, and triplex or fourplex development, and any expansion of an existing multifamily, single-family attached, and triplex or fourplex development that increases the building's gross floor area by 50 percent or more, shall comply with the standards in Sec. 25-5.7.3, Multifamily Design Standards;

(2) All new commercial and mixed-use development, and any expansion of an existing commercial or mixed-use building that increases the building's gross floor area by 50 percent or more shall comply with the standards in Sec. 25-5.7.4, Nonresidential and Mixed Use Design Standards; and

(3) All new large retail establishment development, and any expansion of an existing large retail establishment building that increases the building's gross floor area by 50 percent or more, shall comply with the standards in Sec. 25-5.7.5, Large Retail Establishment Form and Design Standards.

(b) Exemptions

The standards in Sec. 25-5.7.3, Multifamily Design Standards, shall not apply to any dwelling units located above a nonresidential use.

(c) Timing of Review

Review for compliance with the standards of this section shall occur during review of applications for a planned development district (see Sec. 25-2.4.3), special exception permit (see Sec. 25-2.4.4), or site plan (major or minor) (see Sec. 25-2.4.5), as appropriate.

Sec. 25-5.7.3. Multifamily Design Standards

Development subject to this section (Sec. 25-5.7.3) shall comply with the following standards.

(a) Site Access

Development with 20 or more dwelling units shall have:

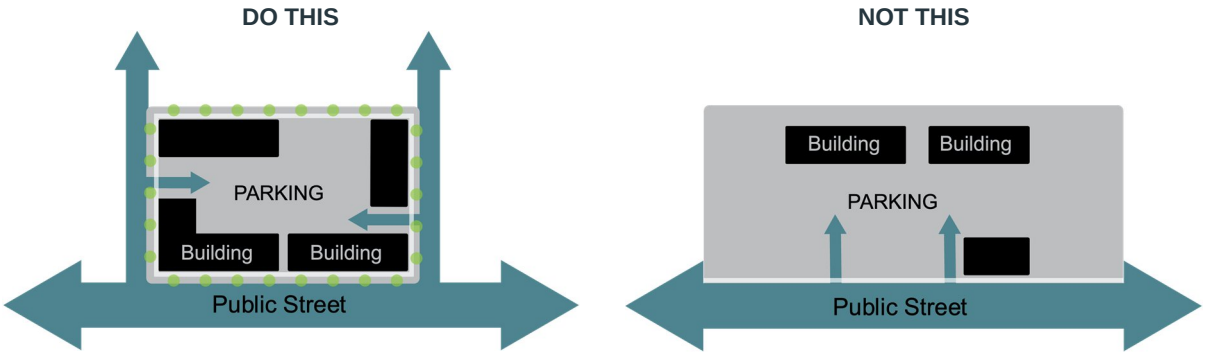
(1) At least one secondary point of vehicular access to or from the site to ensure emergency vehicle access.

(2) No primary vehicular access along a local street serving existing single-family detached dwelling units, provided, however, that secondary vehicular access for emergency vehicles only may be provided along such a local street if other points of access are not available.

(b) Location of Off-Street Parking

(1) No more than 20 percent of off-street surface parking may be located between a building and the street it faces unless the parking bays are screened from view from the street by another building. Interior structures within a multifamily development served by a central, private driveway are exempted from this requirement. (See Figure 25-5.7.3(b): Multifamily Parking Location).

Figure 25-5.7.3(b): Multifamily Parking Location



(2) Guest and overflow parking shall be located to the side or rear of the building containing the units, to the maximum extent practicable.

(3) Off-street surface parking located beside a building shall not occupy more than 35 percent of the lot's street frontage. Associated driving areas shall be included in calculating off-street surface parking.

(c) Building Orientation and Configuration

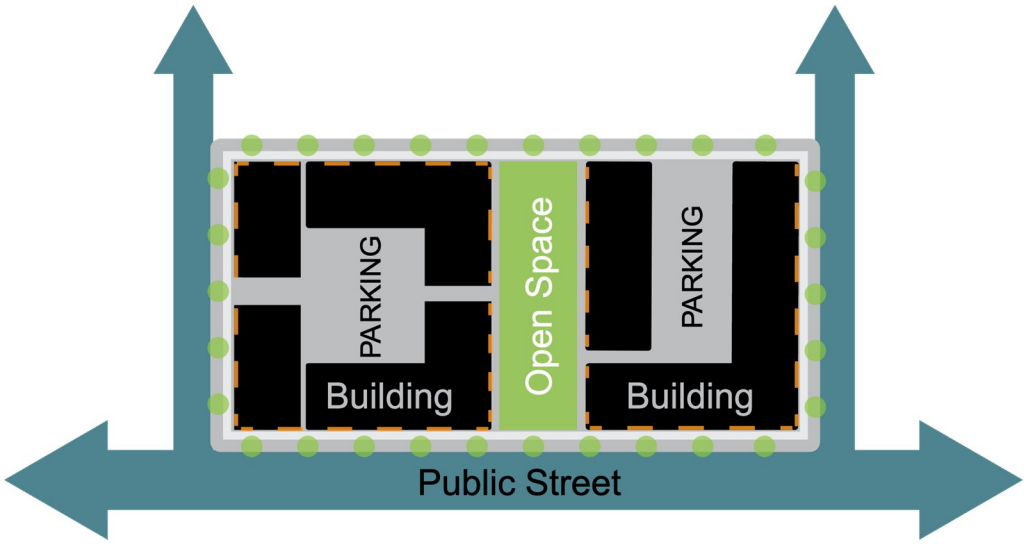
(1) Single-Building Development

The primary entrance of a single-building development shall face the street.

(2) Multi-Building Development

Developments with more than one building shall be configured so that primary building entrances are oriented towards external streets, internal streets, or open space areas (e.g., courtyards). Buildings may be oriented towards off-street parking lots only in cases where no other practical alternative exists. (See Figure 25-5.7.3(c): Multi-Building Orientation).

Figure 25-5.7.3(c): Multi-Building Orientation



(d) Maximum Building Length

The maximum length of any multifamily, townhouse, or three-family building shall be 150 linear feet in the RS-A and RM-M districts and 250 feet in all other districts, regardless of the number of units.

(e) Building Façades

(1) Façades that face a street shall incorporate wall offsets, in the form of projections or recesses in the façade plane, spaced no more than 50 feet apart (see Figure 25-5.7.3(e)(1): Changes in Building Façade).

Figure 25-5.7.3(e)(1): Changes in Building Façade

(2) Wall offsets shall have a minimum depth of two feet.

(3) In addition to wall offsets, front façades of multifamily buildings shall provide a minimum of three of the following design features for each residential unit fronting onto a public street (see Figure 25-5.7.3(e)(3): Examples of Front Façades):

Figure 25-5.7.3(e)(3): Examples of Front Façades

(i) One or more dormer windows or cupolas;

(ii) A recessed entrance;

(iii) A covered porch;

(iv) Pillars, posts, or columns next to the doorway;

(v) One or more bay windows projecting at least 12 inches from the façade plane;

(vi) Eaves projecting at least six inches from the façade plane;

(vii) Raised corniced parapets over the entrance door;

(viii) Multiple windows with a minimum four-inch-wide trim;

(ix) Integrated planters that incorporate landscaped areas or places for sitting; or

(x) Roof form and line changes consistent with the façade offsets.

(f) Roofs

For all multifamily buildings:

(1) Sloped roofs on buildings over 100 feet in length shall include two or more different sloping roof planes, each with a minimum pitch between 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, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured and screened (if necessary) to have a minimal visual impact as seen from the street.

(g) Building Façade Fenestration/Transparency

At least 20 percent of the street-facing façade area of the ground-level floor of any multifamily, townhouse, or three-family building (as measured from the grade to the

underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways.

(h) Materials

For all multifamily, townhouse, and three-family buildings:

(1) Primary façade materials shall not change at outside corners, but extend along any side façade that is visible from a street. In all instances the extension shall be a minimum of 20 feet, except materials may change where side or rear wings meet the main body of the structure.

(2) Material changes shall occur along a horizontal line or where two forms meet. It is acceptable, however, that change of materials occur as accents around windows, doors, cornices, at corners, or as a repetitive pattern.

(i) Garage Standards

For all multifamily buildings:

(1) Detached garages or carports shall be located to the side or rear of the building(s) containing the dwelling units. A parking structure is exempt from this requirement. (see Figure 25-5.7.3(i): Garage Placement.)

Figure 25-5.7.3(i): Garage Placement

(2) Freestanding garages or carports visible from public streets outside the development shall be oriented perpendicular to the street, or the façade facing the street shall be configured to comply with the required wall offsets and façade design features in Sec. 25-5.7.3(e), Building Façades.

(3) The exterior materials, design features, and roof form of a detached garage or carport shall be the same as the building it serves.

(j) Outdoor Activity Areas

For all multifamily buildings:

(1) Ground-level outdoor activity areas, porches, decks, vending areas, and other similar site attributes shall be screened from adjacent single-family dwelling units with a perimeter buffer in accordance with Section 25-5.3, Landscaping and Buffer Standards.

(2) Upper-story balconies serving individual dwelling units or common areas that are located within 100 feet of a single-family dwelling unit shall be located and designed to prevent any view into the single-family dwelling unit's rear yard.

(k) Loading, Service, and Equipment Areas

(1) All loading, service, and equipment areas shall be located in a manner that minimizes their visibility from off-site areas, to the maximum extent practicable.

(2) Outdoor storage areas and dumpsters shall be fully screened from adjacent streets and single-family dwelling units.

Sec. 25-5.7.4. Nonresidential and Mixed Use Design Standards

Development subject to this section (Sec. 25-5.7.4) shall comply with the following standards.

(a) Building Orientation

(1) Front Streets

The front façade of all buildings, as defined by the primary entrance, shall be oriented on and front onto a street, a courtyard, or plaza. (See Figure 25-5.7.4(a): Example of Building Orientation.)

Figure 25-5.7.4(a): Example of Building Orientation

(2) Single Building Development

(i) To the maximum extent practicable, all single-building developments shall be configured with the long axis of the building parallel to the street it fronts, or be

consistent with existing development patterns, rather than being sited at unconventional angles.

(ii) New large single-use retail buildings shall comply with the standards in Sec. 25-5.7.5, Large Retail Establishment Form and Design Standards.

(3) Multi-Building Development

(i) The primary entrances of buildings shall be oriented towards a street along the perimeter of a development, towards streets or driveways interior to the development, or towards open space areas, courtyards, or plazas.

(ii) Developments totaling 120,000 or more square feet of floor area that are composed of multiple buildings shall be configured to accomplish any one or combination of the following:

a. Break up the site into a series of smaller "blocks" defined by on-site streets, vehicle access ways, pedestrian walkways, or other circulation routes, as appropriate;

b. Frame the corner of an abutting street intersection or entry point to the development;

c. Frame and enclose a "Main Street" pedestrian or vehicle access corridor within the development site, if appropriate; and

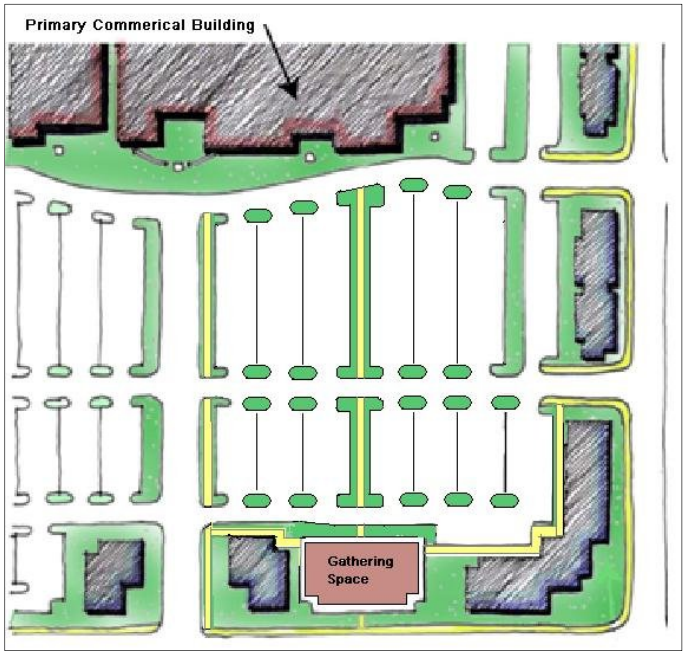
d. Frame and enclose outdoor dining or gathering spaces for pedestrians between buildings.

(b) Outparcel Development

(1) To the maximum extent practicable, outparcels and their buildings shall be configured and located to define street edges, development entry points, and spaces for gathering or seating between buildings.

(2) Spaces between buildings on outparcels shall be configured with small scale pedestrian amenities such as plazas, seating areas, pedestrian connections, and gathering spaces (see Figure 25-5.7.4(b): Outparcel Development).

Figure 25-5.7.4(b): Outparcel Development



(c) Façade Articulation

(1) Offsets Required

Street-facing front building façades that are greater than 60 feet wide shall be articulated with wall offsets (e.g., projections or recesses in the façade plane) that are at least one foot deep, at least ten feet wide, and spaced no more than 50 feet apart (see Figure 25-5.7.4(c)(1): Example of Front Façade Offsets).

Figure 25-5.7.4(c)(1): Example of Front Façade Offsets

(2) Offset Alternatives

The following techniques may be used (alone or in combination with other techniques and/or wall offsets) as an alternative to the required front façade offsets:

(i) Changes in façade color or material that follow the same dimensional standards as the offset requirements (see Figure 25-5.7.4(c)(2)(i): Changes in Color and Roofline);

Figure 25-5.7.4(c)(2)(i): Changes in Color and Roofline

(ii) Columns or pilasters that are at least eight inches deep and at least eight inches wide, and have a height equal to at least 80 percent of the façade's height (see Figure 25-5.7.4(c)(2)(ii): Pilasters); or

Figure 25-5.7.4(c)(2)(ii): Pilasters

(iii) Roofline changes that vertically align with a corresponding wall offset or change in façade color or material, including changes in roof planes and changes in the height of a parapet wall (such as extending the top of pilasters above the top of the parapet wall). (See Figure 25-5.7.4(c)(2)(i): Changes in Color and Roofline.)

(3) Side Façades

The street-facing side façades of buildings shall be articulated with the same façade details as provided on the building's front façade, or be screened from off-site views through fences, walls, or landscaping (which shall be at least eight feet high).

(4) Outbuildings

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

(d) Façade Materials

(1) Except in the I District, the use of aluminum siding, vinyl siding, corrugated metal siding, or other metal cladding is prohibited on any façade visible from a street right-of-way. Nothing shall limit the use of high-quality, decorative metal (e.g., brass, copper, steel) as a building accent or cladding material.

(2) Primary façade materials shall not change at outside corners, but extend along any side façade visible from a street right-of-way. In all instances the extension shall be a minimum of 20 feet, except materials may change where side or rear wings meet the main body of the structure. Where two or more materials are proposed to be combined on a façade, the heavier and more massive elements shall be located below the lighter elements (i.e., brick shall be located below stucco or wood). The heavier material may be used as a detail on the corner of a building or along cornices or windows.

(e) Building Façade Fenestration/Transparency

(1) Unless more restrictive requirements are established elsewhere in this Ordinance, or exempt by (2), below, at least 25 percent of the street-facing façade area of the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways.

(2) The sides of buildings facing local roads in LI and I districts are exempt from the requirements of subsection (1), above.

(f) Roofs

(1) Sloped roofs on principal buildings over 100 feet in length shall include two or more different sloping roof planes, each with a minimum pitch between 3:12 and 12:12.

(2) Flat roofs on principal buildings shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane.

(3) All roof-based mechanical equipment, as well as vents, pipes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured, to the maximum extent practicable, to have a minimal visual impact as seen from the street.

(g) Location of Off-Street Parking

Except in the CC District and as otherwise provided in Sec. 25-5.7.5, Large Retail Establishment Form and Design Standards; Section 25-5.2, Off-Street Parking and Loading Standards; or Article 25-3: Zoning Districts, development shall be configured to locate a minimum of 50 percent of required surface off-street parking to the side or rear of the front façade of the building.

(h) Loading, Service, and Equipment Areas

(1) Loading, service, and equipment areas shall be located in a manner that minimizes their visibility from off-site areas, to the maximum extent practicable.

(2) Outdoor storage areas and dumpsters shall be fully screened from adjacent streets and single-family dwelling units.

(3) Loading, service, and equipment areas that are associated with an outparcel building shall be screened through the use of structural elements using similar materials as the building attached to and integrated with the building.

Sec. 25-5.7.5. Large Retail Establishment Form and Design Standards

(a) General

In addition to the general nonresidential and mixed-use form and design standards in Sec. 25-5.7.4, Nonresidential and Mixed Use Design Standards, any large retail establishment (see Section 25-8.3, Definitions) shall also comply with the standards in this section (Sec. 25-5.7.5). If there is a conflict between the standards in this section (Sec. 25-5.7.5) and those in Sec. 25-5.7.4, Nonresidential and Mixed Use Design Standards, the standards in this section shall control.

(b) Building Entrances

(1) Buildings shall have clearly defined, highly visible customer entrances featuring no less than three of the following (see Figure 25-5.7.5(b)(2): Large Retail Building Entrances and Massing):

- **(i)** Canopies or porticos above the entrance;
- **(ii)** Roof overhangs above the entrance;
- **(iii)** Entry recesses or projections;
- **(iv)** Arcades that are physically integrated with the entrance;
- **(v)** Raised corniced parapets above the entrance;
- **(vi)** Gabled roof forms or arches above the entrance;

(vii) Outdoor patios or plazas next to the entrance;

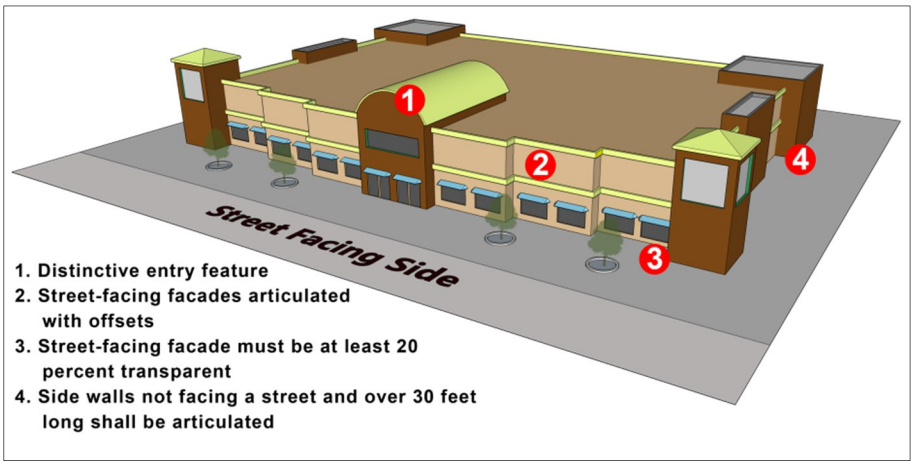
(viii) Display windows that are directly next to the entrance;

(ix) Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above or next to the entrance; or

(x) Integral planters or wing walls that incorporate landscaped areas or seating areas.

(2) All portions of buildings designed to appear as customer entrances shall be functional customer entrances.

Figure 25-5.7.5(b)(2): Large Retail Building Entrances and Massing



(c) Façades and Massing

(1) To reduce their perceived mass and scale, buildings shall incorporate two or more of the following design elements on each façade facing a street (see Figure 25-5.7.5(b)(2): Large Retail Building Entrances and Massing):

(i) Variations in roof form and parapet heights;

(ii) Pronounced wall offsets that are at least two feet deep;

(iii) Distinct changes in texture and color of wall surfaces;

(iv) Ground level arcades and second floor galleries or balconies;

(v) Protected and recessed entries; and

(vi) Vertical accents or focal points.

(2) Side building walls that do not face a street and exceed 30 feet in length shall have façade-articulating elements such as columns or changes in plane, texture, or masonry pattern (see Figure 25-5.7.5(b)(2): Large Retail Building Entrances and Massing).

(d) Building Façade Fenestration/Transparency

Unless more restrictive requirements are established elsewhere in this Ordinance , at least 10 percent of the street-facing façade area of the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways.

(e) Off-Street Parking Location Standards

(1) Except as otherwise required by Section 25-5.2, Off-Street Parking and Loading Standards, or Article 25-3: Zoning Districts, up to 75 percent of surface parking required by Section 25-5.2, Off-Street Parking and Loading Standards, may be located between the front façade of the building and the street it faces. Any parking provided in addition to that required by Section 25-5.2 shall be located to the side or rear of the front façade of the building.

(2) Off-street surface parking lots with 200 or more spaces shall comply with the standards in Sec. 25-5.2.4(l), Large Parking Lots.

SECTION 25-5.8. NEIGHBORHOOD COMPATIBILITY STANDARDS

Sec. 25-5.8.1. Purpose and Intent

The purpose of these neighborhood compatibility standards is to provide a proper transition and ensure compatibility between single-family detached or two-family dwelling units, vacant lands in the residential single-family zoning districts (RS-E, RS-10, RS-7, RS-5), and other more intense forms of development. More specifically, it is the intent of these standards to:

(a) Protect the character of existing neighborhoods consisting of primarily single-family detached or two-family dwelling units from potentially adverse impacts resulting from more intense and incompatible adjacent forms of development;

(b) Use development form and design treatments as alternatives to large vegetated buffers; and

(c) Establish and maintain vibrant pedestrian-oriented areas where multiple uses can operate in close proximity to one another.

Sec. 25-5.8.2. Applicability

(a) General

(1) Unless exempted by subsection (b) below, the standards in this section apply to:

(i) New multifamily, nonresidential, and mixed-use development when located on land adjacent to, or across a street or alley from a single-family residential lot (see subsection (2) below); and

(ii) Any expansion or alteration of an existing multifamily, nonresidential, or mixed-use development when located on land adjacent to, or across a street or alley from a single-family residential lot (see subsection (2) below), if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area.

(2) For the purposes of this section:

(i) Multifamily, nonresidential, or mixed-use development includes the following:

a. Live-work building;

b. Multifamily building;

c. Single-family attached building;

d. Uses in the Group Living use category;

e. Uses in the Civic/Institutional use classification;

f. Uses in the Commercial use classification;

g. Uses in the Industrial use classification; and

h. Buildings containing both dwelling units as principal uses and nonresidential principal uses.

(ii) Single-family residential lots include:

a. Lots where an existing single-family detached or duplex dwelling unit is located; and

b. Undeveloped land in the RS-E, RS-10, RS-7, or RS-5 districts.

(3) In the case of conflict between these neighborhood compatibility standards and other standards in this Ordinance, these neighborhood compatibility standards shall control.

(b) Exemptions

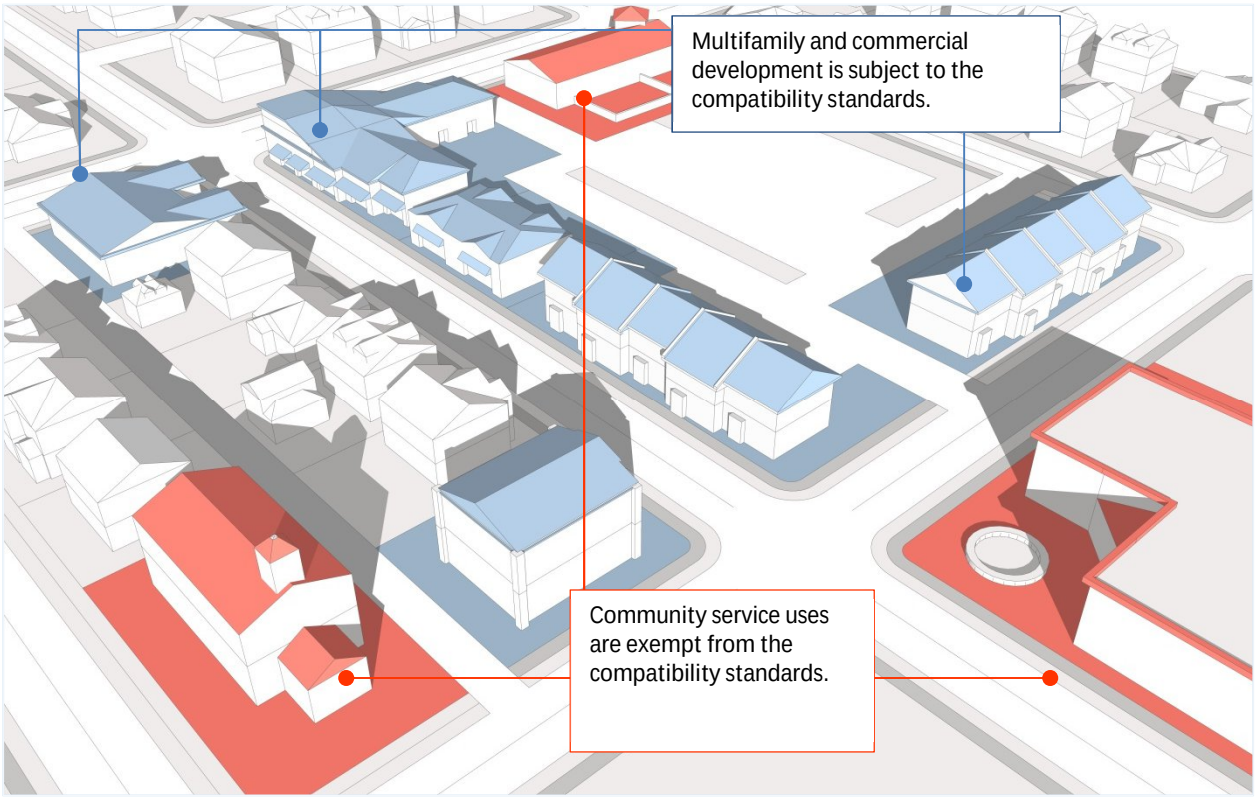
Uses exempt from these standards include the following (see Figure 25-5.8.2(b): Illustration of Applicability of Neighborhood Compatibility Standards):

(1) Multifamily, nonresidential, or mixed-use development when the adjacent single-family detached or two-family dwelling unit is located on a lot that is not within a Residential district;

(2) Multifamily, nonresidential, and mixed-use development when separated from the adjacent single-family residential lot by a street with four or more lanes of travel or a right-of-way greater than 90 feet;

(3) Uses in the Communications or Community Service use categories.

Figure 25-5.8.2(b): Illustration of Applicability of Neighborhood Compatibility Standards



(c) Timing of Review

Review for compliance with the standards of this section shall occur during review of applications for a planned development district (see Sec. 25-2.4.3), special exception permit (see Sec. 25-2.4.4), or site plan (major or minor) (see Sec. 25-2.4.5), as appropriate.

Sec. 25-5.8.3. Neighborhood Compatibility Standards

(a) Site Design

(1) Building Orientation and Placement

(i) Multifamily, nonresidential, and mixed-use development shall be oriented to face similar forms of development on adjacent or opposing lots rather than single-family residential lots, to the maximum extent practicable.

(ii) When compatible with (1) above, the primary entrance of a new building shall face the street from which the building obtains its street address or mailing address.

(iii) For a multi-building development that includes varying use and/or development intensities in different buildings, the development shall locate buildings with the least intense use and/or development nearest to adjacent single-family residential lots.

(2) Parking and Driveway Areas

(i) The total amount of off-street parking shall not exceed 1.2 times the required minimum specified in Sec. 25-5.2.5(a)(1), Minimum and Maximum Parking

Standards, and may be reduced through an alternative parking plan (see Sec. 25-5.2.5(b)(1), Alternative Parking Plan) that demonstrates such reduction will not have an adverse impact on the adjacent single-family residential lots.

(ii) When required, off-street parking shall be established in one or more of the following locations, listed in priority order:

a. Adjacent to off-street parking lots serving nonresidential uses on abutting lots;

b. Adjacent to lot lines abutting nonresidential development;

c. Adjacent to lot lines abutting mixed-use development; or

d. Adjacent to lot lines abutting single-family residential lots.

(iii) Off-street surface parking areas located adjacent to single-family residential lots shall be screened by a Type D landscaped buffer (see Sec. 25-5.3.3, Landscaped Buffers).

(iv) Parking structure façades adjacent to single-family residential lots shall be configured to appear as articulated or landscaped building walls, to soften their visual impact.

(3) Loading and Refuse Storage Areas

Loading, service, and refuse collection areas shall be:

(i) Located behind or to the sides of buildings away from adjacent single-family residential lots, screened with walls and/or landscaping, and provided with access that is integrated with parking areas and the vehicular circulation network;

(ii) Screened from view of single-family residential lots; or

(iii) Incorporated into the overall site so that the impacts of these functions are fully contained within an enclosure or are otherwise out of view from adjacent single-family residential lots.

(4) Drive-Throughs and Outdoor Dining

(i) Drive-through or pick-up windows shall not be located:

a. On a building façade that faces a single-family residential lot; or

b. Within 100 feet of a single-family residential lot.

(ii) Order boxes associated with a drive-through or pick-up window shall not be located within 150 feet from single-family residential lots.

(iii) Outdoor dining areas shall not be located on a building façade that faces a single-family residential lot or vacant land in a single-family Residential district unless a Type D landscaped buffer (see Sec. 25-5.3.3, Landscaped Buffers) is provided between the outdoor dining area and the single-family residential lot.

(5) Open Space Set-Asides

(i) Required open space set-asides shall be located between a proposed development and an adjacent single-family residential lot, to the maximum extent practicable.

(ii) Outdoor recreation features such as swimming pools, tennis courts, playgrounds, and similar features shall be at least 100 feet from any lot line shared with a single-family residential lot.

(b) Building Height

(1) Building height shall not exceed the height established in Table 25-5.8.3(b)(1): Maximum Building Height in Neighborhood Compatibility Areas.

TABLE 25-5.8.3(B)(1): MAXIMUM BUILDING HEIGHT IN NEIGHBORHOOD COMPATIBILITY AREAS

DISTANCE FROM SINGLE-FAMILY DWELLING UNIT OR LOT [1][2]	MAXIMUM HEIGHT [3]
50 feet or less	2 stories
51 to 75 feet	3 stories
76 to 150 feet	4 stories
More than 150 feet	Applicable zoning district maximum height

NOTES:

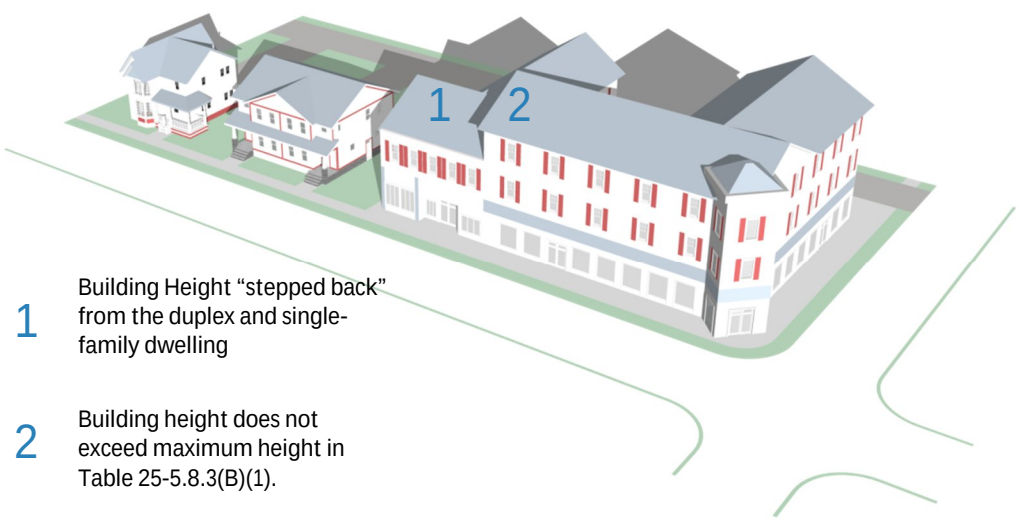
[1] Measured from the nearest property line

[2] All required minimum zoning district setbacks shall apply.

[3] The maximum building height shall not exceed the maximum building height in the zoning district where the building is located.

(2) Buildings over three stories in height shall be broken up into modules or wings with the smaller and shorter portions of the structure located adjacent to the single-family residential lot (see Figure 25-5.8.3(b)(2): Building Height Modulation).

Figure 25-5.8.3(b)(2): Building Height Modulation



(3) Accessory buildings and structures for all use classifications except Agricultural/Rural and Industrial may not be taller than the principal building or structure

(c) Building Form

(1) Buildings shall:

(i) Use a similar roof type to adjacent single-family detached or duplex dwelling units in terms of slope and arrangement to prevent abrupt changes in roof form;

(ii) If within 100 feet of a single-family residential lot, maintain a pitched roof;

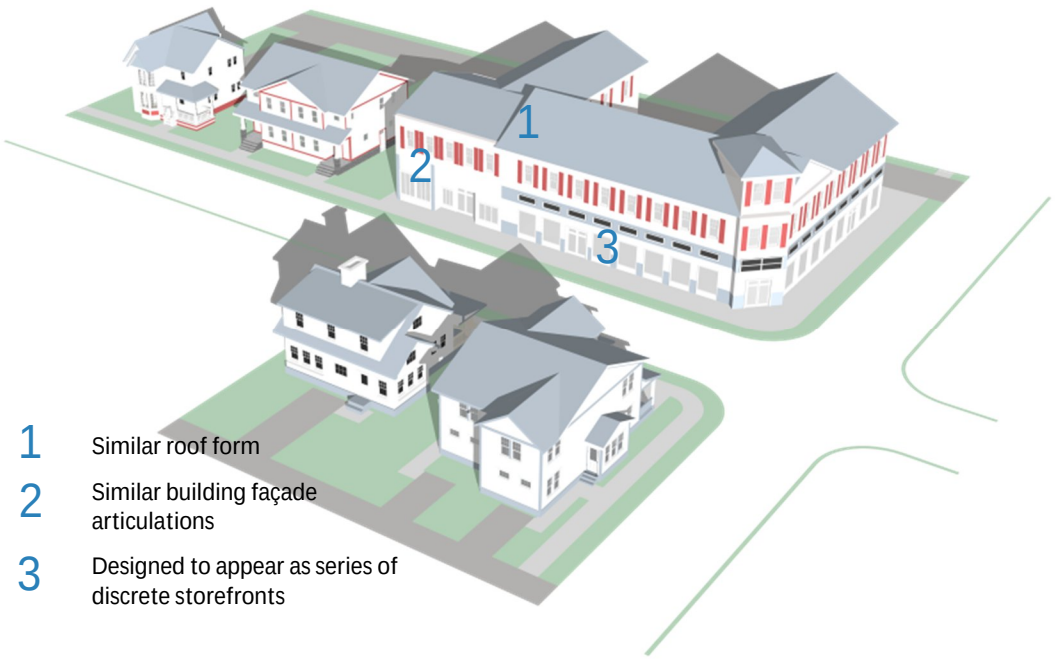
(iii) Configure all roof-mounted equipment to avoid or minimize its view from adjacent streets and single-family residential lots;

(iv) Use similarly sized and patterned wall offsets and other building articulations found on adjacent single-family detached and duplex dwelling units; and

(v) Orient porches, balconies, and outdoor activity areas away from adjacent single-family residential lots.

(2) Retail commercial building façades that face single-family residential lots shall be designed to appear as a series of discrete storefronts, with no single storefront occupying more than 50 percent of the total façade width of the building. See Figure 25-5.8.3(c): Appropriate Building Form.

Figure 25-5.8.3(c): Appropriate Building Form



(d) Façades

Façades facing single-family residential lots shall comply with the following façade standards:

(1) Materials

(i) Materials and material configurations shall be consistent with those commonly used on adjacent single-family detached or two-family dwelling units.

(ii) Plywood, concrete block, and corrugated metal are prohibited as exterior materials.

(iii) Split-face masonry unit and vinyl siding shall not exceed 25 percent of a building façade.

(2) Transparency

The façade shall comply with the standards in Table 25-5.8.3(d)(2): Façade Transparency Standards.

TABLE 25-5.8.3(D)(2): FAÇADE TRANSPARENCY STANDARDS

BUILDING STORY	MINIMUM FAÇADE AREA PERCENTAGE TO BE TRANSPARENT (PERCENT) [1] [2] [3]
Ground Floor	40
Second Floor	15
Third Floor or Higher	10

NOTES:

[1] The façade area shall be measured from the grade to the underside of the eaves, or from story line to story line on upper building stories.

[2] Façades abutting sidewalks, plazas, gathering areas, or other pedestrian areas shall incorporate transparent features.

[3] The first two feet of façade area closest to the grade are not required to be transparent and shall be excluded from the façade area calculation.

(e) Exterior Lighting

(1) Exterior lighting shall have a maximum height of 15 feet within 100 feet of a single-family residential lot and 18 feet if located more than 100 but less than 150 feet of a single-family residential lot.

(2) Illumination from exterior lighting shall not exceed 0.5 foot-candles at any lot line shared with a single-family residential lot.

(f) Signage

(1) To the maximum extent practicable, signage shall be located a minimum of 100 feet from lot lines shared with a single-family residential lot. (This includes off-premises signs (e.g. billboards))

(2) The maximum sign copy area for signs shall be reduced by 25 percent within 50 feet of lot lines shared with a single-family residential lot (This includes off-premises signs (e.g. billboards))

(g) Operational Standards

Development subject to these standards shall:

(1) Limit the hours of outdoor dining or other outdoor activities, where permitted, within 150 feet of single-family residential lots to only between the hours of 7:00 a.m. and 8:00 p.m.;

(2) Limit trash collection or other service functions to only between the hours of 6:00 a.m. and 8:00 p.m.; and

(3) Extinguish amplified music, singing, or other forms of noise audible at lot lines shared with single-family residential lots after 10:00 p.m. Sunday through Thursday nights, and after 12:00 a.m. Friday and Saturday nights.

SECTION 25-5.9. SIGN STANDARDS

Sec. 25-5.9.1. Findings

The City Council finds:

(a) Signs provide a vital function for the convenience of the public and for the efficient communication of commercial and noncommercial speech.

(b) Unlike oral speech, signs may cause harm by virtue of the physical space they occupy by obstructing views, distracting motorists, displacing alternative uses of land, and endangering the safety of persons or property. The City has a substantial and compelling interest in all of the purposes set forth below and has a substantial and compelling interest in regulating signs in such a way that the harms caused by signs might be reduced and mitigated.

(c) Signs are essential to the health and economic well-being of the City by:

(1) Facilitating consumer transactions and other commercial and industrial activities that allow businesses to be successful, which in turn provides employment and supports a stable tax base; and

(2) Providing information and directions for the safe and efficient travel of motor vehicles, bicycles, and pedestrians.

(d) Signs have a strong visual impact on the character and aesthetic appearance of the City. They are a prominent part of the cityscape and, as such, can enhance or detract from the City's image and character and facilitate or impede the creation of an attractive and harmonious environment in the City. Their suitability or appropriateness helps to define the way in which the City and neighborhoods within the City are perceived.

(e) The visual environment and character of the City are important factors in the City’s economic well-being because they influence Decatur’s appearance and land values.

(f) The visual environment and character of the City, as well as the orderly flow of traffic and safety of travel, is diminished when visual clutter results and the vision of motorists, bicyclists, and pedestrians is obstructed from the unrestricted proliferation and placement of signs, or from the improper maintenance of signs.

(g) Regulation of the size, height, number and spacing of signs throughout the City is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the City, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, to provide ample, meaningful opportunities for persons who desire to display information by means of a sign to have their information seen and understood, and to provide for the orderly and reasonable display of advertising and other messages for the benefit of all persons in the City.

(h) For these reasons, the needs of individual citizens, property owners, and businesses to convey their commercial and noncommercial messages must be balanced against the goals of the City to ensure the safety of its roads and pedestrianways, maintain its desired character, and protect property owners’ and businesses’ desire to preserve and enhance their property values. The provisions of this section do not entirely eliminate all of the impacts that may be created by the installation and display of signs. Instead, they strike an

appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the impacts caused by signs.

(i) The provisions of this section do not apply to every form and instance of visual speech that may be displayed within the City. They are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth below.

(j) The provisions of this section are neither intended nor designed to restrict or control signs for the purpose of promoting or stifling any messages that might appear on them.

Sec. 25-5.9.2. Purpose and Intent

The purpose and intent of this section is to promote public health, safety, and welfare of residents, landowners, and visitors in the City by:

(a) Providing for the orderly and harmonious display of signs within the community;

(b) Facilitating the identification of properties and enterprises for the convenience of the public;

(c) Avoiding displays of signage that produce deleterious and injurious effects to adjacent properties and to the natural beauty of the environment;

(d) Providing for the safety of the traveling public by limiting distractions, hazards, and obstructions;

(e) Minimizing visual clutter and encouraging a visual environment within the City that reflects the community's desired character, allows the City to attract sources of economic development, and supports the economic well-being of the City's businesses; and

(f) Enabling efficient and consistent permitting and enforcement.

Sec. 25-5.9.3. Severability

The requirements and provisions of this section (Section 25-5.9) are severable. In event that any provision of this section is declared by a court of competent jurisdiction to be unconstitutional or invalid, the decision of the court shall not affect the validity of this section (Section 25-5.9) as a whole nor any provision of this section, other than the provision so declared to be unconstitutional or invalid.

Sec. 25-5.9.4. Applicability

(a) General

(1) Except as exempted by subsection (b) below, all signs shall comply with the standards in this section.

(2) Except as exempted by subsection (c) below, no sign shall be located, constructed, erected, posted, attached, altered, or repaired until a sign permit has been issued for the sign in accordance with Sec. 25-2.4.12, Sign Permit.

(3) Approval of a temporary use permit in accordance with Sec. 25-2.4.8, Temporary Use Permit, is required prior to the display of any of the following temporary signs:

(i) Mechanically air actuated, wind-blowing devices; and

(ii) Banner signs that have a combined area visible per side of the pole or light standard to which they are attached of more than 32 square feet.

(b) Signs Exempt from Signage Standards

(1) The following are exempt from all the standards and requirements in this section (Section 25-5.9):

- **(i)** Official signs erected by, on behalf of, or pursuant to the authorization of a governmental body, including traffic, directional, and regulatory signs and legal notices;
- **(ii)** Flags safely flown from a flagpole; and
- **(iii)** Any sign the City is prohibited from regulating by state or federal law, to the extent of the prohibition.

(2) The following shall comply with Sec. 25-5.9.5, General Standards, but are otherwise exempt from the standards and requirements in this section (Section 25-5.9):

- **(i)** Any sign not exceeding two square feet in area containing text not clearly legible from the public right-of-way;
- **(ii)** On premise directional signs, located adjacent to a driveway, private drive internal to a development, or vehicular surface area, if the sign does not exceed:
  - **a.** Six square feet in sign area and 30 inches in height if located within five feet of the public right-of-way;
  - **b.** Six square feet in sign area and 42 inches in height if located ten or more feet from the public right-of-way and in a setback area; or
  - **c.** 36 square feet in sign area and six feet in height if located outside of all setback areas;
- **(iii)** Signs that are fully located within the interior of any building or stadium or within an enclosed lobby or court of any building that are not intended to advertise or convey any message to the public outside of those areas.
- **(iv)** Signs fixed or mounted directly on or in windows, that do not cover more than 20 percent of the total window area; Signs shall not violate section 25-5.9.5(c)(3).
- **(v)** Signs painted on or otherwise attached to currently licensed motor vehicles, so long as the primary function of the vehicle is the ordinary one attributed to vehicles in general, and not to advertise or identify as a sign by itself would;
- **(vi)** Integral decorative or architectural features of buildings or works of art, so long as such features do not contain moving parts or moving or flashing lights; and
- **(vii)** Any sign located adjacent to the stacking land of an approved drive-thru provided the text is not clearly legible from the public right-of-way.

(c) Sign-Related Activities not Requiring a Sign Permit

The following activities do not require a sign permit:

(1) Display of temporary signs; that are listed in section 25-5.9.6(a) and 25-5.9.6(b);

(2) Sign maintenance, including any of the following:

- **(i)** Normal care and minor repairs necessary to maintain safe, attractive, and finished sign structure, trim, frame, poles, brackets, and surface;

(ii) Replacing or updating sign copy of the current business or occupants use that has a valid Certificate of Occupancy, and does not alter the shape, size, area, height, or setback of the current sign

(iii) Altering, replacing, or repairing any off-premises sign, so long as the cost does not exceed $7,500 in any twelve-month period.

(d) Timing of Review

Review for compliance with the standards of this section shall occur during review of applications for a planned development district (see Sec. 25-2.4.3), special exception permit (see Sec. 25-2.4.4), site plan (major or minor) (see Sec. 25-2.4.5), temporary use permit (see Sec. 25-2.4.8), sign permit (see Sec. 25-2.4.12), or certificate of occupancy (see Sec. 25-2.4.13), as applicable.

Sec. 25-5.9.5. General Standards

The standards in subsections (a) through (j) below apply to temporary and permanent signs, unless exempted by Sec. 25-5.9.4(b), Signs Exempt from Signage Standards.

(a) Signs not Permitted are Prohibited

Signs not identified in this section (Section 25-5.9) as permitted are prohibited.

(b) Substitution of Noncommercial Message Permitted

The replacement of commercial content with noncommercial content on any sign permitted by this section (Section 25-5.9) is permitted.

(c) Prohibited Public Nuisance Signs

The following signs are public nuisances and are prohibited:

(1) Signs which copy, imitate, or in any way approximate an official traffic sign or device;

(2) Signs which hide from the view of street traffic, or interfere with, any sign displayed by public authority for the purpose of giving traffic instruction or direction or other public information;

(3) Signs which display flashing, intermittent, rotating, or moving lights, or lights of changing degrees of intensity which are visible from the right-of-way of a public street or highway, or from any other vehicular travel way open to the public(this prohibition does not include changeable copy signs.);

(4) Signs which permit focused light, such as beams or rays of light, to be directed onto a public street, highway, road, sidewalk, or premises of another owner or tenant when such light is of such intensity or brilliance as to cause glare or reflection and impair vision, or constitute a traffic hazard or nuisance;

(5) Signs on public property that are attached to or maintained upon trees, or painted or drawn upon rocks or other natural features;

(6) Signs incorporating any noisy mechanical device which emits sound of such a volume as to be heard over the normal road noise by an average motorist on a highway or street;

(7) Unless excepted in (ii), below, LED strip lighting, LED module lighting, or rope lighting shall not be used as described in (i), below.

(i) These styles of lighting are prohibited from being used to outline:

a. Windows or doors

b. An individual occupancy of a multi-tenant building, such as a single shopfront in a shopping center; or

c. Any architectural feature of a building other than the roofline of an entire building.

(ii) Exceptions:

a. The lighting is installed on the interior of a building and the source of the light is not visible from the exterior of the building.

b. Temporary holiday lighting.

(8) Signs which fail to meet the standards set out by the Building Code or any other applicable codes enforced by the City of Decatur, including applicable wind load and electrical requirements;

(9) Signs, or their parts or appurtenances or supporting members, which obstruct or interfere with any door, fire escape, ventilation opening, or other means of ingress and egress or ventilation;

(10) Signs which interfere with the view necessary for vehicular or pedestrian traffic to proceed safely or to enter onto or exit from public or private streets, roads, or highways;

(11) Signs located within or projecting over any public right-of-way, except where otherwise allowed by Sec. 25-5.9.7, Permanent Signs;

(12) Signs located within a visibility triangle;

(13) Signs attached to a utility pole;

(14) Permanent signs that revolve, are animated, or utilize movement or apparent movement in order to attract the attention of the public, and that are visible from the right-of-way of a public street or highway, or from any other vehicular travel way open to the public;

(15) Streamers, pennants, and ribbons;

(16) Signs placed upon a building, wall, tree, fence, or other property of another person or business without first obtaining the consent of the owner of such property; and

(17) Portable signs.

(d) Comply with City Code

All signs shall be constructed and maintained in compliance with all applicable Building Code provisions and with all applicable provisions of the City Code.

(e) Rules for Measurement

Sign area, height, and setbacks shall be measured in accordance with Section 25-8.2, Rules of Measurement.

(f) Height

(1) Detached signs, other than off-premises signs, shall have the following maximum height, except where otherwise allowed by Sec. 25-5.9.7, Permanent Signs:

(i) 6 feet in Residential districts;

(ii) 30 feet in the CC, LI, and I districts; and

(iii) 20 feet in any other district.

(2) Attached signs other than roof-mounted signs shall not extend above the height of the building to which they are attached.

(3) Where permitted, roof-mounted signs shall not extend to a height more than 10 percent above the height of the building to which they are attached.

(g) Setbacks

(1) Sign setbacks are addressed in specific sections of this ordinance. Signs shall also meet the Visibility Triangle requirements found in section 25-5.8.3 (definitions). Sign placement may be rejected or adjusted if in the opinion of the Building Director the sign may cause a line of sight visibility problems regardless of prior approvals.

(h) Illumination

(1) Illumination of signs, where permitted, shall be designed, installed and maintained in a manner that avoids glare on adjoining property and that avoids glare or reflection which in any way interferes with traffic safety.

(2) Where illumination is by a source external to the sign, the source of illumination shall be aimed and shielded so that direct illumination is focused exclusively on the sign face and is not visible from any adjoining lots or public right-of-way.

(3) The luminance of a sign shall not exceed 10,000 Nits during daylight hours and 1,000 Nits at all other times. The applicant shall provide certification from the manufacturer or installer that the proposed sign is designed to comply with the maximum luminance standards in this section. Signs incorporating displays that use light emitting diodes (LEDs), charge coupling devices (CCDs), plasma, or functionally equivalent technologies shall be equipped with automatic dimming technology and certified by the manufacturer or a qualified professional to be compliant with the maximum luminance standards in this section.

(i) Automatic Changeable Copy

A sign that incorporates automatic changes in display, lighting, color, or copy shall comply with the following standards:

(1) The display or copy shall remain static prior to each change for a period not less than five seconds.

(2) Each change of the display or copy between static states shall be accomplished within 1.0 second or less.

(3) Each change of the display or copy shall be accomplished without the use of animation, scrolling, or simulated movement.

(4) The device that automatically changes the display or copy shall be designed and equipped to maintain a static display if a malfunction occurs.

(j) Maintenance

(1) All signs, and their components, supporting structure, and appurtenances, shall be maintained in good repair and shall present a clean, orderly, and finished appearance, free of rust, peeling, flaking, fading, broken or cracked panels, and broken or missing letters. Signs that show gross neglect or are dilapidated are prohibited. On-premises signs that are obsolete in that they advertise a business or activity no longer being conducted, or a service or product no longer being offered or produced, are prohibited.

(2) The area within ten feet in all directions of any part of a detached sign shall be kept clear of debris, trash, and grass or other undergrowth having a height of more than five inches, measured from ground level.

(3) Exposed backs of all signs shall be painted a single color and shall present a clean and finished appearance.

(4) If the Director finds that an on-premises sign is obsolete in that it advertises a business or activity no longer being conducted, or a service or product no longer being offered or produced, the Director shall issue a notice of violation in accordance with Sec. 25-7.5.4, Enforcement Procedure, providing a maximum of 90 days for the sign to be brought into compliance with this Ordinance.

(5) If the Director finds that any sign or part of a sign does not comply with the Building Code, is in danger of falling, presents a hazard from electrical shock or fire, or is otherwise unsafe, insecure, or a menace to the public, the Director shall issue a notice of violation in accordance with Sec. 25-7.5.4, Enforcement Procedure, providing a maximum of 30 days for the sign to be brought into compliance with the Building Code and any unsafe conditions to be remedied. Repairs to nonconforming signs shall be subject to Section 25-6.5, Nonconforming Signs.

(6) Notwithstanding subsection (4) above, if the Director determines a sign is an immediate and imminent peril to persons or property, the Director is authorized to cause the sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the sign, or in the building or premises on which the sign is located.

Sec. 25-5.9.6. Temporary Signs

The standards in this section apply to all temporary signs, unless exempted by Sec. 25-5.9.4(b), Signs Exempt from Signage Standards, in addition to the general standards in Sec. 25-5.9.5, General Standards.

(a) Permitted Temporary Signs

Any one or more of the temporary signs identified in subsections (1) through (8) below, may be displayed on a lot in any zoning district, subject to the standards set forth for the particular type of sign below.

(1) A-frame and T-frame signs may be placed on a publicly owned sidewalk or other publicly owned pedestrian access area, either within or outside of the right-of-way, in front of a building containing one or more nonresidential uses. Such signs shall comply with the following provisions:

- **(i)** A maximum of one such sign is allowed per building façade where a sidewalk is located;
- **(ii)** The sign may be placed outdoors only during hours when the building is open to the public;
- **(iii)** The sign shall not exceed three feet in height or two feet in width;
- **(iv)** The sign shall have a maximum of two sign faces;
- **(v)** The sign shall not reduce passable space on sidewalks to less than five feet or otherwise reduce or impede pedestrian movement or create a conflict with any provision of the Americans with Disabilities Act;
- **(vi)** The sign shall not be affixed to any object, structure, or the ground, but shall be constructed of a material and weight to ensure general stability;
- **(vii)** The sign shall not be located more than 15 feet from an entrance to the building; and
- **(viii)** If the sign is placed in the public right-of-way, the owner/operator shall provide proof that said sign is covered by an insurance policy held by either the owner of the premises or operator of the business that indemnifies the City of Decatur of any liability resulting from the use or placement of said sign.

(2) Temporary signs may be placed on a lot or building that is actively being marketed for sale or for rent. Such signs shall be limited to one per street frontage, and shall have a maximum sign area of six square feet each if located in a residential district, or 32 square feet each if located in any other district.

(3) Temporary signs may be placed on a lot where construction activities are being performed, as evidenced by an active building permit. Such signs shall not be illuminated, shall be limited to one such sign per street frontage, and shall have a maximum sign area of six square feet each if located in a residential district, or 32 square feet each if located in any other district. Such signs shall be removed with ten days after the completion of construction activities, as evidenced by the issuance of a certificate of occupancy or by the commencement of the intended use, whichever occurs first. Mesh security screening as part of temporary construction fencing which displays signage copy is exempted from these requirements.

(4) Temporary signs may be displayed during a period beginning 45 days prior to an election and concluding 10 days after the election or runoff election, as applicable. Such signs shall have a maximum sign area of six square feet each if located in a residential district, or 32 square feet each if located in any other district.

(5) A temporary sign having a maximum sign area of six square feet may be placed on a residential lot for maximum period of 62 hours in any seven-day period.

(6) Banner signs may be displayed, when attached to poles or light standards separated from each other by a minimum of 25 feet. A maximum of two such banner signs may be attached to any individual pole or light standard. The maximum combined area of such signs visible per side of the pole or light standard shall be 25 square feet, except a larger area is permitted, subject to approval of a temporary use permit in accordance with Sec. 25-5.9.6(c), Signs Requiring Temporary Use Permit.

(7) Display of mechanically air actuated, wind-blowing devices is allowed on a temporary basis, subject to approval of a temporary use permit in accordance with Sec. 25-5.9.6(c), Signs Requiring Temporary Use Permit.

(8) A maximum of one balloon may be attached to a vehicle for sale. by a string that is ten feet or less in length. Such a balloon shall not exceed two feet in any dimension and shall be attached the vehicle for sale by a string that is ten feet or less in length. Display of such balloons may occur during the time period between 12:00 noon on Friday and 12:00 midnight Sunday, and on the following holidays: New Year's Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

(9) In any district other than a Residential district, a temporary sign may be displayed on a lot during any 21-day period beginning on the date a certificate of occupancy is issued for a principal structure on the lot.

(b) Residential Temporary Signs

(1) In Residential districts, temporary signs that have maximum area of six square feet and a maximum height of four feet may be located in any required front, rear, or side yard.

(2) In Residential districts, temporary signs advertising multiple lots when placed on streets classified as collector or higher, that have maximum area of six square feet and a maximum height of six feet, and are a minimum of ten feet away from any public right of way may be located in any required front, rear, or side yard

(3) In any district other than a Residential district, temporary signs shall comply with the following setbacks:

- **(i)** Temporary signs are prohibited within 10 feet of the public right-of-way;
- **(ii)** Temporary signs located outside of all minimum setbacks and at least 10 feet from all public rights-of-way shall have a maximum height of six feet.

(c) Signs Requiring Temporary Use Permit

(1) Display of any wind-blowing device or banner sign requiring approval of a temporary use permit shall be limited 90 days per year per lot or tract.

(2) Any wind-blowing device or banner sign requiring approval of a temporary use permit shall have a maximum area of:

- **(i)** 50 square feet on lots with less than 100 linear feet of road frontage; or
- **(ii)** 100 square feet on lots with more than 100 linear feet of road frontage.

(3) An application for a temporary use permit required by this section for display of a wind-blowing device or banner sign shall include the following:

- **(i)** The dates of display;
- **(ii)** The proposed size and location of the wind-blowing device or banner sign; and
- **(iii)** An affirmative statement by the applicant that the wind-blowing device or banner will be displayed only during the dates of display specified on the application.

Sec. 25-5.9.7. Permanent Signs

The standards in this section apply to all permanent signs, unless exempted by Sec. 25-5.9.4(b), Signs Exempt from Signage Standards, in addition to the general standards in Sec. 25-5.9.5, General Standards.

(a) Sign-Specific Standards Applicable in all Zoning Districts

The standards in subsections (1) through (4) apply in all zoning districts.

(1) Subdivision Entry Signs

One detached sign is permitted at each entrance to a residential subdivision in accordance with the following standards:

(i) Such signs shall be located outside of land platted as right-of-way on an approved subdivision plat;

(ii) If located within ten feet of the public right-of-way, the sign shall have a maximum height of 42 inches and a maximum area of 40 square feet;

(iii) If the sign and all its supporting members, trim, and other parts are located ten feet or more from the public right-of-way, the sign shall have a maximum height of six feet and a maximum area of 80 square feet; and

(iv) If the sign is attached to a free standing wall or decorative features having a length o 50 linear feet or greater the sign shall have a maximum height of six feet and maximum area of 80 square feet.

(2) Multifamily Development Signs

A multifamily development may include the following permanent signs, in addition to other signs permitted by this section (Section 25-5.9):

(i) Any number of attached signs, provided the maximum total combined area of such signs shall be 36 square feet; and

(ii) One detached sign on each frontage of the development on a public street, provided each such sign shall be located a minimum of ten feet from the public right-of-way and shall have a maximum height of six feet and maximum area of 40 square feet.

(3) Off-Premises Signs (Billboards)

(i) New Off-Premises Signs Prohibited

New off-premises signs are prohibited within the City.

(ii) Replacement of Removed or Destroyed Signs

Notwithstanding subsection (i) above, off-premises signs in existence on ___ [*insert effective date of current provision*] which are subsequently destroyed or removed, may be replaced subject to the following conditions:

a. If on the date of removal or destruction, the sign did conform to the standards in subsections (iii) through (vii) below, then the sign may be replaced; provided:

1. The replacement is made within six months after the removal or destruction of the old sign;

2. The replacement sign complies with the standards in subsections (iii) through (vii) below; and

3. The replacement sign is located at the same location as the sign it replaces.

b. If on the date of removal or destruction, the sign did not conform to the standards in subsections (iii) through (vii) below, then the sign may be replaced, provided:

1. The replacement is made within six months after the removal or destruction of the old sign and,
2. The replacement sign does not exceed 400 square feet in size or 30 feet in height.

c. If a sign which was removed or destroyed is not actually replaced within the time limits enumerated in subsection a or subsection b above, as applicable, then the sign which was removed or destroyed may not be replaced, and the location from which the sign was removed or destroyed shall no longer be used for the erection of an off-premises-sign.

(iii) Maximum Height, Length, and Area

No off-premises sign shall exceed 30 feet in height, 40 feet in length, or 400 square feet in area per side.

(iv) Minimum Spacing and Setbacks

a. An off-premises sign shall not be located, erected, or maintained closer than:

1. 1,000 feet from another detached off-premises sign, measured on the same side of the street;
2. 200 feet from any Residential district; or
3. 100 feet from any intersection of public highways or streets.

b. All off-premises detached signs shall be located, erected, and maintained so that neither the sign itself nor any part of supporting member thereof extends into the minimum required front, rear, or side yard setbacks of the district the sign will be located.

(v) Not Obstruct Visibility

Off-premises signs and their trim, apron, supports, or structural members, other than poles, shall not obstruct visibility between the heights 42 inches and ten feet, as measured from the street level.

(vi) Maximum Diameter of Support Pole

The maximum diameter of any pole supporting an off-premises sign shall be 40 inches.

(vii) One Sign Per Pole, Sign, or Support

A maximum of one off-premises sign may be attached to any pole, support, or sign structure.

(b) Permanent Signs Permitted in Residential and R-PD Districts

(1) In addition to signs permitted by other provisions of this section (Section 25-5.9), the following permanent signs are permitted in all Residential districts and in the R-PD District:

(i) Signs located on residential lots and having a maximum area of three square feet each;

(ii) A maximum of one attached sign and one detached sign, having a maximum sign area of 36 square feet each, on any lot where a Civic/Institutional use is located; and

(iii) Signs that do not contain self illumination elements.

(2) Roof-mounted signs are prohibited in all Residential districts and in the R-PD District.

(c) Permanent Signs Permitted in AG, INST, CN, CR, UC-MX, O-MX, MEC-PD, and TN-PD Districts

In addition to signs permitted by other provisions of this section (Section 25-5.9), permanent signs are permitted in the AG, INST, CN, CR, UC-MX, O-MX, MEC-PD, and TN-PD districts in accordance with Table 25-5.9.7(c): Permanent Sign Standards in AG, INST, CN, CR, UC-MX, O-MX, MEC-PD, and TN-PD Districts.

TABLE 25-5.9.7(C): PERMANENT SIGN STANDARDS IN AG, INST, CN, UC-MX, O-MX, MEC-PD, AND TN-PD DISTRICTS

SIGN TYPE	NUMBER OF ESTABLISHMENTS ON LOT	NUMBER, AREA, AND LOCATION REQUIREMENTS [1] [2]
Attached Signs	1	**Maximum number:** No maximum **Maximum combined area, per lot:** 100 square feet plus 2 additional square feet for each linear foot of principal building frontage in excess of 100 feet, up to a maximum of 200 square feet
	2 or more	**Maximum number:** No Maximum **Maximum combined area, per establishment:** 100 square feet plus 2 additional square feet for each linear foot of establishment's principal building frontage in excess of 100 feet, up to a maximum of 200 square feet
Detached Signs	1	**Maximum number located on primary street frontage:** 1 for every 250 feet, or fraction thereof, of primary street frontage [3] **Maximum number located on other street frontage:** 0 if lot has less than 100 feet of other street frontage [4] 1 if lot has at least 100 feet of other street frontage [4] **Minimum distance between any two detached signs on same lot:** **100 feet [5]** **Minimum setbacks, maximum height, and maximum area:** Condition (1) No setback if visibility triangle window can be met, 20 height, 120 square feet of area. Condition (2) 10 foot setback if visibility triangle cannot be met, 20 foot height, 120 square feet of area.

TABLE 25-5.9.7(C): PERMANENT SIGN STANDARDS IN AG, INST, CN, UC-MX, O-MX, MEC-PD, AND TN-PD DISTRICTS

SIGN TYPE	NUMBER OF ESTABLISHMENTS ON LOT	NUMBER, AREA, AND LOCATION REQUIREMENTS [1] [2]
	2 or more	**Maximum number located on primary street frontage:** 1 for every 250 feet, or fraction thereof, of primary street frontage [3] **Maximum number located on other street frontage:** 0 if lot has less than 100 feet of other street frontage [4] 1 if lot has at least 100 feet of other street frontage [4] **Minimum distance between any two detached signs on same lot:** 100 feet [5] **Minimum setbacks, maximum height, and maximum area:** 10 foot setback, 20 foot height, 200 square feet in area

NOTES:

[1] Unless specifically provided otherwise in this table, the standards (height, setback, etc.) in Sec. 25-5.9.5, General Standards apply.

[2] Lots fronting 7th Avenue SE shall be limited to permanent signs permitted in the Residential and R-PD districts.

[3] Detached signs for development adjoining an existing residential structure shall be limited monument signs having a maximum height of 42 inches and maximum area of 36 square feet each. Such signs shall be set back a minimum of 10 from the street curb.

[4] In the UC-MX District, one monument sign having a maximum height of 42 inches and a maximum area of 25 square feet is permitted.

[5] In the UC-MX District, all detached signs shall be located on lots so that they are directly in front of the buildings.

(d) Permanent Signs Permitted in CB District

(1) In addition to signs permitted by other provisions of this section (Section 25-5.9), permanent signs are allowed in the CB District in accordance with Table 25-5.9.7(d): Permanent Sign Standards in CB District.

TABLE 25-5.9.7(D): PERMANENT SIGN STANDARDS IN CB DISTRICT

SIGN TYPE	NUMBER OF ESTABLISHMENTS ON LOT	NUMBER, AREA, AND LOCATION REQUIREMENTS [1]
ATTACHED SIGNS		
Marquee Signs	Any number	**Maximum number:** No maximum **Setback requirements:** May extend over public sidewalk; Shall not extend over street or street curb

TABLE 25-5.9.7(D): PERMANENT SIGN STANDARDS IN CB DISTRICT

SIGN TYPE	NUMBER OF ESTABLISHMENTS ON LOT	NUMBER, AREA, AND LOCATION REQUIREMENTS [1]
Projecting/ Blade Signs [2]	Any number	**Maximum number:** No Maximum **Maximum combined area, per establishment:** 40 square feet **Maximum projection from vertical building face:** 50 inches, not closer than six feet from back of abutting curb **Minimum clearance above sidewalk:** 8 feet
Canopy Signs	Any number	**Maximum number:** No maximum **Maximum extension:** Shall not extend more than 20 inches down from ceiling of canopy **Maximum length and width:** Maximum length of 56 inches Maximum width of 12 inches
All Other Attached Signs	Any number	**Maximum number:** No maximum **Maximum combined area, per wall face:** 10 percent of wall face area, up to a maximum of 200 square feet
DETACHED SIGNS		
All Detached Signs	Any number	**Maximum number located on primary street frontage:** 1 for every 250 feet, or fraction thereof, of primary street frontage **Maximum number located on other street frontage:** 0 if lot has less than 100 feet of other street frontage 1 if lot has at least 100 feet of other street frontage **Minimum distance between any two detached signs on same lot:** 100 feet **Minimum setbacks, maximum height, and maximum area:** 5 foot setback, 10 foot height , 64 square feet in area

TABLE 25-5.9.7(D): PERMANENT SIGN STANDARDS IN CB DISTRICT

SIGN TYPE	NUMBER OF ESTABLISHMENTS ON LOT	NUMBER, AREA, AND LOCATION REQUIREMENTS [1]

NOTES:

[1] Unless specifically provided otherwise in this table, the standards (height, setback, etc.) in Sec. 25-5.9.5, General Standards apply.

[2] Projecting signs shall be subject to review and approval from the Decatur Downtown Redevelopment Authority (DDRA). Verification of such approval shall be provided in writing with the application for a planned development district, special exception permit, site plan (major or minor), sign permit, or certificate of occupancy, as applicable.

(2) Roof-mounted signs are prohibited in the CB District.

(e) Permanent Signs Permitted in INST District

In addition to signs permitted by other provisions of this section (Section 25-5.9), permanent signs are permitted in the INST District in accordance with Table 25-5.9.7(e): Permanent Sign Standards in INST District.

TABLE 25-5.9.7(E): PERMANENT SIGN STANDARDS IN MC- INST DISTRICT

SIGN TYPE	NUMBER OF ESTABLISHMENTS ON LOT	NUMBER, AREA, AND LOCATION REQUIREMENTS [1]
Attached Signs	1	**Maximum number:** No maximum **Maximum combined area, per lot:** 100 square feet plus 2 additional square feet for each linear foot of principal building frontage in excess of 100 feet, up to a maximum of 200 square feet
	2 or more	**Maximum number:** No Maximum **Maximum combined area, per establishment:** 100 square feet plus 2 additional square feet for each linear foot of establishment's principal building frontage in excess of 100 feet, up to a maximum of 200 square feet

TABLE 25-5.9.7(E): PERMANENT SIGN STANDARDS IN MC- INST DISTRICT

SIGN TYPE	NUMBER OF ESTABLISHMENTS ON LOT	NUMBER, AREA, AND LOCATION REQUIREMENTS [1]
Detached Signs	Any Number	**Maximum number located on primary street frontage:** 1 for every 250 feet, or fraction thereof, of primary street frontage **Maximum number located on other street frontage:** 0 if lot has less than 100 feet of other street frontage 1 if lot has at least 100 feet of other street frontage **Minimum distance between any two detached signs on same lot:** 100 feet **Minimum setbacks, maximum height, and maximum area:** Condition (1) No setback if visibility triangle window can be met, 20 height, 80 square feet of area. Condition (2) 5 foot setback if visibility triangle cannot be met, 20 foot height, 80 square feet of area.

NOTES:

[1] Unless specifically provided otherwise in this table, the standards (height, setback, etc.) in Sec. 25-5.9.5, General Standards apply.

(f) Permanent Signs Permitted in CC, LI, and I Districts

In addition to signs permitted by other provisions of this section (Section 25-5.9), permanent signs are permitted in the CC, LI, or I districts in accordance with Table 25-5.9.7(f): Permanent Sign Standards in CC, LI, and I Districts.

TABLE 25-5.9.7(F): PERMANENT SIGN STANDARDS IN CC, CR, LI, AND I DISTRICTS

SIGN TYPE	NUMBER OF ESTABLISHMENTS ON LOT	NUMBER, AREA, AND LOCATION REQUIREMENTS [1]
Attached Signs	1	**Maximum number:** No maximum **Maximum combined area, per lot:** 100 square feet plus 2 additional square feet for each linear foot of principal building frontage in excess of 100 feet, up to a maximum of 200 square feet

TABLE 25-5.9.7(F): PERMANENT SIGN STANDARDS IN CC, CR, LI, AND I DISTRICTS

SIGN TYPE	NUMBER OF ESTABLISHMENTS ON LOT	NUMBER, AREA, AND LOCATION REQUIREMENTS [1]
	2 or more	**Maximum number:** No Maximum **Maximum combined area, per establishment:** 100 square feet plus 2 additional square feet for each linear foot of establishment's principal building frontage in excess of 100 feet, up to a maximum of 200 square feet
Detached Signs	1	**Maximum number located on primary street frontage:** 1 for every 250 feet, or fraction thereof, of primary street frontage **Maximum number located on other street frontage:** 0 if lot has less than 100 feet of other street frontage [2] 1 if lot has at least 100 feet of other street frontage [2] **Minimum distance between any two detached signs on same lot:** 100 feet **Minimum setbacks, maximum height, and maximum area:** Condition (1) No setback if visibility triangle window can be met, 20 feet height, 120 square feet of area. Condition (2) 10 foot minimum setback, 30 foot maximum height, 180 square feet of area
	2 or more	**Maximum number located on primary street frontage:** 1 for every 250 feet, or fraction thereof, of primary street frontage **Maximum number located on other street frontage:** 0 if lot has less than 100 feet of other street frontage 1 if lot has at least 100 feet of other street frontage **Minimum distance between any two detached signs on same lot:** 100 feet **Minimum setbacks, maximum height, and maximum area:** 10 foot minimum setback, 30 foot maximum height, 180 square feet of area

NOTES:

[1] Unless specifically provided otherwise in this table, the standards (height, setback, etc.) in Sec. 25-5.9.5, General Standards apply.

SECTION 25-5.10. FLOODPLAIN MANAGEMENT

The National Flood Insurance Program (NFIP) is managed by the Federal Emergency Management Agency (FEMA). Communities are not required to participate in the program by any law or regulation, but instead participate voluntarily in order to obtain access to NFIP flood insurance. Communities that choose to participate in the NFIP are required to adopt and enforce a floodplain development ordinance with land use and control measures that include effective enforcement provisions to regulate development in the floodplain resulting in reduced future flood losses.

FEMA has set forth in federal regulations the minimum standards required for participation in the NFIP; however, these standards have the force of law only because they are adopted and enforced by a state or local government; referred to as a NFIP community. Legal enforcement of the floodplain management standards is the responsibility of the participating NFIP community, which can elect to adopt higher standards as a means of mitigating flood risk. The City of Decatur, Alabama agrees to adopt and enforce this Ordinance, which meets or exceeds the minimum standards of the Code of Federal Regulations Title 44 §60.3 in order to participate in the NFIP and have access to federal flood insurance and other federal assistance.

Sec. 25-5.10.1. Statutory Authorization

The Legislature of the State of Alabama has in Title 11, Chapter 19, Sections 1-24; Chapter 45, Sections 1-11; Chapter 52, Sections 1-84; and Title 41, Chapter 9, Section 166 of the Code of Alabama, 1975, authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council, of Decatur, Alabama, does ordain as follows:

Sec. 25-5.10.2. Findings of Fact

(a) The flood hazard areas of Decatur, Alabama (the Federal Emergency Management Agency's [FEMA] designated Special Flood Hazard Areas (SFHAs) or other areas designated by the City of Decatur as flood-prone areas) are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect public health, safety, and general welfare.

(b) These flood losses are caused most often by development, as defined in this Ordinance, in areas designated as FEMA SFHAs or other areas designated by the City of Decatur as vulnerable to flooding, including structures which are inadequately elevated or flood proofed (only non-residential structures) or are otherwise unprotected from flood damages; or by the cumulative effect of development in areas subject to flooding that cause increases in flood heights and velocities.

Sec. 25-5.10.3. Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(a) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(b) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion.

(c) Control development (including filling, grading, storage of equipment or materials, paving, dredging, and all other development as defined in this Ordinance).

(d) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands.

(e) Control the alteration of natural floodplains, stream channels, and natural protective barriers which may influence the flow of water.

Sec. 25-5.10.4. Objectives

The objectives of this section are to:

(a) Protect human life and health;

(b) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(c) Help maintain a stable tax base by providing for the sound use and development of flood- prone areas in such a manner as to minimize flood blight areas;

(d) Minimize expenditure of public money for costly flood control projects;

(e) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(f) Minimize prolonged business interruptions; and

(g) When asked for assistance regarding flood risk, ensure that potential home buyers are aware that a property is in an area subject to flooding.

Sec. 25-5.10.5. General Provisions

(a) Lands to which this Ordinance Applies

This Ordinance shall apply to all FEMA SFHAs and any additional areas designated by the City of Decatur (City) as floodplains or areas subject to flooding within the jurisdiction of Decatur, Alabama.

(b) Basis for Special Flood Hazard Areas

The SFHAs identified by FEMA in the City's Flood Insurance Study (FIS), dated August 16, 2018, with accompanying Flood Insurance Rate Maps (FIRMS) and other supporting data and any revision thereto, are adopted by reference and declared a part of this Ordinance. For those lands acquired by a municipality through annexation, the current effective FIS and data for Morgan and Limestone Counties are hereby adopted by reference. Community Flood Hazard Areas may also be regulated as SFHAs. FEMA encourages communities to adopt areas prone to flooding to be added to the FIRMs. They may include those areas known to have flooded historically or that have been defined through standard engineering analysis by a professional engineer, licensed to practice in the State of Alabama; or by governmental agencies or private organizations that are not yet incorporated into the FIS or otherwise designated by the community.

(c) Establishment of a Floodplain Development Permit

An approved Development Permit shall be required in conformance with the provisions of this Ordinance PRIOR to the commencement of any development, as defined in this Ordinance, in identified SFHAs within the community.

(d) Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed without **full compliance** with the terms of this Ordinance and other applicable regulations.

(e) Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this Ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(f) Interpretation

In the interpretation and application of this Ordinance all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body, and;

(3) Deemed neither to limit nor repeal any other powers granted under State statutes.

(g) Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This Ordinance does not imply that land outside the SFHAs or other identified areas subject to flooding or uses permitted within such areas will be free from flooding damages. This ordinance shall not create liability on the part of the City of Decatur or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

(h) Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. The Code of Alabama (1975), Title 11, Chapters 19 and 45 grant local governments in Alabama the authority to administer the enforcement provisions stated within this section of the Ordinance.

(1) Stop Work Order

The community may issue a stop work order, which shall be served on the applicant or other responsible person.

(i) Upon notice from the Administrator, work on any building, structure or premises that is being performed contrary to the provisions of this Ordinance shall immediately cease.

(ii) Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order must include a provision that it may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

(2) Notice of Violation

If the community determines that an applicant or other responsible party for the development has failed to comply with the terms and conditions of a permit, or otherwise not in accordance with the provisions of this Ordinance, it shall issue a written Notice of Violation, by certified return receipt mail, to such applicant or other responsible person. Where the person is engaged in activity covered by this Ordinance without having first secured a permit, the notice shall be served on the owner or the party in charge of the activity being conducted on the site. Therefore, any work undertaken prior to submission and approval of an official permit by the City of Decatur or otherwise not in accordance with this Ordinance shall constitute a violation of this Ordinance and be at the permit holder's risk. The notice of violation shall contain:

(i) The name and address of the owner or the applicant or the responsible party;

(ii) The Address or other description of the site upon which the violation is occurring;

(iii) A statement specifying the nature of the violation (including failure to obtain a permit);

(iv) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit or this Ordinance and the date for the completion of such remedial action;

(v) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed, and;

(vi) A statement in the Notice of Violation shall be included that the determination of violation may be appealed to the community by filing a written Notice of Appeal within ten (10) working days after the Notice of Violation. Exceptions for the deadline for this Notice include:

a. In the event the violation constitutes a danger to public health or public safety, then a 24-hour notice shall be given;

b. If there’s an imminent or immediate threat to life or property, then immediate action is required.

(3) Civil Penalties

Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars ($500.00), or imprisoned for not more than six (6) months, or both, and in addition, shall pay all costs and expenses involved in the case: Each day such violation continues following receipt of the Notice of Violation shall be considered a separate offense. Nothing contained herein shall prevent the City of Decatur from taking such other lawful actions as is necessary to prevent or remedy any violation.

(4) Additional Enforcement Actions

If the remedial measures described in the Notice of Violation have not been completed by the date set forth in the Notice of Violation, any one or more of the following enforcement actions may be enacted against the person to whom the Notice of Violatio5n was directed.

Before taking any of the following enforcement actions or imposing any of the following penalties, the City of Decatur shall first notify the applicant or other responsible person in writing of its intended action. The City of Decatur shall provide reasonable opportunity, of not less than ten days (except, in the event the violation constitutes a danger to public health or public safety, then a 24-hour notice shall be sufficient; if there's an imminent or immediate threat to the public health or public safety then immediate action is required) to cure such violation.

In the event the applicant or other responsible party fails to cure such violation after such notice and cure period, the City of Decatur may take or impose any one or more of the enforcement actions or penalties listed below.

(i) Termination of Water Service and/or withhold or Revoke Certificate of Occupancy

The community may terminate utility services to the property and/or refuse to issue and/or revoke a certificate of occupancy for the building or other improvements/repairs conducted on the site. The order shall remain in-place until the applicant or other responsible party has taken the remedial measures set forth in the Notice of Violation or has otherwise cured the violation or violations described therein.

(ii) Suspension, Revocation, or Modifications of Permit

The community may suspend, revoke, or modify the permit that authorizes the development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible party has taken the remedial measures set forth in the Notice of Violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the community may deem necessary). That would enable the applicant or other responsible party to take the necessary remedial measures to cure such violations.

a. The Administrator may revoke a permit issued under the provisions of this Ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

b. The Administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this Ordinance.

(iii) Section 1316 Declaration

A Section 1316 declaration shall be used only when all other legal means included in this Ordinance to remedy a violation have been exhausted and the structure remains non-compliant. Once invoked, the property's flood insurance coverage will be terminated and no new or renewal policy can be issued, no NFIP insurance claim can be paid on any policy on the property, and federal disaster assistance will be denied for the property.

The declaration must be in writing (letter or citation), from the community to the property owner and to the FEMA Regional Office, and must contain the following items:

a. The name(s) of the property owner(s) and address or legal description of the property sufficient to confirm its identity and location;

b. A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation or ordinance;

c. A clear statement that the public body making the declaration has authority to do so and a citation of that authority;

d. Evidence that the community has taken and exhausted all legal means to remedy the violation, including all Community enforcement actions, as specified in this Ordinance; and

e. Notice of violation, and a statement regarding the prospective denial of insurance.

The structure will be considered a violation until such time the violation has been remedied. If a structure that has received a Section 1316 declaration is made compliant with the all the applicable provisions of this Ordinance, then the Section 1316 declaration can be rescinded by the community and flood insurance eligibility restored.

(5) Administrative Appeal; Judicial Review

Any person receiving a Notice of Violation may appeal the determination of the community, including but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or grant with condition of a permit by the community upon finding that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the community's rules and regulations, or the issuance of a notice of bond forfeiture.

The Notice of Appeal must be in writing to the Floodplain Administrator and must be received within fourteen (14) days from the date of the Notice of Violation. A hearing on the appeal shall take place at the next available Board of Adjustment meeting.

(6) All appeals shall be heard and decided by the community's designated appeals board, which shall be Board of Adjustment as set forth by Code of Decatur Section 25-2.2.3., or their designees. The appeals board shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the community's floodplain development ordinance, and any other applicable local, state, or federal requirements. Appeals cannot be in opposition to the provisions of this Ordinance. The decision of the appeal board shall be final.

(7) A judicial review can be requested by any person aggrieved by a decision or order of the community, after exhausting his/her administrative remedies. They shall have the right to appeal de novo to the Circuit Court.

(i) Savings Clause

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be noncompliant with 44 Code of Federal Regulation 59-78, such decision shall not affect the validity of the remaining portions of this Ordinance.

Sec. 25-5.10.6. Administration

(a) Designation of Floodplain Administrator

The Director is hereby appointed to administer and implement the provisions of this Ordinance. The Director shall hereto after be referred to as the Floodplain Administrator in this Ordinance. The Director may delegate any authority under this Ordinance to any professional level subordinate staff.

(b) Permit Procedures.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms approved by the community **PRIOR** to any development (any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials) in the SFHAs of the community, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the elevations of the area of development and the nature, location, and dimensions of existing or proposed development.

Specifically, the following procedures and information are required for all projects in the **SFHA** or other designated floodplains within the jurisdiction of the City of Decatur:

(1) Application Stage

Plot plans are to include:

(i) The BFEs where provided as set forth in Section 25-5.10.7., (b) and (c);

(ii) Boundary of the Special Flood Hazard Area and floodway(s) as delineated on the FIRM or other flood map as determined in Section 25-5.10.5., (b);

(iii) Flood zone designation of the proposed development area as determined on the FIRM or other flood map as set forth in Section 25-5.10.5., (b);

(iv) Elevation in relation to mean sea level (or highest adjacent grade) of the regulatory lowest floor elevation, including basement, of all proposed structures;

(v) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

(vi) Design certification from a professional engineer, who is licensed to practice in the State of Alabama, or a licensed architect, who is registered to practice in the State of Alabama, that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Section 25-5.10.7., (b) 2. And (e) 2.;

(vii) A Foundation Plan, drawn to scale, that shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include, but are not limited to, the proposed method of elevation (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls) and description of any flood openings required in accordance with Section 25-5.10.7., (b) I. and (b) 3. when solid foundation perimeter walls are used.

(viii) Usage details of any enclosed areas below the lowest floor shall be described.

(ix) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

(x) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development including current and proposed locations of the watercourse. An engineering report shall be prepared by a professional engineer, who is licensed to practice in the State of Alabama, on the effects of the proposed project on the flood- carrying capacity of the watercourse and the effects to properties located both upstream and downstream. The affected properties shall be depicted on a map or on the plot plan.

(xi) Certification of the plot plan by a professional engineer or surveyor, who is licensed to practice in the State of Alabama, is required.

(xii) In any lot or lots/areas that will be or have been removed from the special flood hazard area utilizing a Letter of Map Revision Based on Fill (LOMR-F), the top of fill elevation must meet the community's freeboard elevation at that location. If the top of fi11 elevation is below the freeboard elevation, all new structures, additions to existing buildings or substantial improvements must meet the required community freeboard elevation.

(2) Construction Stage

For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Administrator an as-built certification of the regulatory floor elevation or flood-proofing level using appropriate FEMA elevation or flood proofing certificate immediately after the lowest floor or flood-proofing is completed.

In Addition:

(i) When flood-proofing is utilized for non-residential structures, said certification shall be prepared by professional engineer, who is licensed to practice in the State of Alabama, or architect, who is registered to practice in the State of Alabama.

(ii) Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

(iii) The Floodplain Administrator shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed. Failure to submit certification or failure to make the required corrections, shall be cause to issue a Notice of Violation and/or Stop-Work Order for the project.

(iv) The Floodplain Administrator shall make periodic inspections of projects during construction throughout the SFHAs within the jurisdiction of the community to ensure that the work is being done according to the provisions of this Ordinance and the terms of the permit. Members of the inspections/engineering department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the City of Decatur during normal business hours of the community for the purposes of inspection or other enforcement action.

(v) The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(3) Finished Construction

Upon completion of construction, a FEMA elevation certificate (FEMA Form 81-31 or equivalent), which depicts all finished construction elevations, must be submitted to the Floodplain Administrator prior to issuance of a Certificate of Occupancy.

(i) If the project includes a flood proofing measure, a FEMA flood proofing certificate must be submitted by the permit holder to the Floodplain Administrator.

(ii) The Floodplain Administrator shall review the certificate(s) and the data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance:

(iii) In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(iv) Documentation regarding completion of and compliance with the requirements stated in the permit application and with Section 25-5.10.6., (b) (1). of this Ordinance shall be provided to the local Floodplain Administrator at the completion of construction or records shall be maintained throughout the Construction Stage by inspectors for the Floodplain Administrator. Failure to provide the required documentation shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(v) All records that pertain to the administration of this Ordinance shall be maintained in perpetuity and made available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

(c) Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator and his/her designated staff is hereby authorized and directed to enforce the provisions of this Ordinance. The Floodplain Administrator is further authorized to render interpretations of this Ordinance, which are consistent with its spirit and purpose. Duties of the Floodplain Administrator shall include, but shall not be limited to:

(1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may be determined whether such construction or other development is proposed within flood-prone areas. Ensure the public is aware that floodplain development permits are required for development in SFHAs.

(2) Conduct regular inspections of the community's SFHAs for any unpermitted development and issue Stop Work Orders and Notice of Violations for any such development. Any unpermitted structure or non-structural development in the SFHA will be considered a violation until such time that the violation has been remedied.

(3) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Maintain such permits permanently with floodplain development permit file.

(4) Review all permit applications of proposed development, to determine whether the proposed construction or other development <u>will be reasonably</u> <u>safe from flooding and to assure compliance with this Ordinance</u>.

- **(i)** The provisions of this Ordinance have been met, approve the permit
- **(ii)** If the provisions of this Ordinance have not been met, request that either corrections or accurate completion of the application be made or disapprove the permit.

(5) When BFE data or floodway data have not been provided in accordance with Section 25-5.10.5., (b) then the Floodplain Administrator shall obtain, review and reasonably utilize any BFE and floodway data available from a Federal, State, or other sources in order to administer the provisions of Section 25-5.10.7..

(6) Verify and record the actual elevation of the lowest floor, in relation to mean sea level (or highest adjacent grade), including basement, of all new construction or substantially improved residential structures in accordance with Section 25-5.10.6., (b) (2).

(i) Review elevation certificates and require incomplete or incorrect certificates to be corrected and resubmitted for approval.

(ii) A post-construction elevation certificate is required to be kept with the permit and certificate of occupancy in perpetuity; a pre-construction elevation certificate can be used to ensure the correct elevation for the lowest floor and machinery along with the correct number of vents that will be used.

(7) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved non-residential structures have been elevated or flood proofed, in accordance with Section 25-5.10.6., (b), or Section 25-4.10.7., (b) (2). and (e) (2).

(8) When flood proofing is utilized for a non-residential structure, the Floodplain Administrator shall obtain certification of design criteria from a professional engineer, licensed to practice in the State of Alabama, or licensed architect, registered to practice in the State of Alabama, in accordance with Section 25-5.10.6., (b) (1). and Section 25-5.10.7., (b) (2). or (e) (2).

(9) Notify adjacent communities and the Alabama Department of Environmental Management and the appropriate district office of the U.S. Army Corps of Engineers prior to any alteration or relocation of a watercourse. Submit evidence of such notification to FEMA and the NFIP State Coordinator's Office (Alabama Department of Economic and Community Affairs, Office of Water Resources).

(10) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months after completion of the project to FEMA and State to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained following completion of the project.

(11) Where interpretation is needed as to the exact location of boundaries of the SFHA (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

(12) All records pertaining to the provisions of this Ordinance shall be maintained, in perpetuity, at the office of the Floodplain Administrator and shall be available for public inspection when requested.

(13) For <u>any</u> improvements made to existing construction located in the SFHA (as established in Section 25-5.10.5., (b)) ensure that a permit is obtained. Also, conduct Substantial Improvement (SI) (as defined in Section 25-5.10.9. of this Ordinance) reviews and analysis of all structural development permit applications. Maintain a record of the SI calculations and comments within the permit files in accordance with Section (c) (11) of this Section.

(14) For any residential and nonresidential structures located in the SFHAs that are damaged from any source, natural hazard or man-made, conduct Substantial Damage (SD) (as defined in Section 25-5.10.9. of this Ordinance) assessments.

a. The Floodplain Administrator shall ensure that permits are obtained, in accordance with this Ordinance, prior to any repairs commencing.

b. Make SD determinations whenever structures within the SFHA area are damaged by any cause or origin. SD determinations shall not be waived to expedite the rebuilding process during a post-disaster recovery or for any other reason.

c. If the community has a large number of buildings in their SFHA that have been damaged, they should decide in advance how best to handle permitting and inspecting damaged buildings for substantial damage determinations.

d. If required, a moratorium may be placed on all non-disaster related construction permits until the community has sufficiently completed its SD determinations.

e. The SD determinations should be performed immediately after the damage-causing event or other cause of damage.

f. The community shall utilize methods and tools for collecting building data and performing analyses that will provide reasonable and defensible SD determinations. Those tools shall be capable of generating reports for record-keeping purposes and to provide to the applicable property owners if requested.

g. a record of the SD calculations within permit files in accordance with Section (c) (11) of this Section.

h. the SD determination finds that the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred, the Floodplain Administrator shall:

1. Coordinate with the property owner and issue a letter to convey the SD determination.

2. Determine if the damage was caused by flooding and include the cause in the letter to the property owner. Also, include whether or not the structure qualifies as a repetitive loss structure per the definitions in Section 25-5.10.9. of this Ordinance. The information can be used to determine if the claim is eligible for an Increased Cost of Compliance claim.

3. Coordinate with property owners and insurance companies for any NF[P claims.

4. If the repairs are to proceed, coordinate with the permit applicant to ensure a permit is obtained and inspections are conducted to ensure that all applicable provisions of this Ordinance are adhered to without exception or waiver.

i. A structure qualifies as a repetitively damaged structure (synonymous to repetitive loss property) if it's determined to have been damaged by flooding two or more times within a 10-year period where the cost of repairing the flood damage, on average, equaled or exceeded 25 percent of its market value at the time of each flood event. All of the provisions of Section 25-5.10.3., (c) (13) for substantial damages shall apply to any repetitively damaged structure, whether it is covered by NFIP flood insurance or not.

If the structure is located within a SFHA and NFIP flood insurance claims were paid for each of the two flood losses then the structure is eligible for an

Increased Cost of Compliance (ICC) claim. The following procedures shall be performed by the community to track repetitive losses and provide documentation necessary for an ICC claim:

1. Maintain permit records of all reconstruction and repairs for flood damages;
2. Record the date of repairs for a particular building so that the repair history can be checked before the next permit is issued;
3. Record the flood-related cost to repair the building and the market value of the building before the damage occurred for each flood event; and
4. Issue a letter of Notice of Determination to the owner of the structure.

j. Ensure that phased improvements and incremental repairs do not circumvent the SVSD requirements.

k. Ensure that any combinations of elective improvements being made in addition to the necessary repairs to damages are included in making the SI/SD determination.

l. An applicant for a permit may appeal a decision, order, or determination that was made by the local official for the following:

1. The local official's finding or determination that the proposed work constituting a SI/SD were based on insufficient information, errors, or repair/improvement costs that should be included and/or excluded;
2. The local official's finding or determination that the proposed work constituting a SI/SD were based on inappropriate valuations of costs for the proposed work, or an inappropriate method to determine the market value of the building.

m. It is not appropriate for a permit applicant to seek an appeal who wishes to build in a manner that is contrary to the regulations and codes included in this ordinance. 1n those cases, the applicant should seek a variance.

n. Ensure that any building located in a floodway that constitutes a SI/SD has an engineering analysis performed in accordance with Section 25-5.10.7. (c) 2. If that analysis indicates any increase in the BFE, the local official must not allow the proposed work unless the structure is brought into full compliance with this Ordinance.

(15) Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either substantially damaged structures or repetitive loss structures) to ensure eligibility for ICC funds.

(16) Right of Entry

a. After the Certificate of Occupancy has been issued for a building and the Floodplain Administrator observes or has reasonable cause to believe that renovations or retrofits have been made to the building, structure, or premises located in a SFHA that appear to be in violation of any provisions of this Ordinance, he/she shall have the right to seek entry into that building as described in (b) to (e) below.

b. Whenever it becomes necessary to make an inspection to enforce any of the provisions of this Ordinance, the Floodplain Administrator may enter such building, structure or premises at all reasonable times (normal business hours for the community) to inspect the same or perform any duty imposed upon the Floodplain Administrator by this Ordinance.

c. If such building or premises are occupied, the Floodplain Administrator shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of such building or premises prior to entry.

d. If entry is refused or owner cannot be located, the Floodplain Administrator shall have recourse to every remedy provided by law to secure the right of entry of the building, structure, or premises.

e. When the Floodplain Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Floodplain Administrator for the purpose of inspection and examination pursuant to this Ordinance.

Sec. 25-5.10.7. Provisions for Flood Hazard Reduction

(a) General Standards

In ALL SFHAs and flood-prone areas regulated by the City of Decatur, the following provisions are required for all proposed development including new construction, reconstruction or repairs made to repetitive loss structures, and substantial improvements:

(1) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including but, not limited to Section 404 of the Federal Water Pollution Control Act Amendments (1972, 33 U.S.C. 1334) and the Endangered Species Act (1973, 16 U.S.C. 1531-1544). Maintain such permits permanently with floodplain development permit file.

(2) New construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(3) New construction and substantial improvements shall be constructed with material resistant to flood damage below the BFE.

(4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

(5) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) Review subdivision proposals and other proposed development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed development is in a SFHA, any such proposals shall be reviewed to assure that:

- **a.** They are consistent with the need to minimize flood damage within the SFHA,
- **b.** All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage**,**
- **c.** All new and replacement water supply systems are to be designed to minimize or eliminate infiltration of flood waters into the systems,
- **d.** All new and replacement sanitary sewage systems are to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters**,**
- **e.** All Onsite waste disposal systems are to be located to avoid impairment to them or contamination from them during flooding, and
- **f.** Adequate drainage provided to reduce exposure to flood hazards.

(7) Manufactured homes shall be installed using methods and practices which minimize flood damage. They must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local requirements for resisting wind forces.

(8) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

(9) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(10) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(11) Any alteration, repair, reconstruction or improvement to new construction and substantial improvements which is not compliant with the provisions of this Ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

(12) Proposed new construction and substantial improvements that are partially located in a SFHA shall have the entire structure meet the standards of this Ordinance for new construction.

(13) Where new construction and substantial improvements located in multiple SFHAs or in a SFHA with multiple BFEs, the entire structure shall meet the standards for the most hazardous SFHA and the highest BFE.

(b) Specific Technical Standards

In ALL Special Flood Hazard Areas designated as A, AE, AH (with engineered or estimated BFE), the following provisions are required:

(1) **Residential and Non-Residential Structures**

Where BFE data is available, new construction, reconstruction or repairs made to a repetitive loss structure, and substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation (also referred to as the design flood elevation - DFE). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 25-5.10.7., (b) (3).

(2) **Non-Residential Structures**

New construction, reconstruction or repairs made to a repetitive loss structure, and substantial improvement of any non-residential structure located in AE or AH zones, may be floodproofed (dry) in lieu of elevation The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to at least one (l) foot above the base flood elevation (herein after referred to as the design flood elevation), with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

(i) A professional engineer, who is licensed to practice in the State of Alabama, or licensed architect, who is registered to practice in the State of Alabama, shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with the standards in ASCE-24 (for dry floodproofing) or other compatible standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Section 25-5.10.6., (c) (8).

(ii) A record of such certificates, which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained with the official permitting records for the structure and kept in-perpetuity.

(iii) Any non-residential functionally dependent structure (as defined in Section 25-5.10.9.) that cannot meet the standards stated in Section: (b) (2) a. shall require a variance to be issued in accordance with Section 25-5.10.8., (c) (3) and (d) (1).

(iv) Any non-residential structure, or part thereof, made watertight below the DFE shall be floodproofed in accordance with the applicable standards in ASCE 24. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a professional engineer, who is licensed to practice in the State of Alabama, or licensed architect, who is registered to practice in the State of Alabama, which states that the proposed design and methods of construction are in conformance with the above referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as-built Floodproofing Certificate prior to the issuance of the Certificate of Occupancy.

(v) Prior to the issuance of the Certificate of Occupancy, the following must be submitted for any non-residential structure that will be floodproofed.

1. An inspection and maintenance plan detailing the annual maintenance of floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include at a minimum:

A. Mechanical equipment such as sump pumps and generators,

B. Flood shields and closures,

C. Walls and wall penetrations, and

D. Levees and berms (as applicable).

2. A Flood Emergency Operation Plan detailing the procedures to be followed during a flooding event and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must prepare the plan which shall include the following:

A. An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.

B. A procedure for notification of necessary parties when flooding threatens and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress/egress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event that the primary persons responsible are unable to complete their assigned duties under the plan.

C. A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.

D. An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.

E. A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.

(3) **<u>Enclosures for Elevated Buildings</u>**

All new construction, reconstruction or repairs made to a repetitive loss structure, and substantial improvements of existing structures (residential and non-residential) that include ANY fully enclosed area below the BFE, located below the lowest floor formed by the foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of flood waters.

(i) Design for complying with this requirement must either be certified by a professional engineer, who is licensed to practice in the State of Alabama, or a

licensed architect, registered to practice in the State of Alabama, or meet the following minimum criteria:

a. Provide a minimum of two openings for each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding (if a structure has more than one enclosed area below the BFE, each shall have openings on exterior walls);

b. Openings shall be in at least two walls of each enclosed area (includes areas separated by interior walls);

c. The bottom of all openings shall be no higher than one foot above grade;

d. Openings may be equipped with screens, louvers, valves and other coverings or devices provided that they permit the automatic entry and exit of floodwaters in both directions without impeding or blocking flow and shall be accounted for in determination of the net open area; and

e. Openings meeting the requirements of (3) (i) (a.)-(e.) that are installed in doors are permitted.

(ii) So as not to violate the "Lowest Floor" criteria of this Ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage, or access to the elevated area.

(iii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(iv) All interior walls, ceilings and floors below the BFE shall be unfinished and/or constructed of flood damage-resistant materials. This practice is also referred to as "wet floodproofing". The definitions for "flood damage-resistant materials" and "wet floodproofing" are included in Section 25-5.10.9.

(v) Mechanical, electrical, or plumbing devices shall be installed not less than one foot above the BFE. The interior portion of such enclosed area(s) shall be void of utilities except for essential lighting and power, as required, which are watertight or have otherwise been floodproofed.

(4) **Standards for Manufactured Homes and Recreational Vehicles Where Base Flood Elevation Data is Available.**

(i) Require that all manufactured homes placed or substantially improved:

a. Outside of a manufactured home park or subdivision;

b. In a new or substantially improved manufactured home park or subdivision,

c. In an expansion to an existing manufactured home park or subdivision, or

d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the BFE and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(ii) Require that all manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are <u>not</u> subject to the provisions of Subsection (4)(a) be elevated so that either:

a. The lowest floor of the manufactured home is one foot or more above the BFE; OR

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the highest adjacent grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

c. Concrete block piers (and other foundation systems) are to be designed in accordance with the Code of Federal Regulations Title 24, Part 3285 and with the specifications in FEMA P-85: Protecting Manufactured Homes from Floods and Other Hazards-A Multi-Hazard Homes Foundation and Installation Guide. The §3285.306 Design procedures for concrete block piers and FEMA P-85 (Table SP-I. I), specify that the maximum allowable pier height (measured from top of grade) for concrete piers to be five (5) feet.

d. The chassis and its supporting equipment are to be above the pier or other foundation. The areas below the chassis must be constructed with flood-resistant materials. All utilities and mechanical equipment must be elevated to a minimum of three (3) feet above the highest adjacent grade. Any utility and mechanical components that must be below the BFE must be made watertight to that same elevation to meet the standards in Section 25-5.10.7., (a) (5).

(iii) Require that all recreational vehicles placed on sites must either:

a. Be on the site for fewer than 180 consecutive days,

b. Be fully licensed and ready for highway use on its wheels or jacking system,

c. Be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or additions; OR

d. Must meet all the requirements for "New Construction", including the anchoring and elevation requirements of Section 25-5.10.7., (b) (4) (i) and (b) (4) (ii),

(5) **<u>Standards for Manufactured Homes Where No Base Flood Elevation Exists</u>**

(i) Require that all manufactured homes to be placed within a Zone A area on the FIRM shall be installed using methods and practices which minimize flood damage.

(ii) Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.

(iii) The manufactured home chassis must be supported by reinforced piers or other foundation elements of at least equivalent strength such that the bottom of the chassis and its supporting equipment be no less than 36 inches and up to a maximum 60 inches (five feet) above the highest adjacent grade and be securely anchored to an adequately anchored foundation system.

(iv) The areas below the chassis must be constructed with flood-resistant materials. All utilities and mechanical equipment must be elevated to a minimum of 3 feet above the highest adjacent grade. Any utility and mechanical components that must be below the BFE must be made watertight to that same elevation to meet the standards in Section 25-5.10.7., (a) (5).

(6) Require, Until a Regulatory Floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A and AE on the City of Decatur FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(7) **Accessory and Agricultural Structures**

When an accessory structure meets the requirements outlined below, these structures may be wet-floodproofed and do not have to be elevated to one foot above the BFE as required in Section 25-5.10.7., (b) (1).

A permit shall be required prior to construction or installation of any accessory structures and any agricultural structures built below the DFE and the following provisions apply:

(i) Must be adequately anchored to prevent flotation, collapse, or lateral movement;

(ii) Must be designed with an unfinished interior and constructed with flood damage-resistant materials below the DFE as described in Section 25-5.10.7., (b) (3);

(iii) Must have adequate flood openings as described in Section 25-5.10.7., (b) (3);

(iv) Must be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(v) Must comply with the requirements for development in floodways in accordance with Section 25-5.10.7., (c);

(vi) Must elevate any mechanical and other utility equipment in or servicing the structure to or above the DFE or must be floodproofed in accordance with Section 25-5.10.7., (a);

(vii) Prohibit storage of any hazardous or toxic materials below the DFE;

(viii) Permits for small accessory structures may be issued to provide wet floodproofing measures in accordance with the standards described in subsections (a) through (d) below without requiring a variance. Before issuing permits for small accessory structures, the Floodplain Administrator must verify:

a. Use is limited to parking of vehicles or storage;

b. Size is less than or equal to a one-story, two-car garage for all A zones;

c. Structures are a minimal investment and have a low damage potential with respect to the structure and contents;

d. Structures will not be used for human habitation;

e. Structures comply with the wet floodproofing requirements in Section 25-5.10.7., (b) (3).

(ix) Permits for accessory structures larger than the size allowed for in subsection 7. (viii) above, shall require a variance to be granted on a case-by-case basis in accordance with Section 25-5.10.8., (d) (3). Variances shall not be granted for entire subdivisions for accessory structures.

(x) Permits for new construction of all agricultural structures shall require a variance to be granted on a case-by-case basis in accordance with Section 25-5.10.8., (d) (4).

(xi) Typically, when structures are substantially damaged by any cause or will be substantially improved, communities must require that the structures be brought into compliance with all requirements for new construction. In accordance with guidance in FEMA Publication 2140, agricultural structures that are substantially damaged by flooding and agricultural structures that are repetitive loss structures are permitted to be repaired or restored to pre-damage condition, provided the following are satisfied:

a. If substantially damaged, the substantial damage determination is based only on the cost to repair damage caused by flooding to pre-damage conditions.

b. The proposed repair or restoration does not change the size of the structure and does not significantly alter the nature of the building. With the exception of costs associated with wet floodproofing in accordance with Section 25-5.10.7., (b) (3), proposals that include work beyond or in addition to that necessary to repair or restore the structure to pre-damage conditions must be regulated as substantial improvements as provided for in this Ordinance.

c. The repaired or restored structure will continue to be an agricultural structure, as defined in this Ordinance.

d. Owners are notified, in writing, that agricultural structures approved under this subsection:

A. Will not be eligible for disaster relief under any program administered by FEMA or any other Federal agency.

B. Will have NFIP flood insurance policies rated based on the structure's risk.

C. May be denied NFIP flood insurance policies if repairs do not include the wet floodproofing requirements of Section 25-5.10.7., (b) (3).

e. When owners elect to wet floodproof flood damaged agricultural structures as part of repair or restoration to pre- damage condition, the structure shall comply with the requirements of Section 25-5.10.7., (b) (3).

f. A variance shall be required to allow wet floodproofing in-lieu of elevation or dry-floodproofing in accordance with the definitions in Section 25-5.10.9.

(xii) Prohibit the storage of hazardous substances (as defined in Section 25-5.10.9.) in any residential accessory structure located in a SFHA. Limit the storage in non-residential accessory structures to only fertilizers, petroleum products, and pesticides essential for landscaping purposes. Limit storage in agricultural structures to only fertilizers, petroleum products, and pesticides necessary for agricultural purposes. In both cases, storage shall be in strict compliance with the requirements of Section 25-5.10.7. (b) (9).

(8) <u>Underground and Aboveground Storage (Liquid and Gas) Tanks</u>

Tanks and tank inlets, fill openings, outlets, and vents that are located below the DFE shall be designed, constructed, installed, and anchored to resist all flood- related loads (flotation, collapse, or lateral movement resulting from hydrostatic and hydrodynamic forces) and any other loads, including the effects of buoyancy, during flooding up to and including the 100-year flood and without release of contents into floodwaters or infiltration of floodwaters into the tanks.

(i) A permit that includes floodplain development shall be required prior to construction or installation of any underground and aboveground tanks (including their foundation and support systems) located within a special flood hazard area.

(ii) Loads on underground tanks and aboveground tanks exposed to flooding shall be determined assuming at least 1.3 times the potential buoyant and other flood forces acting on the empty tank.

(iii) Tanks and associated piping shall be installed to resist local scour and erosion during the l 00-year flood.

(iv) Aboveground tanks located in Zone A/AE flood hazard areas shall be either:

a. Elevated to or above the DFE on platforms or structural fill,

b. Elevated to or above the DFE where attached to structures and the foundation system supporting the structures shall be designed to accommodate any increased loads resulting from the attached tanks,

c. Permitted below the DFE where the tank and its foundation are designed to resist all flood-related loads including floating debris, or

d. Permitted below the DFE where the tank and its foundation are designed to resist flood loads and are located inside a barrier designed to protect the tank from floating debris.

(v) Aboveground tanks located in areas designated as Zone V/VE, Coastal A-Zones, and other high risk flood hazard areas (see ASCE 24-14) shall be elevated to or above the DFE on platforms that conform to the foundation requirements of ASCE 24-14, Section 4.5. Aboveground tanks shall not be permitted to be located under elevated structures or attached to structures at elevations below one foot above the DFE in these areas.

(vi) Underground tanks located in areas designated as Zone VNE, Coastal A-Zones, and other high risk flood hazard areas (see ASCE 24-14) shall have the determination of flood-related loads take into consideration the eroded ground elevation.

(vii) Tank inlets, fill openings, outlets, and vents shall be:

a. At or above the DFE or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the 100-year flood.

b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the 100-year flood.

(9) <u>Structures and Sites for the Storage or Production of Hazardous Substances</u>

Require that all outdoor storage sites, new construction, reconstruction or repairs made to a repetitive loss structure, and substantial improvements to be used for the production or storage of hazard substances (as defined in Section 25-5.10.9.) which are located in the special flood hazard area shall be built in accordance with all applicable standards in this Ordinance in addition to the following requirements:

(i) No structures containing hazardous substances shall be permitted for construction in a floodway;

(ii) Residential structures shall have the area in which the hazard substances are to be stored elevated or dry floodproofed a minimum of two (2) feet above the BFE;

(iii) Non-residential structures shall be permitted to be built below the BFE in accordance with Section 25-5.10.7., (b) (2). such that the area where the hazard substance production or storage is located will be:

a. Elevated or designed and constructed to remain completely dry to at least two (2) feet above the BFE, and

b. Designed to prevent pollution from the storage containers, structure, or activity during the course of the base flood.

(iv) Any solid, liquid, or gas storage containers of hazardous substances and any associated mechanical, electrical, and conveyance equipment shall be watertight and shall be properly anchored and protected from the hydrostatic and hydrodynamic forces of flood waters and debris carried by the base flood.

(10) <u>Construction of Fences</u>

New and replacement fences may be allowed in flood hazard areas if they do not act as a flow boundary and redirect the direction of flow, collect flood debris and cause blockages, cause localized increases in flood levels, or if damaged, become debris that may cause damage to other structures.

(11) <u>Structures Elevated on Fill</u>

Fill for structures shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and flood-related erosion and scour. The standards from ASCE 24 should be followed for any fill placed in flood hazard areas. All new construction for residential or non-residential structures may be constructed on permanent structural fill in accordance with the following:

(i) The lowest floor (including basement) of the structure or addition along with any appurtenant utilities shall be no lower than one foot above the BFE.

(ii) The nearest wall foundation of the structure shall have a minimum setback distance of 25 feet from the edge of the floodplain boundary.

(iii) Fill used for structural support or protection shall consist of granular and earthen material that is free of vegetation and foreign or organic materials and suitable for its intended use.

(iv) The fill shall be placed in layers no greater than one foot deep before compacting and should extend at least ten (10) feet beyond the foundation of the structure before sloping below the BFE, said slope being no greater than a l: 1.5 (vertical/ horizontal) ratio unless a stability analysis is provided by a registered professional engineer. However, the ten-foot minimum may be waived if a structural engineer certifies an alternative method to protect the structure from damage due to erosion, scour, and other hydrodynamic forces.

(v) All new structures built on fill must be constructed on properly designed and compacted fill (ASTM 0-698 or equivalent) that extends beyond the building walls before dropping below the BFE.

(vi) The top of the fill shall be no lower than one foot above the BFE.

(vii) The fill shall not adversely affect the flow or surface drainage from or onto any neighboring properties.

(viii) Structural fill, including side slopes, shall be protected from scour and erosion under flood conditions up to and including the base flood discharge. When expected velocities during the occurrence of the base flood are greater than five feet per second, armoring with stone or rock protection shall be provided. When expected velocities during the base flood are five feet per second or less, protection shall be provided by covering them with vegetative ground cover.

(ix) The design of the fill or the fill standard must be approved by a licensed professional engineer.

(x) The applicant shall submit a Letter of Map Revision based on fill (LOMR-F) utilizing FEMA's MT-1 application forms to FEMA requesting a revision to the FIRM for the placement of fill.

(xi) This standard is not applicable for placement of fill in a floodway; fill in a floodway is prohibited.

(12) <u>Incompatible Uses Prohibited in SFHA's</u>

(i) Lands lying within the 100-year floodplain shall not be used for:

a. Dumping of any material or substance including solid waste disposal sites (including manure),

b. Construction of any wells used to obtain water for ultimate human consumption.

(c) Floodways

Located within Special Flood Hazard Areas established in Section 25-5.10.5., (b), are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

(i) The City shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;

(ii) Encroachments including fill, new construction, substantial improvements or other development are prohibited within the adopted regulatory floodway unless it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in BFEs during the occurrence of the base flood discharge. A registered professional engineer must provide supporting technical data and certification (No-Rise Certificate) to FEMA for the proposed floodway encroachment. The No-Rise Certificate must be submitted to the Floodplain Administrator with the development permit (including a Site Plan showing the current and proposed floodway alignment) for approval.

(iii) ONLY if Section 25-5.10.7., (c) (1) and (2) are satisfied, then any new construction or substantial improvement in a floodway shall comply with all other applicable flood hazard reduction provisions of Section 25-5.10.7. After satisfying the required provisions stated in this section, encroachments in floodways should be limited to the following types of projects:

a. Flood control and stormwater management structures;

b. Road improvements and repairs;

c. Utility easements/rights-of-way; and

d. Public improvements or public structures for bridging over the floodway.

(iv) Fencing shall be prohibited in floodways unless it is demonstrated that such development will not cause any increase in the BFE. Appropriate analysis and documentation shall be submitted along with the development permit for review and approval. Fences that have the potential to block or restrict the passage of floodwaters (by trapping debris or with openings too small to allow unhindered passage of water), such as stockade and wire mesh fences, shall meet the requirements of Section 25-5.10.7. (c), (2).

(d) Building Standards for Streams Without Established Base Flood Elevations (Approximately A - Zones).

Located within the SFHAs established in Section 25-5.10.5. (b), where streams exist but no base flood data have been provided (Approximate A-Zones), the following provisions apply:

(i) BFE data shall be provided for new subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser.

(ii) When BFE data or floodway data have not been provided in accordance with Section 25-5.10.5. (b) then the Floodplain Administrator shall obtain, review, and reasonably utilize any scientific or historic BFE and floodway data available from a Federal, State, or other source, in order to administer the provisions of Section

25-5.10.7. ONLY if data are not available from these sources, then Section 25-5.10.7, (d) (4) and (d) (5) shall apply.

(iii) All development in Zone A must meet the requirements of Section 25-5.10.7., (a) and (b) (1), (b) (2), (b) (3), (b) (4), (b) (5), (b) (6), (b) (7), (b) (8), (b) (9), (b) (10), (b) (11) and (b) (12).

(iv) In SFHAs without BFE data, new construction and substantial improvements of existing structures shall have the lowest floor (for the lowest enclosed area; including basement) elevated no less than three (3) feet above the highest adjacent grade. As the requirements set forth in Section 25-5.10.7., (b) (1) and (b) (2) stipulate the lowest floor to be elevated no less than one foot about the BFE, then the structure for this condition shall be elevated no less than four (4) feet about the highest adjacent grade.

(v) In the absence of a BFE, a manufactured home must also meet the elevation requirements of Section 25-5.10.7., (b) (4) (ii) (b) - (b) (4) (ii) (d) in that the structure cannot be elevated above a maximum of 60 inches (5 feet) and all utilities and mechanical equipment must be elevated a minimum of three (3) feet above the highest adjacent grade.

(vi) Enclosures for elevated buildings in Zone A areas shall comply with the standards of Section 25-5.10.7., (b) (3) (i). The Floodplain Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(e) Standards for Areas of Shallow Flooding (AO Zones)

Special flood hazard areas established in Section 25-5.10.5., (b) may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply:

(i) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM) plus one foot of freeboard. **If no depth number is specified, the lowest floor (including basement) shall <u>be elevated at least three (3) feet above the highest adjacent grade.</u>** Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 25-5.10.7., (b) (3).

The Floodplain Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file:

(ii) BFE construction and the substantial improvement of a **<u>non-residential structure</u>** may be floodproofed in lieu of elevation. The **structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified flood level** in Section 25-5.10.7., (e) (1) or three (3) feet (if no depth number is specified), above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. As the requirements set forth in Section 25-5.10.7. (b) (1) and (b) (2). stipulate the lowest floor to be elevated no less than one foot about the BFE, then

the structure for this condition shall be elevated no less than four (4) feet about the highest adjacent grade.

A professional engineer, who is licensed to practice in the State of Alabama, or licensed architect, who is registered in the State of Alabama, shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certification to the official as set forth above and as required in Section 25-5.10.6. (b) (1) and (2).

(iii) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(f) Standards for Subdivisions and Other Development

All subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within the drawings, plans, and permits for such proposals the following:

(i) BFE data;

(ii) Provisions to minimize flood damage;

(iii) Public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(iv) Adequate drainage provided to reduce exposure to flood hazards without negatively impacting adjacent properties;

(v) **Preliminary plans** for review and approval of the platted subdivision which identifies the Special Flood Hazard Area, floodway boundaries, the BFE, and other areas regulated by the community;

(vi) **Final subdivision plats** that identify the boundary of the special flood hazard area, the floodway boundary, the BFEs, and any drainage easements to reduce the risk for flash flooding.

(g) Critical Facilities

Construction of new and substantially improved critical facilities, which are those for which the effects of even a slight chance of flooding would be too great, shall be located outside the limits of the **SFHA** or other flood hazard area regulated by the community. These types of facilities (hospitals, fire stations, police stations, storage of critical records, etc.) are given special consideration when formulating regulatory alternatives and floodplain management plans. Construction of new critical facilities (including the modification of an existing structure not previously classified as a critical facility) shall be permissible within the SFHA or other area regulated by the community only if no feasible alternative site is available and access to the facilities remains available during a 0.2 percent chance flood (a.k.a., 100-year flood).

(i) Critical facilities constructed within the SFHAs shall have the lowest floor elevated two feet above the BFE at the site.

(ii) Floodproofing and sealing measures must be implemented to ensure that any and all on-site toxic substances will not be displaced by or released into floodwaters.

Sec. 25-5.10.8. Variance Procedures

(a) Designation of Variance and Appeals Board

The Board of Adjustment as established by Section 25-2.2.3. of the Code of Decatur, Alabama shall hear and decide requests for appeals or variance from the requirements of this Ordinance.

(b) Duties of Board

The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this Ordinance. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Circuit Court, as provided in the Code of Alabama Section 11-52-81.

(c) Conditions for variances

The provisions of this Ordinance are minimum standards for flood loss reduction, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(i) Critical variance may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of Sections (c) (iii), (c) (iv), (f) (i) and (f) (ii) of this section.

(ii) In the instance of a Historic Structure, a determination is required that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(iii) A variance shall be issued <u>ONLY</u> when there is:

a. A finding of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship (cannot be personal physical or financial hardship); and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(iv) A variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(v) Variances shall not be issued “after the fact.”

(d) Variance Procedures

In reviewing requests for variance, the Board of Adjustment shall consider all technical evaluations, relevant factors, and standards specified in other sections of this Ordinance, and:

(i) Certain facilities and structures must be located on or adjacent to water in order to perform their intended purpose which may result in practical and operational difficulties due to the physical characteristics of the property. Variances may be

issued for development necessary for conducting of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, the development is protected by methods that minimize flood damage during the base flood, and it creates no additional threats to public safety.

(ii) Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.

(iii) Variances may be issued for the construction or substantial improvement of accessory structures provided it has been determined that the proposed structure:

a. Represents minimal investment and has low damage potential (amount of physical damage, contents damage, and loss of function).

b. Is larger than the size limits specified in Section 25-5.10.7., (b) (7) (i).

c. Complies with the wet floodproofing construction requirements of Section 25-5.10.7. (b) (3).

(iv) Variances may be issued for the construction or substantial improvement of agricultural structures provided it has been determined that the proposed structure:

a. Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.

b. Has low damage potential (amount of physical damage, contents damage, and loss of function).

c. Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including but not limited to the effects of flooding on manure storage, livestock confinement operations, liquefied natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials.

d. Is an aquaculture structure that is dependent on proximity to water if located in a coastal high-hazard area (Zones V, VE, VI 30, and VO).

e. Complies with the wet floodproofing construction requirements of Section 25-5.10.7., (b) (3).

(v) The evaluation must be based on the characteristics unique to that property and not be shared by adjacent parcels. The characteristics must pertain to the land itself, not to the structure, its inhabitants, or its owners.

(vi) Variances should never be granted for multiple lots, phases of subdivisions, or entire subdivisions.

(vii) Careful consideration and evaluation should be given to the following factors:

a. The danger of life and property due to flooding or erosion damage including materials that may be swept onto other lands to the injury of others.

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and the community.

c. The safety of access to the property during flood conditions for daily traffic and emergency vehicles.

d. The importance of the services provided by the proposed facility to the community.

e. The necessity of the facility to be at a waterfront location, where applicable.

f. The compatibility of the proposed use with existing and anticipated development based on the community's comprehensive plan for that area.

g. The applicable, the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action expected at the site.

h. The costs associated with providing governmental services to the development during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and community infrastructure such as streets, bridges, and culverts.

Upon consideration of factors listed above, and the purpose of this Ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

(e) Variances for Historic Structures

Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.

(f) Variances Notification and Records

(i) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that specifies the difference between the BFE and the elevation of the proposed lowest floor and stating that the issuance of such a variance could:

a. result in flood insurance rate increases in the hundreds and possibly thousands of dollars annually depending on structure and site-specific conditions; and

b. increase the risk to life and property resulting from construction below the base flood level.

(ii) The Floodplain Administrator shall maintain a record of all variance actions and appeal actions, including justification for their issuance. Report any variances to the Federal Emergency Management Agency Region 4 and the Alabama Department of Economic and Community Affairs/Office of Water Resources upon request.

(iii) A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Morgan County Probate Judge and shall be recorded in a manner so that it appears in the chain of title (i.e., deed) of the affected parcel of land.

Sec. 25-5.10.9. Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

A Zone
Means the special flood hazard areas on a FIRM without base flood elevations determined.

Administrator
Means the Administrator of the Federal Emergency Management Agency (FEMA).

Accessory Structure (also referred to as Appurtenant Structures)
Means a structure which is located on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. Detached garages and small sheds used for limited storage are considered accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings. An accessory structure specifically excludes structures used for human habitation.

Addition (to an Existing Building)
Means any improvement that increases the square footage of a structure. These include lateral additions added to the front, side, or rear of a structure, vertical additions added on top of a structure, and enclosures added underneath a structure. NFIP regulations for new construction apply to any addition that is considered a substantial improvement to a structure.

AE Zone
Means the special flood hazard areas on a FIRM with base flood elevations determined.

Agricultural Structure
Means a walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Aquaculture structures are included within this definition. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

AH Zone
Means an area of special flood hazards on a FIRM having shallow water depths and /or unpredictable flow paths between one (1) and three (3) feet, and with water surface elevations determined.

AO Zone
Means an area of special flood hazards on a FIRM having shallow water depths and /or unpredictable flow paths between one (1) and three (3) feet.

Appeal
Means a request for a review of the Director interpretation of any provision of this Ordinance.

Appurtenant Structure
(See definition for **Accessory Structure**).

Area of Shallow Flooding
Means a designated AO, AH, AR/AO, AR/AH or VO zone on a community's FIRM with a 1 percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard
(See definition for **Special Flood Hazard Area**).

Base Flood
Means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "one percent chance flood”).

Base Flood Elevation (BFE)
Means the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the FIRM for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30 and VE. It is the regulatory requirement for the elevation of flood proofing of structures. The relationship between the BFE and a structure's elevation determines the flood insurance premium.

Basement
Means any portion of a building having its floor sub grade (below ground level) on all sides.

Building
(Also see **Structure)** means a structure with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site; a manufactured home or a mobile home without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. "Building" does not mean a gas or liquid storage tank or a recreational vehicle, park trailer or other similar vehicle.

Community
Means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

Condominium Building
Means a type of building in the form of ownership in which each unit owner has an undivided interest in common elements of the building.

Critical Facility (aka, Critical Action)
Means facilities or activities for which even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, storage of critical records, and similar facilities. These facilities should be given special consideration when formulating regulatory alternatives and floodplain management plans. A critical facility should not be located in a floodplain if at all possible.

Critical Feature
Means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Cumulative Substantial Improvement/Damage
Means any combination of reconstruction, alteration, or improvement to a building, taking place during a 5-year period, in which the cumulative percentage of improvement equals or exceeds 50 percent of the current market value of the structure before the "start of construction" of the initial improvement. Any subsequent improvement project costs shall be added to the initial costs for the initial improvement project. At the end of a 5-year period from the initial improvement project, an updated valuation for the structure can be used for the next time period. Damages can be from any source.

Design Flood Elevation (DFE)
Means the locally adopted regulatory flood elevation. It is the minimum elevation to which a structure must be elevated or floodproofed. DFE is the sum of the base flood elevation and freeboard, based a building's structural category. In areas designated as Zone AO on a community's flood map, the DFE is the elevation of the highest existing grade of a building's perimeter plus the depth number specified on the flood hazard map. In areas designated as Zone AO where a depth is not specified on the map, the depth is two feet. In all cases, the DFE must be at least as high as the base flood elevation.

Development
Means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.

Elevated Building
Means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, pilings, posts, columns, piers, or shear walls.

Elevation Certificate
Means a FEMA form used as an administrative tool of the NFIP to provide building elevation information necessary to ensure compliance with community floodplain management ordinances, to inform the proper insurance premium, and to support a request for a LOMA, CLOMA, LOMR-F, or CLOMR-F.

Encroachment
Means activities or construction within the floodway including fill, new construction, substantial improvements, and other development.

Existing Construction
Means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

Existing Manufactured Home Park or Subdivision
Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the effective date of the original floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision

Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Fair Market Value

Means the price that the seller is willing to accept and the buyer is to pay on the open market and in an arm's length transaction.

Flood or Flooding

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters.

b. The unusual and rapid accumulation or runoff of surface waters from any source.

c. Mudslides which are proximately caused by flooding as described in part “b” of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually highwater level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph “a” of this definition.

Flood Damage-Resistant Material

Means any building product capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. Prolonged contact is defined as at least 72 hours. Significant damage is any damage requiring more than low-cost cosmetic repair (such as painting).

Flood Elevation Determination

Means a determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood Elevation Study

Means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM)

Means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study
(See **Flood Elevation Study**)

Floodplain (or Flood-Prone Area)
Means any land area susceptible to being inundated by water from any source (See Definition of **Flooding**).

Floodplain Management
Means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations
Means this Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as those for floodplain management, stormwater management, watershed management, grading/ earthwork, and erosion control), and other applications of police power. This term describes state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing
Means any combination of structural and nonstructural additions, changes or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Floodway
(See Definition for **Regulatory Floodway**)

Floodway Fringe (or Flood Fringe)
Means the portion of the Special Flood Hazard Area outside of the floodway, which experiences shallower, lower-velocity floodwater than in the floodway. It serves as a temporary floodwater storage area during a flood.

Floodway Encroachment Lines
Mean the lines marking the limits of floodways on Federal, State and local flood plain maps.

Freeboard
Means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally Dependent Use
Means a means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Hazardous Substance (or Material)
Means any substance or material that, when involved in an accident and released in sufficient quantities, poses a risk to people's health, safety, and/or property. These substances and materials include explosives, radioactive materials, flammable liquids or solids, combustible liquids or solids, poisons, oxidizers, toxins, and corrosive materials. It includes any substance defined as a hazardous substance pursuant to 42 U.S.C. § 9601 (14) or listed as a hazardous waste pursuant to the Hazardous Wastes Management Act, Section 22-30-1 et seq. and the regulations promulgated thereunder.

Highest Adjacent Grade
Means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure
Means any Structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district:

(3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior, or

b. Directly by the Secretary of the Interior in states without approved programs.

Increased Cost of Compliance (ICC)
Means a claim under a standard NFIP flood insurance policy, available to flood insurance policyholders who need additional funding to rebuild after a flood. It provides up to $30,000 to help cover the increased cost of mitigation measures to bring a building into compliance with the latest state or local floodplain management ordinances. Acceptable mitigation measures are elevation, floodproofing, relocation, and demolition, or any combination of these measures.

Letter of Map Change (LOMC)
Is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:

(1) <u>Letter of Map Amendment (LOMA)</u>

An amendment based on technical data showing that a property was incorrectly included in a designated SFHA, was not elevated by fill (only by a natural grade elevation), and will not

be inundated by the one percent chance flood. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.

(2) Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the BFE and is, therefore, excluded from the SFHA.

(3) Conditional Letter of Map Revision (CLOMR)

A formal review and comment by FEMA as to whether a proposed project complies with the minimum NFIP floodplain management criteria. A CLOMR does not revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Lowest Adjacent Grade
Means the lowest elevation of the natural or regraded ground surface, or structural fill (or concrete slab or pavement), at the location of a structure.

Lowest Floor
Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Ordinance. This definition applies even when the floor below ground level is not enclosed by full-height walls.

Manufactured Home
A means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

Manufactured Home Park or Subdivision
Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value
(See Definition for **Fair Market Value**)

Mean Sea Level
Means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mixed Use Building
Means a building that has both residential and non-residential uses.

National Flood Insurance Program (NFIP)
Is a federal program created by the United States Congress in 1968 to identify flood-prone areas nationwide and make flood insurance available for properties in participating communities. Communities must enact and enforce floodplain management regulations that meet or exceed the criteria established by FEMA in order to participate in the program. This program requires properties within the floodplain with a federally backed or regulated mortgage, or those that receive federal housing subsidies, to buy flood insurance.

National Geodetic Vertical Datum (NGVD) of 1929
A means a national standard reference datum for elevations, formerly referred to as Mean Sea Level (MSL) of 1929. NGVD 1929 may be used as the reference datum on some Flood Insurance Rate Maps (FIRMs).

New Construction
Means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

An existing building is considered to be new construction if it is substantially improved or once it has been repaired after being substantially damaged/improved.

New Manufactured Home Park or Subdivision
Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 5, 1979.

Non-Residential Building
Means, a commercial or mixed-use building where the primary use is commercial or non-habitational.

Non-Residential Property
Means either a non-residential building, the contents within a non-residential building, or both.

North American Vertical Datum (NAVD) of 1988
Means the vertical control datum established for vertical control surveying in the Unites States of America based upon the General Adjustment of the North American Datum of 1988. It replaces the National Geodetic Vertical Datum (NGVD) of 1929. Used by FEMA in many recent Flood Insurance Studies as the basis for measuring flood, ground, and structural elevations.

Post-FIRM
Means, for floodplain management purposes, a post-FIRM building is one for which construction began after the effective date of a community's NFIP-compliant floodplain management ordinance. For the purpose of determining flood insurance rates under the NFIP, a post-FIRM building is a building for which construction began on or after the effective date of an initial Flood

Insurance Rate Map or after December 31, 1974, whichever is later, including any subsequent improvements to such structures.

Pre-FIRM
Means, for floodplain management purposes, a building for which the start of construction occurred before the effective date of the community's NFIP-compliant floodplain management ordinance. For the purpose of determining flood insurance rates under the NFIP, a pre-FIRM building is a building for which construction began prior to the effective date of an initial Flood Insurance Rate Map or on or before December 31, 1974, whichever is later.

Recreational Vehicle
Means a vehicle which is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regular Program
Means the Program authorized by the Act under which risk premium rates are required for the first half of available coverage (also known as "first layer" coverage) for all new construction and substantial improvements started on or after the effective date of the FIRM, or after December 31, 1974, for FIRM's effective on or before that date. All buildings, the construction of which started before the effective date of the FIRM, or before January 1, 1975, for FIRMs effective before that date, are eligible for first layer coverage at either subsidized rates or risk premium rates, whichever are lower. Regardless of date of construction, risk premium rates are always required for the second layer coverage and such coverage is offered only after the Administrator has completed a risk study for the community.

Regulatory Floodway
Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Remedy a Violation
Means to bring the structures or other development into full or partial compliance with State or local regulations or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provision of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Repetitive Loss Agricultural Structure
Means an agricultural structure covered by a NFIP contract for flood insurance that has incurred flood-related damage on two (2) separate occasions in which the cost of repair, on the average,

equaled or exceeded 25 percent of the value of the structure at the time of each such flood event.

Repetitive Loss Property
Means any NFIP-insured single family or multi-family residential building for which two or more claims of more than $1,000 were paid by the NFIP within any rolling 10-year period, since 1978. A repetitive loss property may or may not be currently insured by the NFIP.

Residential Building
Means a non-commercial building designed for habitation by one or more families or a mixed-use building that qualifies as a single-family, two-to-four family, or other residential building.

Residential Property
Means either a residential building or the contents within a residential building, or both.

Riverine
Means floodplain relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. Riverine floodplains have readily identifiable channels.

Section 1316
Means Section 1316 of the National Flood Insurance Act of 1968, as amended, which provides for the denial of flood insurance coverage for any property which the Administrator finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Once a duly constituted State or local authority declares a structure as being in violation, the Administrator must deny flood insurance coverage provided that the individual or office making the declaration has the authority to do so and that the law or regulations violated was, in fact, intended to discourage or otherwise restrict land development or occupancy in the flood-prone area.

Section 1316 was intended for use primarily as a backup for local enforcement actions (i.e., if a community could not force compliance through the enforcement mechanisms in its regulations, it could use Section 1316 as additional leverage) and was not intended merely as a mechanism to remove bad risks from the policy base. Section 1316 will only be implemented in instances where States or communities submit declarations specifically for that purpose.

Severe Repetitive Loss Structure
Means a single family property (consisting of l to 4 residences) that is covered under flood insurance by the NFIP and has incurred flood-related damage for which 4 or more separate claims payments have been paid under flood insurance coverage, with the amount of each claim payment exceeding $5,000 and with cumulative amount of such claims payments exceeding $20,000; or for which at least 2 separate claims payments have been made with the cumulative amount of such claims exceeding the reported value of the property.

Sheet Flow Area
(See Definition for **Area of Shallow Flooding**)

Single-Family Dwelling
Means either (a) a residential single-family building in which the total floor area devoted to non-residential uses is less than 50 percent of the building's total floor area, or (b) a single-family residential unit within a two-to-four family building, other-residential building, business, or non-

residential building, in which commercial uses within the unit are limited to less than 50 percent of the unit's total floor area.

Special Flood Hazard Area (SFHA)
Means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year as shown on a FHBM or FIRM as Zones A, AE, AH, AO, AR, AR/AE, AR/AO, AR/AH, AR/A, A99, or VE. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

Start of Construction (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348))
Means the date the development or building permit was issued (includes substantial improvement), provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation.

"Permanent construction" does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure
Means, for floodplain management purposes, a walled and roofed building, including a liquid or gas storage tank, that is principally above ground, as well as a manufactured home. The terms "structure" and "building" are interchangeable in the NFIP. For Instances purposes, **structure** means:

(1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;

(2) A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or

(3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

Substantial Damage
Means damage of any origin sustained by a structure whereby the cost of restoring the structure to it before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement
Means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;

(2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Variance
Means a grant of relief by the (Community name) from the terms of a floodplain management regulation.

Violation
Means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the Code of Federal Regulations (CFR) §44, Sec. 60.3(b)(5), (c)(4), (c)(l0), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Watercourse
Means only the channel and banks of an identifiable watercourse and not the adjoining floodplain areas. The flood carrying capacity of a watercourse refers to the flood carrying capacity of the channel.

Water Surface Elevation
Means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wet Floodproofing
Means a method of construction that involves modifying a building to allow floodwaters to enter it in order to minimize damage to the building, using flood damage-resistant materials below the DFE throughout the building, raising utilities and important contents to or above the DFE, installing and configuring electrical and mechanical systems to minimize disruptions and facilitate repairs, installing flood openings or other methods to equalize the hydrostatic pressure exerted by floodwaters, and, where required, installing pumps to gradually remove floodwater from basement areas after the flood.

Wet floodproofing shall not be utilized as a method to satisfy the requirements of this Ordinance for bringing substantially damaged or improved structures into compliance. Wet floodproofing is not allowed in lieu of complying with the lowest floor elevation requirements for new residential buildings.

X Zones (Shaded)
Means the areas on a FIRM subject to inundation by the flood that has a 0.2-percent chance of being equaled or exceeded during any given year, often referred to the as 500-year flood.

X Zones (Unshaded)
Designates areas on a FIRM where the annual probability of flooding is less than 0.2 percent.

Zone of Imminent Collapse
Means an area subject to erosion adjacent to the shoreline of an ocean, bay, or lake and within a distance equal to 10 feet plus 5 times the average annual long-term erosion rate for the site, measured from the reference feature.

Sec. 25-5.10.11. Legal Status Provisions

(a) Severability

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

(b) Enforceability of ordinance and future revisions

The provisions within this Ordinance must be legally enforceable; applied uniformly throughout the community to all privately and publicly owned land within any regulated flood hazard areas; meet the minimum standards set forth in §60.3 of the Code of Federal Regulations Title 44; and the community must provide that the provisions of this Ordinance take precedence over any less restrictive conflicting local laws, ordinances, or codes.

If the City of Decatur, Alabama repeals its floodplain management regulations, allows its regulations to lapse, or amends its regulations so that they no longer meet the minimum requirements set forth in §60.3 of the Code of Federal Regulations Title 44, it shall be suspended from the National Flood Insurance Program (NFIP). The community eligibility shall remain terminated after suspension until copies of adequate floodplain management regulations have been received and approved by the Federal Insurance Administrator. To avoid such occurrences, the City of Decatur, Alabama will coordinate with the Alabama NFIP State Coordinator and FEMA Regional Office prior to any revisions to this Ordinance. Without prior approval of the Federal Insurance Administrator, the community shall not adopt and enforce revised floodplain management regulations.

From time-to-time Part 60 of the Code of Federal Regulations Title 44 may be revised to advance flood risk reduction measures as experience is acquired under the NFIP and new information becomes available. The City of Decatur, Alabama agrees to revise its floodplain management Ordinance to comply with any such changes within six months from the effective date of any new federal regulation.

Secs. 25-5.10.12 – Secs. 25-5.10.69. – Reserved

SECTION 25-5.11. STORMWATER MANAGEMENT STANDARDS

Sec. 25-5.11.1. Purpose and Intent

The purpose and intent of this section is to ensure that new development properly manages stormwater during clearing, grading, and site construction, and after construction is completed, in accordance with state law.

Sec. 25-5.11.2. Stormwater Detention Facilities

Any new development site, other than a single-family detached dwelling unit, that is one acre or greater or redevelopment site that increases the net impervious area by 2,500 or more square feet shall include the following stormwater detention facilities:

(a) For sites at least one but not greater than 25 acres, facilities to provide detention for a minimum of a 10-year storm event along with calculations to show the effect of a 25- and a 100-year storm; and

(b) For sites greater than 25 acres, facilities to provide detention for a 25-year storm with calculations to show effect of 100-year storm.

Sec. 25-5.11.3. Erosion and Sediment Control

(a) Applicability

The requirements of this section apply to any construction that disturbs one acre or more of ground surface within the city limits of Decatur.

(b) State Permit Required

Prior to any grading or clearing activity or site construction, a copy of an approved National Pollutant Discharge Elimination System (NPDES) general permit for stormwater runoff control (Permit ALR 100000) shall be submitted to the city engineering department. This permit will be obtained from ADEM (Alabama Department of Environmental Management) by the owner or developer of the property.

(c) Construction Best Management Practices Plan (CBMPP)

The owner or developer shall prepare a construction best management practices plan (CBMPP) using proven engineering practices that will result in specific strategies to protect water quality. The CBMPP must use the basic design principles available in the Alabama Handbook for Erosion Control, Sediment Control and Storm Water Management on Construction Sites and Urban Areas (Alabama Handbook) and other best management practices (BMP) documents recognized by ADEM. The Alabama Handbook may be amended from time to time and can be downloaded from the ADEM website. The CBMPP must describe in detail the use of any silt fences, hay bales, rip rap, siltation basins, or other means to be used for erosion control.

(d) Construction Plans

(1) All construction plans must include the following requirements for contractors by notation in the project notes:

(i) To provide erosion control;

(ii) To prevent fuel or hazardous chemical spills; and

(iii) To prevent over-use of pesticides, fertilizer, or herbicides.

(2) Waste material such as asphalt, petroleum products, sealants, concrete, etc., must not be left on site in contact with stormwater runoff.

(e) Failure to Comply

(1) Any information provided by the public as to betterment of the proposed BMP or as to the failure of an operating BMP may be addressed to the city engineering department for consideration or correction.

(2) Any owner or developer of a site one acre or more of ground surface area which does not conform to this Ordinance is subject to a stop-work order and/or a fine of not more than $500.00 per day.

(3) Once an owner or developer has been notified by the city engineering department that a BMP is not meeting the requirements of this Ordinance, the owner or developer shall correct the problem within ten working days. Following that period of ten working days, the fine will be applied separately each day that the BMP is not corrected. The owner or developer shall be responsible for making the correction and for notifying the city engineering department when the corrections are made.

(f) Maintenance

Detention and retention facilities and other post-construction water quality measures shall be maintained on a continuing basis.

SECTION 25-5.12. GREEN BUILDING INCENTIVES

Sec. 25-5.12.1. Purpose and Intent

The purpose of this section is to support green building practices in the City by providing incentives for development that incorporates specific types of green building features, in order to support:

(a) Energy conservation;

(b) Alternative energy use;

(c) Water conservation and water quality;

(d) Healthy landscaping;

(e) Alternate forms of transportation; and

(f) Urban agriculture.

Sec. 25-5.12.2. Applicability

(a) General

(1) The incentives in this section are available to new development and any expansion of an existing development that increases the development's gross floor area by 50 percent or more.

(2) In cases where standards in this section conflict with Section 25-5.8, Neighborhood Compatibility Standards, the neighborhood compatibility standards shall control.

(b) Timing of Review

Review for compliance with the standards of this section shall occur during review of applications for a planned development district (see Sec. 25-2.4.3), special exception permit (see Sec. 25-2.4.4), or site plan (major or minor) (see Sec. 25-2.4.5).

Sec. 25-5.12.3. Incentives

(a) Development integrating green building features in accordance with this section shall be eligible for the following incentives:

(1) An increase in the maximum allowable height by up to one story or 14 feet beyond the maximum allowed in the base zoning district for residential structures and up to two stories or 28 feet for nonresidential or mixed use structures;

(2) An increase in the maximum allowable lot coverage by 15 percent beyond the maximum allowed in the base zoning district; and

(3) A modification to the off-street parking requirements resulting in a reduction from the minimum requirements by 15 percent, or an increase to the maximum allowable number of spaces provided by 15 percent (without an alternative parking plan).

(b) Development may include a sufficient number of green building features to take advantage of more than one type of incentive, but in no instance shall the amount of an incentive be increased or decreased (as appropriate) beyond the maximum listed in this section.

Sec. 25-5.12.4. Procedure

(a) Development seeking to use green building incentives in accordance with this section shall include a written request with the development application (see Sec. 25-5.12.2(b), Timing of Review) that demonstrates how compliance with the standards in this section will be achieved.

(b) The decision-making body or person responsible for review of the development application shall also be responsible for the review of the green building incentive request.

(c) The incentive(s) shall be based on the number of green building features provided, in accordance with Table 25-5.12.4: Green Building Incentives, and Table 25-5.12.5: Green Building Features. To obtain the right to a particular incentive identified in the left column of Table 25-5.12.4: Green Building Incentives, the development proposed is required to provide the minimum number of green building features associated with the green building features from both schedule A and schedule B in Table 25-5.12.4: Green Building Incentives (for example, for a density bonus of one additional dwelling unit per acre beyond the maximum allowed in the base zoning district, the proposed development is required to include two green building features from Schedule A and four green building features from Schedule B).

(d) A green building feature used to obtain an individual type of incentive shall only be counted for that incentive. If an applicant wants to achieve a second type of incentive (for example, both the density bonus incentive and the lot coverage incentive), the proposed development shall include the minimum number of green building features in Schedule A and Schedule B required for both incentives (two from Schedule A and four from Schedule B for the density bonus incentive, and an additional two from Schedule A and three from Schedule B for the lot coverage incentive).

TABLE 25-5.12.4: GREEN BUILDING INCENTIVES

INCENTIVE	MINIMUM NUMBER OF GREEN BUILDING PRACTICES PROVIDED	
	FROM SCHEDULE A	FROM SCHEDULE B
A density increase of up to one additional dwelling unit per acre beyond the maximum allowed in the base zoning district	2	4
An increase in the maximum allowable height by up to one story or 14 feet beyond the maximum allowed in the base zoning district	2	3
An increase in the maximum allowable lot coverage by 15 percent beyond the maximum allowed in the base zoning district	2	3
A reduction from the minimum parking space requirements by 15 percent	2	2

Sec. 25-5.12.5. Menu of Green Building Features

One or more of the green building features in Table 25-5.12.5: Green Building Features, may be offered by an applicant for proposed development in accordance with Table 25-5.12.4: Green Building Incentives. The entry in the left-most column of Table 25-5.12.5: Green Building Features, indicates the number of Schedule A or Schedule B green building practices that can be counted toward an incentive in Table 25-5.12.4: Green Building Incentives. (For example, an entry of “BBB” means that the green building feature is credited as three green building practices toward the minimum number of Schedule B practices in the right-most column of Table 25-5.12.4: Green Building Incentives).

TABLE 25-5.12.5: GREEN BUILDING FEATURES

SCHEDULE	GREEN BUILDING FEATURE
ENERGY CONSERVATION	
A	Install a “cool roof” for at least 50 percent of the total roof area of the primary buildings in a multi-building development. Cool roofs shall have a Solar Reflectance Index of 78 for flat roofs or 29 for roofs with a slope greater than 2:12
A	Use central air conditioners that are Energy Star qualified
A	Use only solar or tank-less water heating systems throughout the structure
B	Provide skylights in an amount necessary to ensure natural lighting is provided to at least 20 percent of the habitable rooms in the structure
B	Construct roof eaves or overhangs of three feet or more on southern or western elevations
B	Provide shade, open-grid pervious pavement, or solar-reflective paving on 50% of total area of roads, sidewalks, and parking areas in development
B	Use a structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including appropriate wiring and water transport systems)
B	Use vegetation or vegetated structures to shade HVAC units

TABLE 25-5.12.5: GREEN BUILDING FEATURES

SCHEDULE	GREEN BUILDING FEATURE
ALTERNATIVE ENERGY	
AA	Generate 50 percent or more of energy on-site by alternative energy (e.g., solar wind, geothermal)
A	Generate 25 percent or more of energy on-site by alternative energy (e.g., solar wind, geothermal)
A	Pre-wire a minimum of 75 percent of residential dwelling units in the development for solar panels
B	Pre-wire a minimum of 25 percent of residential dwelling units in the development for solar panels
GREEN BUILDING CERTIFICATION STANDARDS	
AAA	Construct the principal building(s) to meet or exceed LEED ® Platinum or comparable certification standards
AA	Construct the principal building(s) to meet or exceed LEED ® Gold or comparable certification standards
BB	Construct the principal building(s) to meet or exceed LEED ® Silver or comparable certification standards
WATER CONSERVATION AND WATER QUALITY	
AAA	Install a green vegetated roof on the primary building(s), or at least 50 percent of primary buildings in a multi-building complex – green or vegetated roofs shall include vegetation on at least 50 percent of the roof area (25 percent for renovated buildings) and shall use only plant materials permitted by this Ordinance.
A	Provide rain gardens, street-side swales, or other appropriate storm water infiltration system(s) that captures a minimum of 25 percent of site stormwater runoff
A	Use pervious pavement on at least 50 percent of parking lot and driveway area in development
A	Include rain water capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons for every two residential units
A	Provide rain gardens or other appropriate storm water infiltration system(s) that accommodate a minimum of 25 percent of the runoff
VEGETATION	
A	Retain at least 25 percent of existing pre-development natural vegetation
A	Remove all lawn or turf in favor of ground cover consisting of plant material or mulch
B	Limit turf grass to 40 percent of the landscaped area
URBAN AGRICULTURE	
A	Provide a fenced, centrally located community garden space (which may be located as a rooftop garden) for residents and for urban gardening purposes at a ratio of 50 square feet per dwelling unit
B	Provide a fenced, community garden space for employees at an office, for gardening purposes at a ratio of 15 square feet per employee
B	Provide a minimum of one on-site composting station for every 25 residential dwelling units
BUILDING MATERIALS	
AA	Source a minimum of 25 percent, by cost, of construction materials from recycled products or products manufactured, extracted, harvested, or recovered within 250 miles of the site, excluding HVAC costs

TABLE 25-5.12.5: GREEN BUILDING FEATURES

SCHEDULE	GREEN BUILDING FEATURE
TRANSPORTATION	
A	Provide a minimum of two electric vehicle (EV) level 3 charging stations that are made available in a parking structure or off-street parking lot to those using the building
B	Provide a minimum of two electric vehicle (EV) level 2 charging stations that are made available in a parking structure or off-street parking lot to those using the building
B	Provide a minimum of five percent of required automobile parking spaces that are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance
B	Provide more bicycle parking than required by Sec. 25-5.2.7(a), Minimum Required Bicycle Parking, while ensuring that all other bicycle parking standards in Section 25-5.2, Off-Street Parking and Loading Standards, are met
RESILIENCY TO NATURAL HAZARDS	
A	Equip the project with at least one alternative, independent source of electricity supply so that the project is capable of operating if a primary source of power experiences an interruption
A	If the project involves a critical facility that is intended to remain operational in the event of a flood, or whose function is critical for post-flood recovery, design the facility to be protected and operable at the water levels represented by a 0.2% annual chance (500-year) flood
A	Elevate new and/or existing structures more than 3 feet above base flood elevation (BFE)
B	Install operable windows to allow for natural ventilation in the event of power failures

NOTES:

[1] "AA" means credited as provision of two schedule "A" features.
"AAA" means credited as provision of three schedule "A" features.
"BB" means credited as provision of two schedule "B" features.

[2] LEED Certification from the U.S. Green Building Council, or equivalent criteria from the International Code Council Green Construction Code, the National Green Building Standards, or similar certification programs as determined by the Director.

Sec. 25-5.12.6. Failure to Install or Maintain Green Building Features

Failure to install or maintain approved green building features that are to be provided to comply with this section is a violation of this Ordinance, and may result in revocation of the development approval or permit.

6

NONCONFORMITIES

Section 25-6.1.	General Applicability	6-1
Sec. 25-6.1.1.	Purpose and Scope	6-1
Sec. 25-6.1.2.	Authority to Continue	6-1
Sec. 25-6.1.3.	Determination of Nonconforming Status	6-1
Sec. 25-6.1.4.	Minor Repairs and Maintenance	6-1
Sec. 25-6.1.5.	Change of Tenancy or Ownership	6-2
Section 25-6.2.	Nonconforming Uses	6-2
Sec. 25-6.2.1.	General	6-2
Sec. 25-6.2.2.	Extension, Expansion, or Relocation	6-2
Sec. 25-6.2.3.	Change in Use	6-2
Sec. 25-6.2.4.	Discontinuance or Abandonment of Nonconforming Use	6-2
Sec. 25-6.2.5.	Structures Used for Nonconforming Use	6-3
Section 25-6.3.	Nonconforming Structures	6-3
Sec. 25-6.3.1.	General	6-3
Sec. 25-6.3.2.	Relationship to Conforming and Nonconforming Uses	6-3
Sec. 25-6.3.3.	Enlargement or Alteration	6-3
Sec. 25-6.3.4.	Relocation	6-4
Sec. 25-6.3.5.	Reconstruction or Repair After Casualty Damage	6-4
Section 25-6.4.	Nonconforming Lots of Record	6-5
Sec. 25-6.4.1.	General	6-5
Sec. 25-6.4.2.	Structures on Nonconforming Lots	6-5
Sec. 25-6.4.3.	Development of Nonconforming Lots	6-5
Sec. 25-6.4.4.	Governmental Acquisition of Land	6-5
Section 25-6.5.	Nonconforming Signs	6-6
Sec. 25-6.5.1.	General	6-6
Sec. 25-6.5.2.	Enlargement, Alteration, or Relocation	6-6
Sec. 25-6.5.3.	Reconstruction or Repair After Damage or Destruction	6-6
Sec. 25-6.5.4.	Abandonment	6-6
Section 25-6.6.	Nonconforming Site Features	6-7
Sec. 25-6.6.1.	Purpose	6-7
Sec. 25-6.6.2.	Graduated Compliance Required	6-7

Article 25-6. Nonconformities

SECTION 25-6.1. GENERAL APPLICABILITY

Sec. 25-6.1.1. Purpose and Scope

(a) In this Ordinance there exist uses of land, structures, lots of record, signs, and site features that were lawfully established before the Ordinance was adopted or amended, that do not conform to its terms and requirements. It is the general policy of the City to allow such uses, structures, lots of record, signs, and site features to continue to exist. It also is the policy of the City to bring as many of these nonconformities into conformance with this Ordinance as is reasonably practicable, subject to the requirements of this article.

(b) The purpose and intent of this article is to recognize the interests of the landowner in continuing to use the land, but to preclude the expansion of a nonconformity or reestablishment of a discontinued or substantially destroyed nonconformity unless allowing such expansion or reestablishment can serve as an incentive to achievement of even greater public benefit.

Sec. 25-6.1.2. Authority to Continue

(a) Except as otherwise provided in subsection (b) below, all lawfully existing nonconformities are allowed to continue, and are encouraged to be maintained in accordance with Sec. 25-6.1.4, Minor Repairs and Maintenance, as a means of preserving safety and appearance.

(b) Sale of alcoholic beverages shall not be included in the authority to continue a nonconformity set out in subsection (a) above. No permits, licenses, or other authority shall be granted for sale of alcoholic beverages where not specifically authorized by this Ordinance, regardless of any existing nonconforming use of property for purposes not including the right to sell alcoholic beverages.

Sec. 25-6.1.3. Determination of Nonconforming Status

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

Sec. 25-6.1.4. Minor Repairs and Maintenance

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

(a) Repairs that are necessary to maintain a nonconforming use, structure, lot of record, sign, or site feature in a safe condition;

(b) Maintenance of land areas to protect against health hazards and promote the safety of surrounding uses; and

(c) In the case of a nonconforming sign, any sign maintenance identified in Sec. 25-5.9.4(c)(2).

Sec. 25-6.1.5. Change of Tenancy or Ownership

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

SECTION 25-6.2. NONCONFORMING USES

Sec. 25-6.2.1. General

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

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

A nonconforming use shall not be extended, expanded, or moved to occupy a different area of a structure or lot, except an existing nonconforming use may extend into any portion of a structure that was clearly designed or arranged for the particular use when the use became nonconforming.

Sec. 25-6.2.3. Change in Use

(a) Except as otherwise provided in subsection (b) below, a nonconforming use may only be changed to a use that is permitted in the zoning district in which it is located. Once a nonconforming use is converted to a conforming use, it shall not be changed back to a nonconforming use.

(b) An existing nonconforming use may be converted to another nonconforming use, subject to approval of a special exception permit (see Sec. 25-2.4.4, Special Exception Permit) if the Board of Zoning Adjustment finds, in addition to all other required findings, that the proposed nonconforming use is more in character with the uses permitted in the district than the use it replaces. In permitting the change, the board may require appropriate conditions and safeguards in accordance with the purpose of this article.

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

(a) If a nonconforming use ceases to operate or is discontinued or abandoned for a period of one year, it shall not be reestablished and shall only be replaced with a conforming use.

(b) Time spent renovating or repairing a structure that houses the nonconforming use is not considered a discontinuance of the use, provided:

(1) All appropriate development permits are obtained;

(2) The renovation or repair is completed within 18 months after commencement of the repair or renovation;

(3) The use is reestablished within one month after completion of the renovation or repairs; and

(4) Any discontinuance of use caused by government action without the contributing fault by the nonconforming user shall not be considered in determining the length of discontinuance.

Sec. 25-6.2.5. Structures Used for Nonconforming Use

Any reconstruction or repair of a damaged structure used for a nonconforming use shall be subject to the same provisions applicable to nonconforming structures in Section 25-6.3, Nonconforming Structures.

SECTION 25-6.3. NONCONFORMING STRUCTURES

Sec. 25-6.3.1. General

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

Sec. 25-6.3.2. Relationship to Conforming and Nonconforming Uses

Where a nonconforming principal structure contains a conforming use, only the nonconforming structure is subject to the standards and limitations in this section. Where a nonconforming structure contains a nonconforming use, the nonconforming structure is subject to the standards and limitations of this section and the nonconforming use is subject to the standards and limitations in Section 25-6.2, Nonconforming Uses.

Sec. 25-6.3.3. Enlargement or Alteration

(a) General

Except as otherwise provided in subsection (b) below, a nonconforming structure may be enlarged or structurally altered, provided the enlargement or alteration does not increase the extent or degree of the nonconformity and complies will all other applicable requirements of this Ordinance. (*As an example, consider a hypothetical structure that is nonconforming because it has a side setback of five feet where the required minimum side setback is ten feet. That structure could not be enlarged so as to further encroach into the side setback, but could be enlarged in the rear of the structure if the enlargement complies with all applicable requirements in the zoning ordinance, including minimum rear setback requirements.*)

(b) Exception in Floodplains

(1) Any structure located within an area of special flood hazard that is nonconforming with regard to any provision of this Ordinance other than Section 25-5.10, Floodplain Management, may be enlarged or altered without regard to the limitations in subsection (a) above, if the enlargement or alteration:

(i) Does not increase the footprint of the nonconforming part of the structure by more than 20 percent;

(ii) Complies with Section 25-5.10, Floodplain Management; and

(iii) Makes the structure more resilient to storm and flood damage by undertaking at least four of the resiliency measures identified in subsection (2) below, in accordance with the standards and guidelines of the National Flood Insurance Program (NFIP).

(2) The following are resiliency measures for purposes of subsection (1) above:

(i) Elevate the structure so its lowest habitable floor is at least one foot above the base flood elevation;

(ii) Dry floodproof exterior walls below the base flood elevation up to at least 75 percent of the height between ground level and the base flood elevation;

(iii) Convert enclosed areas of the structure below the base flood elevation to nonhabitable space;

(iv) Wet floodproof enclosed areas of the structure below the base flood elevation to allow flood waters to temporarily fill the areas to equalize hydrostatic loads and prevent buoyancy, including the elevation or floodproofing of HVAC equipment and electrical system components;

(v) Install permanent storm shutters on glass windows and doors or replace glass windows and doors with shatterproof glass;

(vi) Install flood openings in foundations and enclosed areas of the structure below the base flood elevation to allow flood waters to pass through to equalize hydrostatic loads and prevent buoyancy; or

(vii) Secure shingle, built-up, and metal roofs against high wind damage.

Sec. 25-6.3.4. Relocation

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

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

Except as otherwise provided in Section 25-5.10, Floodplain Management, the reconstruction or repair of a nonconforming structure damaged as a result of a natural disaster or other unforeseen and unpreventable accident or occurrence shall be subject to the following provisions.

(a) Damage up to 75 Percent of Value

If a nonconforming structure is damaged to an extent whereby the cost of restoring the structure to its before-damaged condition would be 75 percent or less of its assessed value before the damage, the structure may be reconstructed or repaired if:

(1) The reconstruction or repair does not increase, expand, enlarge, or extend the degree of nonconformity; and

(2) The reconstruction or repair begins within one year after the damage and is diligently pursued to completion, with a valid building permit maintained until the reconstruction or repair is completed.

(b) Damage greater than 75 Percent of Value

If a nonconforming structure is damaged to an extent whereby the cost of restoring the structure to its before-damaged condition would exceed 75 percent or more of its assessed

value before the damage, the structure shall not be reconstructed or repaired except in conformity with the provisions of this Ordinance.

SECTION 25-6.4. NONCONFORMING LOTS OF RECORD

Sec. 25-6.4.1. General

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

Sec. 25-6.4.2. Structures on Nonconforming Lots

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

Sec. 25-6.4.3. Development of Nonconforming Lots

New development shall be allowed on a vacant nonconforming lot of record in accordance with subsections (a) and (b) below, provided neither the lot nor any portion of it has been held in common ownership with any abutting lot so that the combined property holdings of the landowner would form a lot of sufficient width and area to conform to the requirements of this Ordinance at any time during the period of common ownership.

(a) In Residential districts, one single-family dwelling unit may be developed on a vacant nonconforming lot, if the structure complies with all other applicable standards in this Ordinance, including applicable setback and building height standards and any applicable use-specific standards.

(b) In Business districts, any use allowed in the zoning district in which a nonconforming vacant lot is located may be established on the lot, if the structure complies with all other applicable standards in this Ordinance, including applicable setback and building height standards and any applicable use-specific standards.

Sec. 25-6.4.4. Governmental Acquisition of Land

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

(a) Is allowed in the zoning district in which the lot is located;

(b) Complies with the dimensional standards of the zoning district in which the lot is located, to the maximum extent practicable;

(c) Complies with all applicable standards in Article 25-5: Development Standards, to the maximum extent practicable; and

(d) Complies with all other standards and requirements of this Ordinance.

SECTION 25-6.5. NONCONFORMING SIGNS

Sec. 25-6.5.1. General

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

(b) Signs identified in Sec. 25-5.9.5(c), Prohibited Public Nuisance Signs, are a violation of this Ordinance and shall not be given nonconformity status.

(c) No detached sign shall be erected on the same lot with an existing nonconforming detached sign until the nonconforming sign has been removed or made to conform to this Ordinance, unless the nonconforming sign is nonconforming only because it does not comply with the minimum spacing requirements for off-premises signs in Sec. 25-5.9.7(a)(3)(iv), Minimum Spacing and Setbacks.

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

(a) A nonconforming sign shall not be enlarged or structurally altered in any way that increases the degree or extent of its nonconformity, including, but not limited to, an increase in the sign's extension into or bulk within a required setback or an increase in the sign's height above the maximum allowed height.

(b) The additional of artificial illumination to a nonconforming sign is prohibited.

(c) Except as otherwise provided in Sec. 25-6.5.3 below, a nonconforming sign shall not be moved or replaced except to bring it into complete conformity with this Ordinance.

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

(a) Except as otherwise provided in subsection (b) or subsection (c) below, a nonconforming sign that is damaged or destroyed may be reconstructed or repaired only if the following requirements are met:

(1) The cost of restoring the sign to its before-damaged condition must be 50 percent or less of its replacement value before the damage, exclusive of foundations or supports;

(2) The reconstruction or repair shall not increase, expand, enlarge, or extend the degree of nonconformity; and

(3) The reconstruction or repair shall begin within one year after the damage and be diligently pursued to completion; however, if the Director provides notice to the landowner or tenant that the sign is unsafe, insecure, or a menace to the public, the conditions identified in such notice shall be remedied within 30 days of the notice.

(b) If a nonconforming landmark sign, defined as nonconforming on-premises sign erected prior to 1960, is damaged or destroyed, it may be restored to its before-damaged condition in the same location, regardless of the cost.

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

Sec. 25-6.5.4. Abandonment

If a nonconforming on-premises sign is abandoned for a period exceeding 90 days, it shall lose its nonconformity status and shall be either removed or made to comply with the standards in this Ordinance. The Director may grant extensions of this 90-day period totaling not more than nine

months if the Director determines there is a valid permit for work on the sign and the work is being actively undertaken. A sign shall be considered abandoned or discontinued if its copy area is no longer readable or comprehensible, or if the sign advertises an activity or business no longer being conducted, or a service or product no longer being offered or produced, on the premises where the sign is located.

SECTION 25-6.6. NONCONFORMING SITE FEATURES

Sec. 25-6.6.1. Purpose

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

Sec. 25-6.6.2. Graduated Compliance Required

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

TABLE 25-6.6.2: REQUIRED COMPLIANCE OF NONCONFORMING SITE FEATURES

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

Remodeling Costing between 50 and 75 Percent of Building Value	Remodeling of a building in any continuous five-year period that costs 50 percent, but less than 75 percent, of the current assessed value of the building	A corresponding percentage of the total required landscaping and off-street parking, as applicable, is required as additional compliance of the nonconforming landscaping and/or parking, up to achievement of 100 percent compliance. [3] *Example: A nonresidential site with nonconforming off-street parking (site feature) with an assessed value of $100,000 is undergoing remodeling equaling $60,000 (60 percent of the assessed value). If the site at the time of remodel has 6 parking spaces, but the Ordinance requires a minimum of 20 for the proposed use (14 more spaces are required for the site to be conforming), the applicant would be required to provide 60 percent of the 20 spaces – or 12 more parking spaces – bringing the total number of spaces on the site to 18 spaces.*
Remodeling Costing 75 Percent or more of Building Value	Remodeling of a building in any continuous five-year period that costs 75 percent or more of the	Additional compliance of the nonconforming landscaping and off-street parking, as applicable, is required

TABLE 25-6.6.2: REQUIRED COMPLIANCE OF NONCONFORMING SITE FEATURES

TYPE OF REMODELING OR EXPANSION	DEFINITION [1]	ADDITIONAL COMPLIANCE REQUIRED [2]
	current assessed value of the building	to achieve 100 percent compliance with the standards of this Ordinance. [3]
EXPANSION		
Additions and Expansion Less than 25 Percent	Additions or expansions to a building in any continuous five-year period that increase the gross square footage of the building (measured at the beginning of the five-year period) by less than 25 percent	There is no requirement for additional compliance of the nonconforming off-street parking or landscaping

TABLE 25-6.6.2: REQUIRED COMPLIANCE OF NONCONFORMING SITE FEATURES

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

NOTES:

[1] Remodels and expansions under this section shall not include reconstruction or repairs allowed in accordance with Sec. 25-6.3.5, Reconstruction or Repair After Casualty Damage.

[2] Where full compliance with the requirements of this section is precluded by a lack of sufficient developable area due to the area of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, or other significant environmental constraints on development, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the Director.

[3] If the calculation results in four or fewer additional off-street parking spaces, no additional parking spaces are required under this section.

[4] If only outdoor operations, storage, or display areas are being added or expanded on the site, no additional landscaping is required under this section.

7

ENFORCEMENT

Section 25-7.1.	Purpose and Intent	7-1
Section 25-7.2.	Compliance Required	7-1
Sec. 25-7.2.1.	General	7-1
Sec. 25-7.2.2.	Development Approvals and Permits	7-1
Section 25-7.3.	Violations	7-1
Sec. 25-7.3.1.	General Violations	7-1
Sec. 25-7.3.2.	Specific Violations	7-1
Section 25-7.4.	Responsible Persons	7-2
Section 25-7.5.	Enforcement Generally	7-3
Sec. 25-7.5.1.	Responsibility for Enforcement	7-3
Sec. 25-7.5.2.	Inspections	7-3
Sec. 25-7.5.3.	Complaints Regarding Violations	7-3
Sec. 25-7.5.4.	Enforcement Procedure	7-3
Section 25-7.6.	Remedies and Penalties	7-4
Sec. 25-7.6.1.	Available Remedies	7-4
Sec. 25-7.6.2.	Available Penalties	7-5
Sec. 25-7.6.3.	Remedies are Cumulative	7-5
Sec. 25-7.6.4.	Private Civil Relief	7-5

Article 25-7. Enforcement

SECTION 25-7.1. PURPOSE AND INTENT

This article establishes procedures and standards to ensure compliance with the provisions of this Ordinance and obtain corrections for violations of this Ordinance. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this article are intended to encourage the voluntary correction of violations, where possible.

SECTION 25-7.2. COMPLIANCE REQUIRED

Sec. 25-7.2.1. General

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the City.

Sec. 25-7.2.2. Development Approvals and Permits

All persons shall obtain all development approvals and permits required by this Ordinance prior to development. A development approval or permit issued by a decision-making body or person authorizes only the use, arrangement, location, design, density or intensity, and development set forth in such development order.

SECTION 25-7.3. VIOLATIONS

Sec. 25-7.3.1. General Violations

(a) Failure to Comply with the Ordinance or a Term or Condition Constitutes a Violation of the Ordinance

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Ordinance, or the terms or conditions of any development order or authorization granted in accordance with this Ordinance constitutes a violation of this Ordinance punishable as provided in this article.

(b) Development Orders Authorize Development Approved

A development order issued by a decision-making body or person authorizes only the use, arrangement, location, design, density or intensity, and development set forth in the development order.

Sec. 25-7.3.2. Specific Violations

It shall be a violation of this Ordinance to undertake any activity contrary to the provisions of this Ordinance, including but not limited to any of the following:

(a) Develop land or a structure without first obtaining all appropriate development approvals and permits;

(b) Fail to provide any notice that the applicant is required to provide under this Ordinance;

(c) Develop land or a structure without complying with the terms or conditions of all applicable development approvals and permits;

(d) Occupy or use land or a structure without first obtaining all applicable development approvals and permits;

(e) Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining the applicable development approvals and permits, and complying with their terms and conditions;

(f) Disturb any landscaped area or vegetation required by this Ordinance;

(g) Install, create, erect, alter, or maintain any sign without first obtaining the applicable development approvals and permits, and complying with their terms and conditions;

(h) Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permit has lapsed;

(i) Create, expand, replace, or change any nonconformity except in compliance with this Ordinance;

(j) Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Ordinance;

(k) Increase the intensity or density of development, except in accordance with the standards of this Ordinance;

(l) Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Ordinance;

(m) Through any act or omission, violate any term, condition of approval, or qualification placed by a decision-making body or person on a development approval or permit;

(n) Violate any lawful order issued by any decision-making body or person in accordance with this Ordinance;

(o) Obtain a development approval or permit through false or misleading information; or

(p) Remove, deface, obscure, or obstruct a notice required to be posted or otherwise given in accordance with this Ordinance.

SECTION 25-7.4. RESPONSIBLE PERSONS

Any person who violates this Ordinance shall be subject to the remedies and penalties set forth in this article. For purposes of this section, a “person” subject to the remedies and penalties established in this Article may include the owner, tenant, or occupant of the land or structure that is in violation of this Ordinance, and any architect, engineer, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation.

SECTION 25-7.5. ENFORCEMENT GENERALLY

Sec. 25-7.5.1. Responsibility for Enforcement

The Director shall be responsible for enforcing the provisions of this Ordinance in accordance with state law. (See also Sec. 25-8.1.7, Delegation of Authority.)

Sec. 25-7.5.2. Inspections

This Director is authorized to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out enforcement of this Ordinance. Such inspections may occur at any reasonable time prior to the issuance of certificate of occupancy. After a certificate of occupancy is issued, the Director may conduct such inspections only after presenting proper credentials and only during normal business hours, unless the Director determines there is an emergency necessitating inspection outside of normal business hours.

Sec. 25-7.5.3. Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. The complaint, stating fully the cause and basis therefore shall be filed with the Director, who shall properly record such complaint, investigate, and take appropriate action as provided by this Ordinance.

Sec. 25-7.5.4. Enforcement Procedure

Upon becoming aware of any violation of the provisions of this Ordinance, the Director shall serve written notice of such violation upon the person(s) responsible for compliance. No penalty shall be assessed until the expiration of a bond, if one has been posted, or otherwise until sixty (60) days after notification of violation(s).

(a) Investigation of Complaint

On receiving a written complaint, the Director shall investigate the complaint and determine whether a violation of this Ordinance exists.

(b) Notice of Violation

(1) On finding that a violation of this Ordinance exists, whether from an investigation of a written complaint or otherwise, the Director shall provide written notification of the violation to the owner of the property on which the violation exists and the person causing or maintaining the violation, if different from the owner, by personal service or by certified or registered mail. Such notification shall at a minimum:

(i) Describe the location of the violation;

(ii) Describe the nature of the violation;

(iii) State the actions necessary to abate the violation;

(iv) Order that the violation be corrected within a specified reasonable time period stated in the notice of violation; and

(v) Advise the violator(s) of their right to appeal the notice of violation to the Board of Zoning Adjustment in accordance with Sec. 25-2.4.18, Appeal of Administrative Decision.

(2) If the owner of the property cannot be located or determined, or if service of the notice is refused, the Director shall post a copy of the notice on the building, structure, sign, or site that is the subject of the violation.

(3) On receiving a written request for extension of the time limit for correction specified in the notice of violation, and upon determining the request includes sufficient information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Director may grant a single extension of the time period for correction stated on the notice of violation.

(c) Application of Remedies and Penalties

On determining that the violator has failed to correct the violation by the time limit set forth in the notice of violation, or any granted extension thereof, or has failed to timely appeal the notice of violation in accordance with Sec. 25-2.4.18, Appeal of Administrative Decision, the Director shall ensure that appropriate action is taken, as provided in Section 25-7.6, Remedies and Penalties, to correct and abate the violation and to ensure compliance with this Ordinance.

SECTION 25-7.6. REMEDIES AND PENALTIES

Sec. 25-7.6.1. Available Remedies

The Director may use any combination of the following enforcement actions or remedies to correct, stop, abate, and enjoin a violation of this Ordinance:

(a) Issue and serve upon a person pursuing the activity or activities in violation of the Ordinance a stop order requiring that the person stop all activities in violation of the Ordinance.

(b) Revoke any development approval or permit required under the Ordinance if it is determined that:

(1) There is a failure to comply with the approved development approval, permit, plans, specifications, or terms or conditions required under the development approval or permit;

(2) The development approval or permit was procured by false representation; or

(3) The development approval or permit was issued in .

(c) Deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation related to such land, structure, or improvements is corrected and any associated civil penalty is paid.

(d) If a violation is one that presents a serious threat to the public health, safety, or welfare, or is irreparable or irreversible, ensure that all reasonable repairs necessary to bring the land into compliance are made and charge the violator with the reasonable cost of the repairs, in accordance with state law.

(e) Bring an action for injunction or mandamus to abate a violation; and

(f) Take any other action at law or in equity to prevent or remedy any violation, or otherwise enforce the provisions of this Ordinance.

Sec. 25-7.6.2. Available Penalties

(a) Any person who violates this Ordinance shall be subject to the civil and criminal penalties set forth in Chapter 1 of the City Code.

(b) Any person who fails to comply with erosion and sediment control requirements shall be subject to a fine in accordance with Sec. 25-5.11.3(e), Failure to Comply.

Sec. 25-7.6.3. Remedies are Cumulative

(a) The remedies and penalties provided for violations of this Ordinance, whether civil, equitable, or criminal, shall be cumulative and may be exercised in any order.

(b) Each day of continued violation of this Ordinance shall be considered a separate violation for purposes of computing cumulative penalties.

Sec. 25-7.6.4. Administrative Relief

An adjacent or neighboring landowner who would be specially damaged by any violation of this Ordinance may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land, in accordance with state law.

8

DEFINITIONS AND RULES OF MEASUREMENT

Section 25-8.1.	General Rules for Interpretation	8-1
Sec. 25-8.1.1.	Meanings and Intent	8-1
Sec. 25-8.1.2.	Headings, Illustrations and Text	8-1
Sec. 25-8.1.3.	Lists and Examples	8-1
Sec. 25-8.1.4.	Computation of Time	8-2
Sec. 25-8.1.5.	Relative Location	8-2
Sec. 25-8.1.6.	References to other Regulations and Publications	8-2
Sec. 25-8.1.7.	Delegation of Authority	8-2
Sec. 25-8.1.8.	Public Officials and Agencies	8-2
Sec. 25-8.1.9.	Mandatory and Discretionary Terms	8-2
Sec. 25-8.1.10.	Conjunctions	8-2
Sec. 25-8.1.11.	Tenses and Plurals	8-3
Sec. 25-8.1.12.	Personhood	8-3
Sec. 25-8.1.13.	Term Not Defined	8-3
Section 25-8.2.	Rules of Measurement	8-3
Sec. 25-8.2.1.	Buildings	8-3
Sec. 25-8.2.2.	Density	8-4
Sec. 25-8.2.3.	Lots	8-5
Sec. 25-8.2.4.	Exceptions and Variations	8-6
Section 25-8.3.	Definitions	8-8

Article 25-8. Definitions and Rules of Measurement

SECTION 25-8.1. GENERAL RULES FOR INTERPRETATION

Sec. 25-8.1.1. Meanings and Intent

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

Sec. 25-8.1.2. Headings, Illustrations and Text

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

Sec. 25-8.1.3. Lists and Examples

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

Sec. 25-8.1.4. Computation of Time

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

(b) The term "day" means a business day, unless a calendar day is indicated.

(c) The term "month" means a calendar month.

(d) The term “year” means a calendar year unless otherwise indicated.

Sec. 25-8.1.5. Relative Location

(a) That which is "adjacent" may be separated from each other by some intervening object.

(b) That which is “abutting” or “adjoining” must touch each other in some part.

(c) That which is "contiguous" must touch each other entirely on one side.

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

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

Sec. 25-8.1.7. Delegation of Authority

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

(b) Any enforcement action authorized by this Ordinance to be carried out by the Director may be delegated by the Director to a professional-level City employee under the Director’s authority or control, or to a professional-level City employee from another City department with approval of the employee’s Department head.

Sec. 25-8.1.8. Public Officials and Agencies

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

Sec. 25-8.1.9. Mandatory and Discretionary Terms

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

Sec. 25-8.1.10. Conjunctions

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

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

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

Sec. 25-8.1.11. Tenses and Plurals

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

Sec. 25-8.1.12. Personhood

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

Sec. 25-8.1.13. Term Not Defined

If a term used in this Ordinance is not defined in this Ordinance, the Director is authorized to interpret its meaning in accordance with Sec. 25-2.4.19, Interpretation. Such interpreted meaning shall be based upon the definitions used in accepted sources—including, but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions (all published by the American Planning Association), as well as general dictionaries such as Merriam-Webster, American Heritage, Webster's New World, and New Oxford American dictionaries.

SECTION 25-8.2. RULES OF MEASUREMENT

Sec. 25-8.2.1. Buildings

(a) Building Footprint
The exterior outline of a building where it meets the earth.

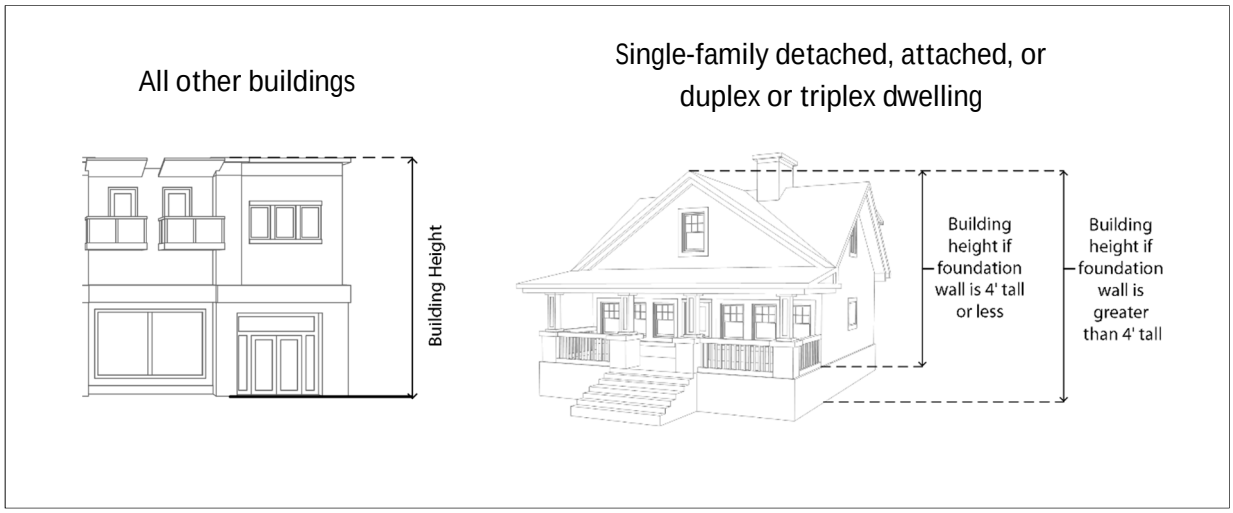
(b) Building Frontage
The length of the outside building wall facing a public right-of-way.

(c) Building Height

(1) For single-family detached, single-family attached, and duplex or triplex dwelling units, building height is measured as the vertical distance to the highest roof structure, excluding cupolas, chimneys, weather vanes, and similar appurtenances, from either 1) the top of the subfloor of the first floor, or 2) if any portion of the front foundation wall is four feet or more above the elevation of finished grade at the foundation, the lowest elevation of finished grade at the front foundation (see Figure 25-8.2.1(c): Measuring Building Height).

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

Figure 25-8.2.1(c): Measuring Building Height



(d) Gross Floor Area

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

Sec. 25-8.2.2. Density

(a) Density or Gross Density

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

(b) Floor Area Ratio

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

(c) Gross Acreage

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

Sec. 25-8.2.3. Lots

(a) Built Area

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

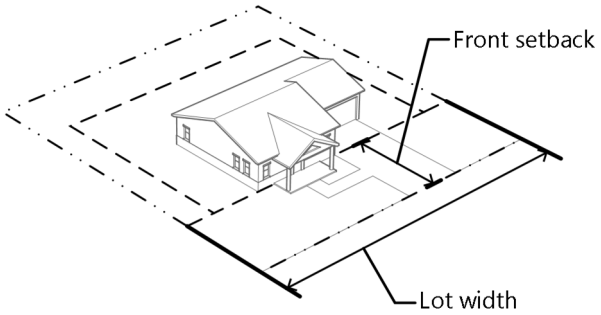
(b) Lot Area

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

(c) Lot Width

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

Figure 25-8.2.3(c): Lot Width Measurement



(d) Setback

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

Sec. 25-8.2.4. Exceptions and Variations

(a) Exception to Maximum Structure Height

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

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

(ii) Spires, belfries, cupolas, domes, chimneys, elevator shaft enclosures, ventilators, skylights, mechanical equipment and appurtenances, and similar rooftop structures or structural elements not intended for human occupancy, provided they:

a. Cover not more than 20 percent of the roof area of the structure to which they are attached;

b. Comply with applicable requirements for configuration and screening of mechanical equipment and appurtenances set forth in this Ordinance; and

c. Extend above the applicable maximum height limit by no more than 25 percent of the height limit (unless otherwise allowed in this Ordinance).

(iii) Ham radio antennas and roof-mounted satellite dishes, television, or radio antennas.

(iv) Roof-mounted small-scale solar energy conversion systems in accordance with Sec. 25-4.3.4(p), Solar Energy Conversion System (Small-Scale).

(v) Small-scale wind energy conversion systems, in accordance with the height standards in Sec. 25-4.3.4(q), Wind Energy Conversion System (Small-Scale).

(vi) Telecommunications facilities, in accordance with Chapter 7, Article 12 of the City Code.

(2) Allowable Encroachments into Minimum Setbacks or Right-of-Way

(i) Every part of every minimum setback, as established by minimum front, side, or rear setbacks, shall remain open and unobstructed from the ground to the sky except as otherwise allowed in Table 25-8.2.4: Allowable Encroachments into Minimum Setbacks or Right-of-Way, or allowed or limited elsewhere in this Ordinance.

(ii) Encroachments into the right-of-way are allowed only where explicitly allowed in Table 25-8.2.4: Allowable Encroachments into Minimum Setbacks or Right-of-Way.

(iii) No encroachments are allowed in utility or drainage easements.

(iv) Encroachments shall maintain a minimum setback of five feet from the lot line, unless a different distance is required by the building code.

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

	FEATURE	EXTENT AND LIMITATIONS OF ENCROACHMENT
1.	Open balconies and fire escapes	May extend up to five feet into any minimum setback

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

SECTION 25-8.3. DEFINITIONS

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

A

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

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

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

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

ADEM
Alabama Department of Environmental Management.

Administrative adjustment
See Sec. 25-2.4.15, Administrative Adjustment.

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

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

a) Offered to the public or invited groups;

b) Related to agriculture or natural resources; and

c) Incidental to the primary operation on the site.

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

Agritourism includes the following: picnics, equine facilities, party facilities, corporate retreats and weddings, and farm or ranch stays.

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

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

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

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

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

Alteration or altered
Any of the following:

(a) Any addition to the height or depth of a building or structure;

(b) Any change in the location of any of the exterior walls of a building or structure; and

(c) Any increase in the interior accommodations of a building or structure.

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

Animal shelter
A facility which is used to house or contain household pets and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

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

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

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

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

B

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

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

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

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

Bicycle parking area
An area designated for the parking and storage of bicycles.

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

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

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

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

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

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

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

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

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

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

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

Building permit
See Sec. 25-2.4.11, Building Permit.

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

C

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

Campground
An outdoor facility designed for overnight accommodation of persons in tents, rustic cabins and shelters for recreation, education, naturalist, or vacation purposes. Accessory uses may include office, retail, and other commercial uses commonly established in such facilities and related parking facilities.

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

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

CBMPP
Construction Best Management Practice Plan.

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

Certificate of occupancy
See Sec. 25-2.4.13, Certificate of Occupancy.

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

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

City Council
The City Council of the City of Decatur, Alabama.

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

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

Commercial Vehicle On Street Traffic Code
The Decatur Police Chief has jurisdiction on all on street uses which includes streets, right of ways, easements and other properties owned or operated by the City of Decatur. The link to these codes fall under the Traffic Chapter 22 of the code of Decatur. The following is a link to this Chapter 22 and following codes:
https://library.municode.com/al/decatur/codes/code_of_ordinances?nodeId=CO_CH22TR

Commercial Parking Off Street Use
A facility or use of a facility intended for non-commercial vehicle use that provides both an intended accessory off street parking space for a specific use and regular fee or non-fee parking for people not connected to the intended use such as parking overnight after deliveries to stores whose customers use the parking for its intended use

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

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

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

Community garden
A place for cultivation of vegetables, fruits, flowers, or ornamental plants by more than one person, household, family, or non-profit organization for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more persons or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

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

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

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

Composting facility
A facility where organic matter derived primarily off-site is processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

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

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

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

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

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

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

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

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

Drug store or pharmacy
An establishment engaged in the filling and sale of prescription drugs and the sale of medical supplies, nonprescription medicines, and related goods and services. It may also sell nonmedical goods such as cosmetics, cards, and limited food and household items. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

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

Hobby and craft shop
A retail store primarily selling craft and model supplies.

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

Monument or headstone sales establishment
An establishment primarily engaged in buying or selling monuments or headstones for use in cemeteries of mausoleums.

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

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

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

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

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

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

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

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

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

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

D

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

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

a) Any construction, reconstruction, erection, installation, placement, relocation, demolition, or alteration in the size or external appearance of a structure;

b) Any establishment, re-establishment, or change in a use of a structure or land;

c) Any change in the intensity of the use of a structure or land, such as an increase in:

    1) The number of businesses, establishments, offices, dwelling units, or lodging units comprising the use;

    2) The number of parking spaces or amount of impervious cover; or

    3) The number of products or services provided by the use;

d) Any clearing or grading of land or other alteration of the natural topography of land, such as mining, ditching, extracting earth materials, dredging, excavation, filling, or deposition of soil; and

e) The construction or extension of any utility service line or facility.

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

a) The ordinary maintenance and repair of existing structures, where no activities identified as development in the paragraph above are involved;

b) The inspection, maintenance or repair of an existing transportation facility (roadway, walkway, railroad tracks, bus shelter, traffic control device, etc.) or an existing utility, stormwater management, or public service facility (pipe, cable, valve, catch basin, outlet, ditch, basin, bulk refuse container pad, etc.), if no substantial engineering redesign is involved;

c) The ordinary planting or maintenance of vegetative landscaping or gardens; and

d) A change in the ownership or form of ownership of any land or structure that does not involve the division of land into separate lots or parcels.

Director
The Development Director of the City of Decatur, Alabama. (See also Sec. 25-8.1.7, Delegation of Authority)

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

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

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

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

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

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

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

Dwelling unit, manufactured home
A factory-built structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. This includes any structure with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.), as amended. This does not include prefabricated modular units that comply with the Building Code or travel trailers or recreational vehicles.

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

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

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

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

E

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

Electric vehicle charging station
A vehicle parking space served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

Level 1 station
A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.

Level 2 station
A Level 2 charging station is a medium-speed-charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt Alternating Current circuit.

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

Energy Star
EPA program that certifies product and appliance energy efficiency.

EPA
United States Environmental Protection Agency.

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

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

Evergreen plants
Plants that retain their leaves during their dormant season.

F

FAA
Federal Aviation Administration.

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

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

Farmers' market, temporary
A collection of vendors using private or publicly owned property or property owned by a nonprofit organization for the sale of agricultural and horticultural products grown by the vendor, value-added items produced by the vendor from agricultural, horticultural, or forestry products, or for the sale of foods prepared by the vendor. If the farmers' market occurs once every two weeks or more frequently for all or most of the year, it is considered a principal use. If the farmers' market

occurs only occasionally or periodically for only a limited time period during the year, it is considered a temporary use. Operations generally meeting the definition of a temporary farmers' market, but that are open fewer than four days per year, are considered a yard sale.

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

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

Fenestrations
Doors and/or windows.

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

Floodplain development permit
See Sec. 25-2.4.7, Floodplain Development Permit.

Floor area
See "Gross floor area".

FOG
Abbreviation for fat, oil, and grease.

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

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

Fortified wine or vinous liquor
Any wine containing more than 14 but not more than 24 percent alcohol by volume.

Foundation landscaping
See "Landscaping, Foundation".

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

Frontage landscaping
See ”Landscaping, Frontage”.

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

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

G

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

Golf course
An area of land laid out for playing golf. Accessory recreational facilities, such as driving ranges, putting greens, a country club, concessions for serving food and refreshments to members and guests, swimming pools, tennis and other racquet courts, picnic areas, and accessory facilities directly related to golf, may be included.

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

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

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

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

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

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

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

H

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

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

Nighttime home
A home day care facility which receives not more than six children for care 24 hours a day.

Group day care home
A home day care facility which receives seven to 12 children for care during the day (not after 7:00 p.m.).

Group nighttime home
A home day care facility which receives seven to 12 children for care 24 hours a day.

Home occupation
An occupation, profession, or trade that is conducted within a dwelling unit by a resident of the dwelling unit as a use that is clearly incidental and subordinate to the residential purpose of the dwelling unit. Examples of home-based businesses include home offices, music lessons, art studios, home crafts, and home-based food production. A home-based business does not include any other accessory use defined in this Ordinance, including but not limited to, a home day care facility or a homestay.

Homestay
A private, owner-occupied dwelling unit in which up to four guest rooms are rented to transient visitors for periods of 29 days or less and in which the frequency and volume of paying guests is incidental to the primary use of the building as a private residence.

Hospital
An establishment or facility providing health services, primarily for in patients and medical or surgical care of the sick or injured, including related facilities such as laboratories, out-patient facilities, training facilities, central service facilities, and accessory staff offices.

Hotel or motel
A building or group of buildings providing lodging accommodations to paying guests in individual guest rooms or suites, that may include related services and facilities including but not limited to: linen/housekeeping services, meeting rooms, ballrooms, beverage rooms, swimming pools, fitness facilities, and food services.

HVAC
Heating, ventilation, and air conditioning.

I

Industrial services, general
An establishment engaged in the repair or serving of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that provide these services do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory uses may include retail sales, offices, and storage.

Interior landscaping
See “Landscaping, Interior”.

Island
See “Landscaping island”.

ITE
Institute for Transportation Engineers.

J

Junk/salvage yard
An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard. The term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of 15 days or more materials within the meaning of "junk" as defined by the state, which had been derived or created as a result of industrial activity.

K

Kennel
An establishment that engages in boarding, breeding, buying, grooming, letting for hire, training (for a fee), or selling of dogs or cats, excluding pet daycare and grooming, boarding, and veterinary hospitals or clinics.

L

Landscaping element
A plant material (living or nonliving) or an ornamental material (river rock, brick, tile, statuary, etc.) differentiated from surrounding off-street parking area surfacing materials.

Landscaping island
An interior landscaping feature surrounded on all sides by driving and/or parking surfaces.

Landscaping peninsula
An interior landscaping feature attached on only one side to perimeter landscaping, buildings, etc., and surrounded on all other sides by off-street parking areas.

Landscaping, foundation
Treatment of grade with ground cover, vegetation, ornamentation, etc., against the front of the primary structure.

Landscaping, frontage
Treatment of grade with ground cover, vegetation, ornamentation, etc., between off-street parking area and adjacent street rights-of-way.

Landscaping, interior
Treatment of grade with ground cover, vegetation, ornamentation, etc., within an off-street parking area.

Landscaping, perimeter
Treatment of grade with ground cover vegetation and ornamentation, etc., between an off-street parking area and adjoining properties. Perimeter landscaping shall exclude landscaping between an off-street parking area and buildings on the same legal lot.

Large retail establishment
For purposes of Sec. 25-5.7.5, Large Retail Establishment Form and Design Standards, an establishment occupying a single-tenant building (including but not limited to those with a combination retail use) that has a gross floor area of 75,000 square feet or more and devotes 60 percent or more of the total floor area to retail sales activities.

Laundromat (as accessory use)
A facility where coin-operated or pay-per-use automatic washing machines, clothes dryers, or dry-cleaning machines are provided an accessory use to a principal use.

Laundry, Self-service
A facility that provides coin-operated washing, drying, dry-cleaning, and/or ironing machines for hire, to be used by customers on the premises.

LED module lighting
For the purposes of this Ordinance, LED module lighting means a string of lights where a number of LED chips are set into a small enclosure unit and that unit is then linked to the next by a wire.

LED strip lighting
For the purposes of this Ordinance, LED strip lighting means a circuit board populated by the surface-mounted light-emitting diodes and other components that usually come with an adhesive backing.(see also rope lighting)

LEED®
Leadership in Energy and Environmental Design (a widely used green building rating system).

Limited fuel/oil/gas distribution
The distribution, for compensation, of fuel oil or bottled gases such as propane or liquid petroleum in containers no greater than five gallons in volume.

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

Livestock
Cattle, swine, sheep, goats, equine or equidae, ratites, and poultry.

Loading area
A hard-surfaced off-street area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility.

Loading berth
A single space within a loading area or a building for use transferring goods or materials to and from a facility.

Lot
A piece, parcel, or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses customarily incidental to such main building and such open spaces as are provided in this chapter, or as are intended to be used with such piece, parcel, or plot of land.

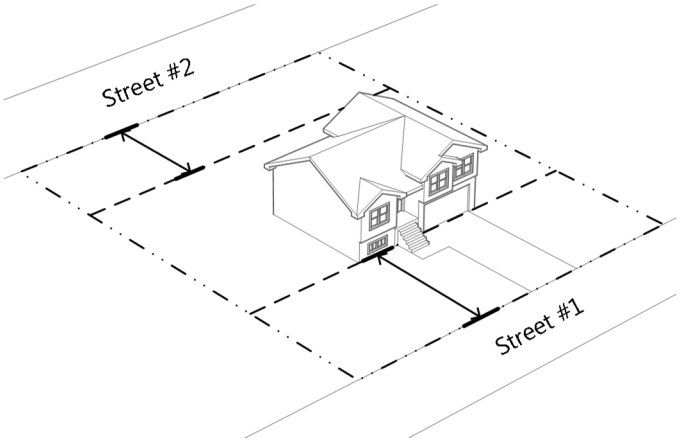
Lot line, front
A boundary line running along the front of a lot and separating it from a street, or from the street from which the address on the lot is derived in the case of a through lot.

Lot line, rear
A lot line connecting the lot's side lot lines, or, in the case of a corner lot, a side lot line and a front lot line other than the principal front lot line, along the edge of the lot opposite its front lot line. The principal front lot line shall be the front lot line abutting the street from which the address of the lot is derived.

Lot line, side
A lot line connecting the lot's front and rear lot lines.

Lot, corner
A lot abutting two or more streets at their intersection.

Lot, through
A lot having a frontage on two nonintersecting streets as distinguished from a corner lot.



Lumber yard or mill
A mill and outdoor storage area for sawing timber or logs into boards or lumber.

Lumens
A base unit measuring light emitted per second in a unit angle from a uniform source of one candela.

M

Major thoroughfare
A collector street or higher classified street identified in the Comprehensive Plan, or a major thoroughfare as defined by future plans adopted by the Planning Commission.

Manufactured home park
A lot used, designed, or intended to be used for the purpose of supplying parking space for two or more occupied manufactured home dwelling units, and which includes buildings, structures, vehicles, or enclosures used or intended to be used as a part of such manufactured home park. Sales or storage lots for unoccupied manufactured homes are not considered to be manufactured home parks.

Manufacturing, assembly, or processing, General
The assembly, fabrication, or processing of goods and materials using processes that ordinarily create minimal noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building. Uses may generally include manufacturing, processing, and packing of food and beverages, and manufacturing of abrasive products, chemicals, equipment, plastics and rubber, lime and gypsum, mineral wool/fiberglass insulation, large-scale home furniture, glass products, and cut stones.

Manufacturing, assembly, or processing, heavy

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, and manufactured homes, sawmills, primary metal processing, coal mining or processing, animal slaughtering and processing, and fabricated metal product manufacturing.

Manufacturing, assembly, or processing, light

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place. Such processes shall be housed entirely within a building. Light manufacturing generally includes processing and fabrication of finished products (such as woodworking, metalworking, or printing), predominantly from previously prepared materials, and includes processes which do not require extensive floor areas or land areas.

Medical or dental laboratory

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, the production or repair of prosthetic limbs, and the production or repair of prosthetic dentures, bridges, or other dental appliances. Such facilities may be a part of doctor's or dentist's office.

Medical or dental office/clinic

A small-scale facility or office where patients are admitted for examination and treatment by one or more physicians, dentists, or other health practitioners on a short-term basis. The use includes the offices of physicians, dentists, chiropractors, optometrists, podiatrists, audiologists, speech pathologists, physical therapists, acupuncturists, psychologists, and other health practitioners. It also includes facilities providing short-term outpatient care and treatment (which may or may not be overnight), such as urgent care centers, kidney dialysis centers, ambulatory surgical clinics, outpatient pain therapy clinics, biofeedback centers, sleep disorder clinics, family planning clinics, community health clinics, and health maintenance organization (HMO) medical clinics, and hospice facilities. Such facilities that provide overnight care and treatment may include sleeping rooms for care workers and members of patients' families. This use does not include hospitals (which are much larger in scale) or blood/tissue collection centers, drug or alcohol treatment facilities, or massage therapy establishments.

Mixed-use development

A tract of land or structure developed for both residential and nonresidential uses. Such uses may be vertically integrated within a multi-story building or horizontally integrated within a single story building or on a lot or development site.

Mobile food kiosk

A non-motorized pushcart or stand designed to be transported either by motorized vehicle or human propelled and not permanently attached to the ground from which prepared food or

beverages are peddled, vended, sold, displayed or offered for sale or given away. No other goods, wares, alcohol, controlled substances or other items may be sold.

Mobile food vending site
A collection of one or more mobile food vending units or kiosks clustered together on a single lot or parcel of land under common ownership or control and which may be operated in conjunction with a special event or as otherwise allowed by this Ordinance.

Mobile food vending unit (food truck)
A trailer or motorized vehicle designed to be portable and not permanently attached to the ground from which only prepared food or beverages are peddled, vended, sold, offered for sale or given away. No other goods, wares, alcohol, controlled substances or other items may be sold.

Model sales home/unit
A dwelling unit temporarily used for display purposes as an example of a dwelling unit to be available for sale or rental in a particular residential development and located within that development. Model homes may also incorporate sales or rental offices for dwelling units within the development.

Motor freight terminal
A building or area in which freight that is brought in by tractor trailer is stored for routing and reshipment, and where tractor trailers and semi-trailers may be parked or stored.

Mulch
A material (pine straw, bark chips, wood chips, etc.) placed on the ground to stabilize soil, protect roots, limit weed growth and otherwise promote tree and shrub growth by simulating the role of natural forest leaf-litter.

N

Nightclub
An establishment that serves alcoholic beverages, that provides live entertainment or uses a disc jockey, with a dance floor, and operates late in the evening, beyond the standard restaurant operating hours.

Nit
A unit of measuring light intensity: one candela per square meter.

Nonconforming sign
See “Sign, Nonconforming”.

Nursing home
Licensed facilities primarily engaged in providing shelter, food and intermediate or long term nursing and health related care for individuals that may include assisted living facilities, but does not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. This definition includes uses such as convalescent care.

O

Office, contractor
An office used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building.

Office, general business and professional
Establishments used for conducting the affairs of various businesses, professions, services, nonprofit organizations, or government agencies—including conducting the affairs of professionals, administration, business incubation, research and development, publishing (not including the printing of publications, which is categorized under “manufacturing, assembly, or fabrication, light”), employment services, call centers, record keeping, clerical work, and similar business functions. Accessory uses may include uses intended to serve the daily needs of office employees, such as restaurants, coffee shops, newspaper or candy stands.

Off-premises sale of alcohol
Off-premises sale of alcohol shall mean and have the connotation given by the Alcoholic Beverage Licensing Code of the State of Alabama, and the rules and regulations of the Alabama Alcoholic Beverage Control Board, when such terms are used in reference to alcoholic beverages. Such terms shall apply only to holders of licenses for the sale of alcoholic beverages from the Alabama Alcoholic Beverage Control Board and from the City of Decatur. See also alcoholic beverages definition.

Off-street parking area
An area, other than a public right-of-way, designated and/or used for the parking and incidental movement of vehicles.

On-premises sale of alcohol
On-premises sale of alcohol shall mean and have the connotation given by the Alcoholic Beverage Licensing Code of the State of Alabama, and the rules and regulations of the Alabama Alcoholic Beverage Control Board, when such terms are used in reference to alcoholic beverages. Such terms shall apply only to holders of licenses for the sale of alcoholic beverages from the Alabama Alcoholic Beverage Control Board and from the City of Decatur. See also alcoholic beverages definition.

Outdoor display of merchandise (as accessory to a consumer goods establishment)
The placement of products or materials for sale outside the entrance of a retail sales establishment.

Outdoor seating/activity area (as accessory to an eating or drinking establishment use)
The provision of on-site outdoor seating or entertainment areas by an eating or drinking establishment where food or beverages are served for consumption or where outdoor entertainment takes place. The accessory use also may include outdoor seating areas on public sidewalks in front of the establishment if those parts of the area meet the standards of a sidewalk cafe.

Outdoor storage area
An area that provides for outdoor storage of machinery and equipment, not including vehicles.

P

Park or greenway
A park consisting of land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks. A public park that includes athletic fields, swimming pools, playgrounds, and similar facilities is included in this definition. A greenway is a linear park that links various parts of the community with facilities such as bicycle paths and footpaths.

Parking (as principal use)
An off-street, hard-surfaced, ground level area—or a structure composed of one or more levels or floors—that is used exclusively for the temporary storage of operable motor vehicles. A structured parking facility may be completely below grade or partially or totally above grade, with levels either being open to the sides (deck) or enclosed (garage). A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as parking as a principal use for purpose of this code.

Parking area
See “Off-street parking area”.

Parking bay
The portion of an off-street parking area consisting of one row of parking spaces or stalls and the aisle from which motor vehicles enter and the leave the spaces.

Parking garage or structure
A structure used for parking of vehicles and having one or more parking levels above the grade of surrounding land.

Parking space
An area marked for the parking of one vehicle.

Passenger terminal, surface transportation
Any structure or transit facility that is primarily used as part of a transit system for the purpose of loading, unloading, or transferring of passengers or accommodating the movement of passengers from one mode of transportation to another. This use does not include bus stops and bus shelters, which are classified under “Utility facility, minor.”

Pawnshop
The location at which, or premises in which, a pawnbroker, as defined by state statutes, regularly conducts business.

Pedestrianway
Any sidewalk, greenway, or other pathway designed for use by pedestrians.

Peninsula
See “Landscaping peninsula”.

Performing arts center
One or more adjoining structures housing one or more of the following uses: theaters or performance space for dramatic, dance, or musical productions; schools, training centers, or practice space for artists; cinemas; and accessory office, storage, or workplace areas for any such uses. Accessory uses may also include other nonresidential uses serving patrons.

Perimeter landscaping
See “Landscaping, Perimeter”.

Person
Any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

Personal grooming or well-being service
A barbershop, beauty salon, or massage, nail care, or similar establishment. This term does not include a health club or pet grooming.

Personal or household goods repair
An establishment primarily engaged in the provision of repair services for computers, TVs, audio equipment, bicycles, clocks, watches, shoes, guns, canvas products, appliances, office equipment, or similar products.

Personal vehicle car wash
Establishments for the purpose of washing or detailing of autos, using production line methods or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing or detailing of personal autos, whether by operator or by customer.

Personal vehicle sales and rental
Establishments that provide for the sale or rental (including auctions) of new or used autos, small trucks or vans, trailers, motorcycles, motor homes, or recreational vehicles. Typical examples include automobile dealers, auto malls, car rental agencies, and moving equipment rental establishments (e.g., U-Haul).

Personal vehicle service and repair
An establishment that repairs, installs, cleans, or maintains the mechanical components or the bodies of autos, small trucks or vans, motorcycles, motor homes, or recreational vehicles, or that wash, clean, or otherwise protect the exterior or interior surfaces of these vehicles.

Pet care service
The care (for a fee) associated with a household pet belonging to people not residing on the premises, that can include washing, manicuring of coat and nails, and daycare. It shall not include the breeding, training, overnight boarding, offering for sale, or the provision of medical treatment of any kind to any pet.

Planned development
See Sec. 25-2.4.3, Planned Development District.

Planning commission
The Planning Commission of the City of Decatur, Alabama, in accordance with Sec. 11-52-3, Code of Alabama.

Portable shipping container
A large metal or wooden container designed to be loaded directly onto an open truck, a train, or a ship, that is used for the temporary storage and transport of personal property.

Portable sign
Any sign that is designed to be or capable of being moved or transported, and not permanently affixed or attached to any building, structure, or ground.

Post office
A facility that provides mailing services, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for the United States mail.

Primary entrance
A place of ingress and egress to a building, parcel, or development used by the public and facing the street from which the structure obtains its street address.

Primary street frontage
For purposes of Section 25-5.9, Sign Standards, the length of the boundary line of a lot abutting the right-of-way of the street that the primary entrance of a principal structure on the lot faces.

Produce stand (as accessory use to a community garden)
A temporary open-air stand or place for the seasonal selling of agricultural produce. A produce stand is portable and capable of being dismantled or removed from the sales site.

Public assembly, Indoor
Buildings or indoor facilities for the purpose of, but not necessarily limited to banquet halls, auditoriums, private clubs and lodges, convention center, conference centers, places of worship, and theaters, including kitchen for the preparation of food to be consumed at the premises.

Public place
For purposes of Sec. 25-3.4.3, Arts and Entertainment Overlay District (AE-O) , any place or gathering which the public generally attends or is admitted to, either by invitation, common consent or right, or by the payment of an admission or other charge, and, without limiting the generality of the foregoing, includes any store or place where merchandise of any kind is offered for sale, any theater or place of amusement, any athletic contest, City hall, library, school buildings, and auditoriums; provided, that such term shall not mean or include premises which have been duly licensed by the City for sale of alcoholic beverages.

Public safety facility
A facility used to provide police, fire, or emergency medical services to the surrounding community.

Q

R

Rail transportation support facility
All facilities necessary or useful in rendering rail transportation service by means of rail, bus, water and any other mode of travel including, without limitation, tracks, rights of way, bridges, tunnels, subways, rolling stock for rail, motor vehicles, stations, terminals, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service.

Recreation facility, Indoor
A facility for indoor recreation or entertainment-oriented activities by patrons or members, such as: amusement arcades, amusement centers, aquatic centers, cinemas, health and fitness facilities, recreation courts, skating facilities, and similar uses. Accessory uses may include snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal indoor recreation uses.

Amusement arcade
An indoor commercial establishment which provides as the principal use, amusement devices or games of skill or chance, such as pinball and video games. This term shall not include establishments where amusement devices and games are accessory uses which either do not involve more than fifteen percent of the gross floor area of the establishment or involve more than two devices or games, whichever results in the greater number of games.

Amusement center
A commercially operated indoor facility providing a variety of amusement devices primarily including, but not limited to, play equipment, television games, electromechanical games, small kiddie rides, and other similar devices, and which may include food service.

Aquatic center
A complex with facilities for water sports, including swimming pools.

Cinema
A motion picture theater that is a building or part of a building, and is devoted to showing motion pictures. This can also include an open lot or part of an open lot and auxiliary facilities devoted primarily to the showing of motion pictures on a paid admission basis to patrons seated on outdoor seats.

Health and fitness facility
An indoor establishment, including saunas and steam baths, offering or providing facilities for, and instruction in, general health, physical fitness and controlled exercises such as, but not limited to, weight lifting, calisthenics and aerobic dancing, indoor track, swimming pools, and massages. Accessory uses may include changing areas, showers, bathrooms, concessions, a restaurant, and offices for personnel who work at the facility.

Recreation court (indoor)
An indoor structure used for holding court games (basketball, tennis, racquetball, squash, etc.). Accessory uses may include a concession stand, netting, exterior lighting fixtures, public bathrooms, maintenance and storage areas, and spectator seating or stands.

Skating facility (indoor)
An indoor facility, the use of which is primarily devoted to ice or roller skating. The facility may also be used as a site for competitive events and as a practice and training facility. Accessory uses may include meeting rooms, training rooms, audio-visual rooms, a restaurant, a pro shop, and a snack bar.

Recreation facility, outdoor
A facility for outdoor recreation or entertainment-oriented activities by patrons or members such as: archery or baseball batting cages, athletic fields, miniature golf course, recreation courts, swimming pools, and similar uses. Outdoor recreation facilities may include accessory uses such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the outdoor recreation facility.

Archery or baseball batting cage
An outdoor area used for archers to practice the skill of archery or baseball or softball players to practice the skill of batting.

Athletic field (private)
A facility for the staging of amateur and/or professional sporting events, consisting of an open-air field and appropriate support facilities.

Miniature golf course
A recreational facility for the playing of a novelty version of golf with a putter, typically with artificial playing surfaces and theme-oriented obstacles such as bridges and tunnels.

Recreation courts
An outdoor area used for holding court games (basketball, tennis, racquetball, squash, etc.). Accessory uses may include a concession stand, netting, exterior lighting fixtures, public bathrooms, maintenance and storage areas, and spectator seating or stands.

Swimming pools (as a principal use)
A constructed pool at least three feet deep at the deep end that is filled with water and used for wading or swimming, and that is operated for profit.

Recreation facility, public or quasi-public
A facility owned and/or operated by a public or quasi-public entity and open to the public for indoor or outdoor recreation activities, such as: aquatic centers, health and fitness facilities, recreation courts, and similar uses. Accessory uses may include snack bars and locker rooms.

Recycling plant
A building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

Research laboratory
A facility or area for conducting scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residential care facility
A staffed premises (not a single-family dwelling unit) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include dependent and/or independent living facilities, group night care facilities, assisted living facilities, group homes, continuing care retirement centers, and orphanages. This term excludes residential care homes or nursing homes.

Residential care home
A single-family home with or without paid or volunteer staff that provides care to no more than 6 individuals. Residential care homes include dependent and/or independent living facilities, family homes, nighttime homes, adult and youth group homes, and assisted living facilities. This term excludes residential care facilities or nursing homes.

Restaurant
An establishment serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating or food dispensing areas.

Riding and boarding stable
An establishment where horses are boarded and cared for, where horses may be rented to the general public for riding, and where instruction in riding, jumping, and showing may be offered.

Right-of-way
A strip of land for public purposes, including but not limited to utilities, streets, pedestrian walkways, and bicycle paths.

Rope lighting
Rope lighting means a string of lights that are encased in a flexible translucent/semi-translucent jacket or tube.

Rural retreat
A use, compatible with agriculture, horticulture, animal husbandry, and/or open space, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, and education and training related to such advances and services. Rural corporate retreats may be utilized for basic and applied research services and education wherein the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms. Rural corporate retreat facilities may include facilities for associated training programs, seminars, conferences, and related activities.

S

School, elementary, middle, or high
An educational institution that offers a program of high school, middle school (or junior high school), and elementary school (including kindergarten or pre-kindergarten) instruction meeting

state requirements for a school. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

Seasonal sale
A temporary business enterprise that is conducted primarily outdoors and offers for retail sale decorative items that are, by their nature, in particular demand during a relatively short peak season—including, but not limited to, Christmas trees, pumpkins, and flowers and plants. This use does not include fireworks sales.

Self-service storage
Buildings which are composed of contiguous individual rooms which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant; but excluding the storage of explosive, corrosive or noxious materials, such as dust, fumes, or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other organisms or properties; and further excluding any other use otherwise permitted in the zoning district in which the self-service storage is located.

Self-service storage, indoor climate controlled
A use that qualifies as self-service storage where all storage units and direct access for loading and unloading the units are located within a single building and subject to a stable controlled temperature. Control of other climate aspects such as humidity may also be a feature. This use excludes self-service storage where any storage units are directly accessible to the exterior of the building rather than an internal hallway.

Sexually-oriented business
A sex parlor, massage parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult motel, or other commercial enterprise which has as its primary business the offering for sale, rent, or exhibit, or the exhibit of, items or services intended to provide sexual stimulation or sexual gratification to the customer.

Shared parking
Public or private parking shared by two or more uses.

Shrub
A woody plant, generally multi-stemmed, of smaller stature than a tree.

Sidewalk
The portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

Sidewalk café
The temporary location and use of tables and chairs and other associated equipment and furnishing on the public right-of-way for the purpose of serving food and/or drink to patrons and operated as an extension of and contiguous to a business in a district and which sidewalk café shall be an incidental activity of the business.

Sign
A display board, screen, placard, painted or pasted-on display, or any other device which is visible from any public place, street, or highway, or from any way or property open to the public

for vehicular travel, and upon which is displayed or included any letter, word, numeral, emblem, logo, symbol, decoration, device, representation, or similar item used as, or which is in the nature of, an identification, announcement, direction, notice, advertisement, or other attention getting device. This term includes painted, pasted, self-supporting, and attached words, letters, numerals, symbols, emblems, and other such displays that are painted, pasted, or attached directly to a structure and not mounted on any signboard. This term does not include flags displayed from flagpoles or staffs.

Sign copy
The graphic content or message of a sign applied to an exterior display surface of the sign.

Sign permit
See Sec. 25-2.4.12, Sign Permit.

Sign, A-frame or T-frame
A sign designed to rest on the ground that consists of either 1) two sign faces connected together at the top to form an "A" shape sign with a broad base and narrow top when viewed from the side, or 2) a sign face mounted perpendicular to its base to form an upside-down "T" shape when viewed from the side.

Sign, attached
A sign that is fastened or affixed to, mounted against, or otherwise connected to a building or a structure that has a principal purpose other than display of the sign.

Sign, banner
A sign constructed of lightweight material that is attached to an individual pole or light standard and affixed at top and bottom of the banner. (See illustration below).

Sign, canopy
A sign attached to a canopy.

Sign, changeable copy
A sign upon which a display or message is changed by physical replacement of the display or message or electronic change of the display or message.

Sign, detached
A sign mounted on or attached to a pole, framework, or other structure whose primary purpose is to display the sign, and not attached or fastened to, or mounted against, or otherwise connected in any way to, a building or other structure. (See illustrations below).

Sign, marquee
A sign attached to, painted on, or inscribed on a permanent roofed structure attached to and supported by a building and projecting over a public sidewalk. (See illustration below).

Sign, monument
A freestanding sign permanently mounted on or affixed to a solid decorative base or pedestal with no open air between the sign and the ground. (See illustration below).

Sign, nonconforming
A sign not prohibited in this Ordinance as a public nuisance that conformed in all respects to the regulations in effect when it was established, but which now violates one or more provisions of this article as of the date of the official adoption and passage of this article, or a subsequent amendment thereof; except that in CB District only, an on-premises attached sign which extends over a public sidewalk (but not over any part of the street or street curb), shall for the purposes of this article be deemed nonconforming and not illegal.

Sign, off-premises (Billboard)
A sign that draws attention to or communicates information about a business, service, commodity, product, event, or any good or activity that is conducted, sold or offered at a location other than the premises on which the sign is located, such as a billboard.

Sign, permanent
A sign that is intended for other than temporary use or a limited period. A permanent sign is generally affixed or attached to the exterior of a building or to a pole or other structure by adhesive or mechanical means or is otherwise characterized by anchoring, construction materials, or a foundation indicative of an intent to display the sign for more than a limited period.

Sign, portable
A sign which is mounted on a vehicle, trailer, stand, or similar structure, with or without wheels, and is designed to be transported by vehicle, and which is not permanently embedded in the ground. This definition does not include A-frame or T-frame signs.

Sign, projecting or blade
An attached sign that is attached to and oriented approximately perpendicular to the face or outside wall of a building or structure having a principal function other than support of the sign.

Sign, roof-mounted
An attached sign which is affixed primarily and directly to, and which extends above, the roof of any building or structure having a principal function other than support of the sign. (See illustration below).

Sign, temporary
A sign that is intended for a limited period of display only, and is generally constructed of lightweight materials and installed in a manner so as to be easily removed.

Sign, wall
An attached sign which is mounted parallel to or flush against an exterior wall of a building. (See illustration below).

Site plan
See Sec. 25-2.4.5, Site Plan (Major or Minor).

Slaughterhouse
An establishment where animals are killed and/or processed for consumption.

Small loan establishment
An establishment engaged in lending activities regulated by Chapter 18 of Title 5 of the Code of Alabama, also known as the Alabama Small Loan Act. Such establishments may include, but are not limited to, check cashing, auto title, and payday loan businesses.

Solar energy collection system, Large scale
A facility consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. As a principal use, a solar energy collection system is designed to meet demands for a large area and is typically mounted on the ground.

Solar energy conversion system (small-scale)
Equipment for the collection of solar energy and its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

Solid waste collection and disposal
A landfill or other facility that collects, stores, and disposes of municipal solid waste (household waste).

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. “Special event” does not include temporary or seasonal retail sales of goods, products, or services, such as temporary sales of Christmas trees, farm produce, fireworks, and other similar seasonal goods.

Special exception
See Sec. 25-2.4.4, Special Exception Permit.

Stadium, arena, or 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, parking facilities, and maintenance areas.

Standard Building Code
See “Building Code”.

Stem (tree)
See “Trunk”.

Structure
Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things, signs, but not including telephone poles and overhead wires.

Studio
A facility used for the production or instruction of art, music, dance, yoga, or the martial arts.

Subdivision Regulations
The Subdivision Regulations of the City of Decatur, as adopted by the Planning Commission.

Swimming pool (accessory use)
An enclosure that is filled with water and used for wading or swimming, and that is accessory to a principal use.

T

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

Technical or trade school
A public or private school offering vocational or trade instruction—such as teaching of trade or industrial skills, cosmetology, clerical or data processing, barbering or hair dressing, computer or electronic technology, or artistic skills—to students and that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes, and meets the state requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, and other facilities that further the educational mission of the institution. The school does not provide lodging for students or faculty.

Temporary occupancy business
A business not located in a building, located on a vacant lot or on a portion of a lot with another business, and operating on a seasonal or temporary basis for a maximum of 90 days. This use does not include businesses or operations that are considered any other type of temporary use.

Text amendment
See Sec. 25-2.4.1, Text Amendment.

Tourist home
A dwelling unit rented in its entirety as lodging for periods of less than 29 consecutive days.

Tree
A woody plant, generally with no more than one or two principal stems.

Truck Stop
Truck stops are all-in-one stops where truckers can rest and also have access to a wide range of facilities and amenities. Some of the different facilities around a truck stop include the following: fuel stations, truck wash facilities, repair shops, rest areas restaurants, convenience stores and facilities showers and laundry rooms. Some or all of these facilities may be present at a truck stop.

Trunk
A principal upright supporting structure of a tree or shrub.

U

Use
The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

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

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

V

Variance
See Sec. 25-2.4.16, Variance (Zoning), and Sec. 25-2.4.17, Variance (Floodplain).

Vegetated roof
See “Green roof”.

Vegetation
Living plant material including grass, plants, ground covers, shrubs, trees, etc.

Vehicle fueling station
An establishment engaged in the retail sale of motor vehicle fuel that is stored on site, such as gasoline, diesel fuel, natural gas, hydrogen, and electricity. Accessory uses may include a convenience retail store, and light vehicle repair and maintenance. This use does not involve the provision of major repairs such as vehicle bodywork or painting or repair of engines.

Veterinary hospital
A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals. Accessory uses may include animal grooming services, short-term boarding, and limited retail sales of pet-related merchandise.

Visibility triangle
An area of critical visibility between the heights of two and one-half feet and eight feet above the street grade at an intersection in which landscaping or signage is restricted in the interest of vehicular traffic safety. The visibility triangle will be determined by points 25 feet from intersection right-of-way lines with a straight line connecting such points.

W

Warehousing, general
A facility primarily used for the storage of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

Warehousing, hazardous materials
A facility for the bulk storage, distribution, and handling of flammable, hazardous, or noxious materials or equipment. This use does not include a vehicle fueling station.

Wholesale sales
An establishment primarily engaged in the sale and distribution of commodities in quantity to commercial, institutional, or industrial customers, and not direct sales to the general public.

Wind energy conversion system (small-scale)
A facility consisting of one or more rotating wind turbines and related equipment that converts the kinetic energy in wind into mechanical energy. A small-scale wind energy conversion system as an accessory use is intended to primarily reduce on-site consumption of utility power for a home or business.

Wine
Any beverage made from the fermentation of fruits, berries, or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States, containing not more than twenty-four (24) percent alcohol by volume, and shall include all sparkling wines, carbonated wine, special natural wines, rectified wines, vermouths, vinous beverages, vinous liquors and like products.

Wireless telecommunications facility
See Chapter 7, Article 7 of the City Code of Ordinances.

X

Y

Yard
An open space located on the same lot with a structure or use that is left open, unoccupied, and unobstructed by structures between the structure or use and the nearest lot line, from the ground to the sky, except as otherwise provided in this Ordinance.

Yard sale
An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups where goods are limited primarily to used merchandise donated by the yard sale participants.

Yard, front
The yard extending across the entire width of the lot between the principal building including covered porches, and the front lot line, or if an official future street right-of-way line has been established, between the principal building, including covered porches, porte-cocheres and carports, and the future street right-of-way line.

Yard, rear
The yard extending across the entire width of the lot between the principal building, including covered porches, and the rear lot line. In all Residential districts, where the building containing a dwelling unit is oriented diagonal to abutting streets, the rear yard shall be determined by measuring the shortest distance perpendicular to the rear of the principal building to the closest property line and by then adding one-half the distance of the altitude of the remaining triangle. The sum of these two distances shall not be less than the required rear setback of the district in which the lot is located.

Yard, side
The yard extending along a side lot line, from the front yard to the rear yard, between the principal building, including covered porches, porte-cocheres, and carports, and such lot line.

Z

Zoning Map amendment
See Sec. 25-2.4.2, Zoning Map Amendment.

Appendix A: Submission Requirements for Specific Applications

Site Plan Submission Requirements

A site plan (major or minor) shall be prepared and sealed by a registered professional engineer licensed in the State of Alabama and show the following:

1) Ingress and egress to the property.
2) Building footprints (including any covered walkways or entrances).
3) Vehicular and pedestrian traffic circulation within the boundaries of the property, including any drive-through plans.
4) Drainage plans will include 2-foot contours and proposed grading plan, drainage piping and inlets designed for a 10-year event (calculations required if requested by the city engineer), capacities of downstream drainage piping, curb and gutter in the parking lot(s) and a 5-foot wide sidewalk along collector streets.
5) Any required stormwater detention facilities.
6) Any required erosion and sediment control measures, which shall be in accordance with a general permit for stormwater runoff control obtained from ADEM (Alabama Department of Environmental Management) by the owner/developer of the property.
7) The proposed layout of any vehicular surface areas, including any loading areas and the number of parking spaces proposed (see Section 25-5.2).
8) Any proposed landscaping and buffers (see Section 25-5.3).
9) Any proposed open space set-asides (see Section 25-5.4).
10) Any proposed fences and walls (see Section 25-5.5).
11) Any proposed exterior lighting (see Section 25-5.6).
12) Dumpster location.
13) A boundary survey prepared by a registered land surveyor licensed in the State of Alabama that depicts all structures, known easements, rights-of-way, existing drainage facilities, existing utilities, blue line streams, current FEMA 100-year floodplain, and wetlands.

Additional Building Permit Submission Requirements

Every application for a building permit for excavation, construction, use of land, moving, or alteration of a structure shall be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the building inspector to ascertain whether the proposed excavation, construction, use of land, moving, or alteration is in conformance with this chapter:

1) The actual shape, proportion and dimensions of the lot to be built upon.
2) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.
3) The existing and intended use of all such buildings or other structures.
4) The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

AGENDA ITEM NO. VIII.A

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 4, 2024
SUBMITTED BY:	Herman Marks,Legal
ITEM TYPE:	Final Revocation - Business License
AGENDA SECTION:	RESOLUTIONS:
SUBJECT:	Resolution No. 24-244: Approve request for final suspension or revocation of the City of Decatur Business license for Tio Juan Mexican Grill operating at 1318 6th Avenue SE, Decatur AL 3560l, or any location within the City of Decatur, due to multiple tax delinquencies
FINANCIAL IMPACT:	none
SUGGESTED ACTION:	Council tabled this item at the October 21, 2024 meeting.

ATTACHMENTS:
Res_No_24-244_Tio_Juan_Final_suspension.pdf

Resolution No. 24-244

Final Suspension or Revocation of Business License – Tio Juan Mexican Grill – 6th Ave

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DECATUR, ALABAMA that

after review of the facts, considering all evidence presented and the conducting of a duly set hearing it finds that based on the evidence of continuing multiple tax delinquencies that there should be a final suspension or revocation of the City of Decatur Business License of Tio Juan Mexican Grill operating at1318 6th Ave SE, or any other location within the City of Decatur;

BE IT FURTHER RESOLVED by the City Council that the city clerk shall accordingly give written notice to the licensee of the action of the city council and shall attach a copy of this resolution to such notice. Said notice shall advise the licensee that the previous conditional suspension or revocation of its business license is now determined and ordered to be a final suspension or revocation immediately; and that the licensee is to cease all its business operations at any of its locations in Decatur, Alabama immediately. The appropriate city departments are authorized and shall take the necessary actions to complete the process of implementing the final suspension or revocation. All notices provided for herein and the relevant City Code chapter to be given by the city clerk shall be deemed sufficient when deposited in the United States mail, postage prepaid, addressed to the licensee at the address on file in the office of the city revenue officer.

Adopted this 4th day of November, 2024

AGENDA ITEM NO. VIII.B

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 4, 2024
SUBMITTED BY:	Jeremy Sherrill,Purchasing
ITEM TYPE:	Bid
AGENDA SECTION:	RESOLUTIONS:
SUBJECT:	Resolution No. 24-253: Award Bid #24-036 to North Alabama Glass for 7th Floor Office Wall
FINANCIAL IMPACT:	None
SUGGESTED ACTION:	Tabled at the October 21, 2024 Council meeting.

ATTACHMENTS:
Res_No_24-253_Bid_24-036.pdf
24-036 Bid Tab (Recovered) (Recovered).xlsx

RESOLUTION NO. 24-253

Award Bid #24-036 to North Alabama Glass for 7th Floor Glass Wall Installation

BE IT RESOLVED BY THE CITY COUNCIL OF DECATUR, MORGAN COUNTY, IN THE STATE OF ALABAMA, that bid #24-036 is hereby awarded to North Alabama Glass for 7th Floor glass wall Installation being the lone respondent and the Purchasing Agent is authorized to approve purchase orders according to the terms and conditions of the bid.

BE IT ALSO RESOLVED BY THE CITY COUNCIL OF DECATUR, ALABAMA that is approves a budget amendment in the amount of $95,520.00 to the Building Maintenance department's FY25 budget. The funding source shall be general fund unassigned balance with the expense to be recorded in 061-017-15-000-59092.

Adopted this 4th day of November, 2024

Bid Tabulation

24-036 7th Floor Glass Office Wall Install
Bid Opening: September 26th, 2024 2:30 PM

Bidder	Total	
North Alabama Glass	**$95,520.00**	Lowest Responsible Bidder

101 Vendors were invited to participate throught our Vendor Registy Program

9 Vendors were directly contacted

AGENDA ITEM NO. VIII.C

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 4, 2024
SUBMITTED BY:	Kathy Westbrook,Park and Recreation
ITEM TYPE:	Resolutions
AGENDA SECTION:	RESOLUTIONS:
SUBJECT:	Resolution No. 24-258: Approve 7th Floor Renovations for Court Payment Center
FINANCIAL IMPACT:	General Fund Unassigned Balance
SUGGESTED ACTION:	Approve Resolution Proposal not to exceed $45,656.97 for Flooring, cabinets, network cabling, electrical, Badge Readers and Data Wiring. Tabled at the October 21, 2024 Council meeting.

ATTACHMENTS:

Res_No_24-258_7th_Floor_Reno_Court_Payment_Center.pdf
CCE10142024_0001.pdf
City Of Decatur 7th Floor Renovations for Court Payment Center.pdf
City Hall 7th floor Quote 10-17-24.pdf

RESOLUTION NO. 24-258

Approval for 7th Floor Renovations for Court Payment Center

WHEREAS, the 7th floor of city hall will be renovated to house the court payment center and the estimate for this work is not to exceed $45,656.97;

BE IT RESOLVED by the City Council of the City of Decatur, Alabama that it hereby approves the capital expenditure and budget amendment for $45,656.97 for this project.

Funding source will be General Fund unassigned balance and the expense will be recorded in 061-017-15-000-59092 BUILDING.

ADOPTED this 4th day of November, 2024

General Repair Service, Inc.

1401 5th Avenue SE
Decatur, AL 35601
Phone: (256) 355-7910
Fax: (256) 355-7911
Tax ID: 63-0581289

Client:	City of Decatur - 7th Floor
Property:	402 Lee Street NE Decatur, AL 35601
Operator:	HOLLY.GR
Estimator:	Adam Dumas
Type of Estimate:	Other
Date Entered:	7/2/2024
Date Assigned:	
Price List:	ALDE8X_JUL24
Labor Efficiency:	Restoration/Service/Remodel
Estimate:	CITYOFDECATUR-7TH

Notes:
1 - Prices may vary depending on selections.
2 - Due to the continuous increase in materials, this quote is only good for 30 days.

General Repair Service, Inc.

1401 5th Avenue SE
Decatur, AL 35601
Phone: (256) 355-7910
Fax: (256) 355-7911
Tax ID: 63-0581289

CITYOFDECATUR-7TH

CITYOFDECATUR-7TH

DESCRIPTION	QTY
1. Build wall metal framing - 15'8	1.00 EA
2. Electrical rough in, including add receptacles in new wall (4)	1.00 EA
3. Install 5/8" sheetrock on new wall (both sides)	1.00 EA
4. Build cabinet with shelves (12'4 LF & 70" for wheel chair access)	18.17 LF
5. Countertop - Granite or Marble	54.50 SF
6. Remove Glue down carpet	554.00 SF
7. Add for glued down carpet application over concrete	554.00 SF
8. Floor prep	554.00 SF
9. Vinyl plank flooring	609.40 SF
10. T- molding - for wood flooring	5.00 EA
11. Cove base molding - rubber or vinyl	1.00 EA
12. Base shoe - stain grade (at cabinets)	88.33 LF
13. Stain & finish base shoe or quarter round (at cabinets)	88.33 LF
14. Paint new wall (both sides) and two columns	1.00 EA
15. Protect contents - Cover with plastic	1.00 EA

Grand Total $22,128.54

Adam Dumas

Decatur AL City of

City Hall 7Th Floor Readers

Q4050000650

Provided By:

Danny R Anyan

dannyanyan@callmc.com

(256) 759-7963

Table of Contents

Scope of Work

Bill of Materials

System Investment

Payment Terms

Customer Acceptance

DCJS No.: 11-17936 and NC 2610-CSA

VA DCJS # 11-17936

CONFIDENTIALITY STATEMENT

THIS DOCUMENT CONTAINS INFORMATION THAT IS CONFIDENTIAL PERTAINING TO MOBILE COMMUNICATIONS AMERICA, INC. (MCA), THE SECURITY, FACILITIES, IT AND OTHER DEPARTMENTS OF THE REVIEWING ORGANIZATION. IT SHALL BE NEITHER DUPLICATED NOR DISCLOSED TO ANY PERSON OR PERSONS OUTSIDE THE RESPECTIVE COMPANIES WITHOUT PRIOR WRITTEN CONSENT.

MCA FURTHER AGREES TO MAINTAIN COMPLETE CONFIDENTIALITY AND AGREES ANY INFORMATION FURNISHED WILL BE KEPT IN THE STRICTEST CONFIDENCE. MCA WILL FURTHER NOT DISCLOSE TO ANYONE WHO IS NOT A DIRECT PARTICIPANT IN THE POSSIBLE PROJECT, THE FACT THAT NEGOTIATIONS ARE TAKING PLACE OR ANY TERMS OF THE POSSIBLE TRANSACTION.

Scope of Work

Install 2 readers and 8802 bar on glass doors. Install 9400 strike and reader on wood door. Install new 1502, MR52 and power supply.

Bill of Materials

SKU	Unit Price	Quantity	Row Total
00142667	$389.69	3	$1,169.07
Allegion MTB15 Mobile Enabled Multi-Technology Reader – Wall Mount			
169124	$1,600.83	1	$1,600.83
Intelligent Controller, Linux Based with 2 doors,			
169123	$880.89	1	$880.89
HID Mercury MR52-S3B Controller Serial I/O Dual Ca			
00196256	$1,007.08	1	$1,007.08
LifeSafety Power AC-LSP-8DR-MER-LCK Power Eight Door Mercury Dual Voltage Integrated Power System			
00194310	$830.00	2	$1,660.00
Adams Rite 8802EL-36-12 Rim Exit Device, Narrow Stile Aluminum Doors, 36", Electric Latch Retraction, 12V, Dark Bronze			
00166081	$53.00	2	$106.00
Securitron TSB-CXL Touch Sense Bar Accessory, DoorCord With Gray & Black Caps, 36"			
00144887	$700.00	1	$700.00
HES 9400-630-LBM Outdoor Rated Electric Strike w/ Latchbolt monitor			
00180976	$275.00	1	$275.00
Genesis 22061101 22 AWG 6C Str Shielded Riser, White, 1000 ft. Pull Box			
00181112	$225.00	1	$225.00
Genesis 22141109 18 AWG 2 Stranded Conductors, Shielded, Riser CMR/FT4, Gray, 1000 feet Pull Box			
MISC-ITEM	$200.00	1	$200.00
Install Materials			
Subtotal			$7,823.87
Labor Subtotal Labor Subtotal			$4,814.56

Subtotal: $12,638.43

System Investment

Purchase Price, Excluding Taxes:	**$12,638.43**
Estimated Taxes:	**$0.00**
Purchase Price, Including Taxes:	**$12,638.43**

Payment Terms

Payment Terms:

Except as provided below, all contracted services require payment in full, due upon receipt of invoice. Installation contracts or services in excess of $5,000 require:

1. 30% down payment.
2. 100% payment of stored materials upon receipt at MCA's warehouse. Inspection of billed products by Customer at MCA's warehouse will be permitted
3. Progress labor billing will occur each month based upon the percentage of completion of whole project up to 90% of total labor charges.
4. Final charges will be billed upon final completion of the job. All billings shall be net due upon receipt of invoice.

Customer is responsible for all taxes; except if the Customer represents that it is tax exempt under sections 501(a) and 501(c) of the Internal Revenue Code of the United States, and under the applicable laws of any State due any tax. If Customer represents that all sales, use or business taxes or personal property taxes and all fees imposed by municipal, state, and/or federal authorities in connection with the systems and services to be performed or sold by MCA are tax exempt, then Customer agrees to hold MCA harmless from and to indemnify MCA against any of the foregoing charges if the exempt status is incorrect, discontinued, or modified.

Assumptions:

MCA’s proposal is based on the basic investigation of your site together with the available information provided. MCA’s goal is to provide the system solution desired; however, MCA reserves the right to make adjustments should we discover that material facts or circumstances relating to the project or specification have been omitted or inadvertently missed at the time of project design, engineering, or during the installation. All adjustments will be formally documented on a revised MCA proposal document if the job has not commenced; or a MCA “Additional Work Authorization” or “Change Order” document if the adjustments are discovered after the work has begun. These documents will be presented for your review and approval.

Post-Installation Service and Support:

Each item of equipment purchased under this agreement is covered by the manufacturer’s warranty. MCA’s sole warranty is for its labor which is warranted for 90 days on new equipment and services. Warranty will begin upon completion of the installation, or at a time where “beneficial use” of the system occurs; or of any of its’ component sub-systems. Upon request, MCA can also provide a customized maintenance plan that fits the customers application and budget. Our value-added service maintenance plans can include all parts and labor to correct system failures, as well as a preventative maintenance program to minimize system downtime.

Customer Acceptance

IN WITNESS WHEREOF, the Parties hereto execute and accept this proposal and agree to be bound by all parts, including the terms and conditions, which together form the complete agreement (hereinafter the "Agreement") between the Parties. The terms and conditions are incorporated by reference as fully set forth herein and available at Terms and Conditions (the "Terms"). This Agreement is in effect on the date proposal is signed. Customer agrees that it has read the Terms prior to customer's acceptance of this proposal. MCA hereby reserves the right to amend the Terms from time to time and without notice to Customer. This Agreement shall not be binding to MCA unless approved in writing by an officer of MCA. In the event of non- approval, the sole liability of MCA shall be to refund to buyer the deposit amount that has been paid to MCA by Customer.

☐ Agree to MCA's Terms

☐ Agree to Other Terms: _____

MCA Location

Mobile Communications
America, Inc.
3403 Governors Drive
AL License #158
Huntsville AL 35805
(256) 533-2484
United States

Delivery Address

Accounts Payable
City of Decatur
P O Box 488
Decatur AL 35602
(205) 274-2150
United States

Billing Address

City of Decatur
402 Lee Street
Decatur AL 35601
(205) 274-2150
United States

Seller

_____
MCA Representative

_____
Title

_____
Approved MCA Authorized Officer

Customer

_____
Printed Name

_____
Title

_____
Signature Authorized Officer Date

I.C.E.
Industrial • Commercial • Electrical
Contractors, Inc.
VOICE, DATA & FIBER OPTICS

Project Name: City Hall 7th Floor
Contact: Brad Phillips
Today's Date: October 17, 2024

Brad Phillips,

I.C.E. Contractors is pleased to offer this response to your recent request to add network cables on the 7th floor of City Hall. I.C.E is pleased to offer the following proposal:

SCOPE –
Install 32 new cat6 drops
Install 5 cameras
Terminate all new cat6 cabling
Certify all new cabling

Note:
All work will be installed by certified technicians and will adhere to the BICSI standards along with the NEC codes.

Materials: $4,330 Labor: $1,560

Total Quote: $5,890

Thank you,

Bradley Hall

bhall@icecontractors.net

Project Manager

Cell: 256-280-7218

Office: 256-353-7828

I.C.E.
Industrial • Commercial • Electrical
Contractors, Inc.
VOICE, DATA & FIBER OPTICS

AGENDA ITEM NO. VIII.D

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 4, 2024
SUBMITTED BY:	Donna Edmondson,Park and Recreation
ITEM TYPE:	Resolutions
AGENDA SECTION:	RESOLUTIONS:
SUBJECT:	Resolution No. 24-259: Approve Amendment to the Professional Services Agreement for Recreation Center
FINANCIAL IMPACT:	NONE

SUGGESTED ACTION:

ATTACHMENTS:
Res_No_24-259_Amend_Professional_Services_Agreement_GMC.pdf
G802-2017 - Amendment Decatur Rec-R2 attachments.pdf

RESOLUTION NO. 24-259

Approval of Updated Professional Services Agreement

BE IT RESOLVED by the City Council of the City of Decatur, Alabama that the attached Amendment is hereby approved for Professional Services with Goodwyn Mills Cawood, LLC for the recreation center located at Wilson Morgan Park.

ADOPTED this the 4th day of November, 2024.

AIA® Document G802® – 2017

Amendment to the Professional Services Agreement

PROJECT: *(name and address)*
Recreation Center located at Wilson Morgan Park

AGREEMENT INFORMATION:
Date: February 10, 2023

AMENDMENT INFORMATION:
Amendment Number: 1

Date: September 9, 2024

OWNER: *(name and address)*
The City of Decatur, Alabama

ARCHITECT: *(name and address)*
Goodwyn Mills Cawood, LLC

The Owner and Architect amend the Agreement as follows:

Due to issues associated with budgetary constraints, all design work for Phase 01 Basic Services for this project is considered complete. The 12 covered exterior pickle ball courts and two parking improvements on the west side of the site will be removed from the scope of the project (see attached site plan) as part of the amended Phase 01A Basic Services. Food Service Additional Services will be addeded to Phase 02 Additional Services as shown in the original agreement.

The Architect's compensation and schedule shall be adjusted as follows:

Compensation Adjustment:

Current Phase 01 Basic Services Fees will be capped at $314,325. The tentative construction budget amount for Phase 01A Basic Services will be $48,000,000.00. The Basic Services Fee Rate for Phase 01A will be 4.5% of the tentative construction budget amount. Food Service Additional Services Fee will be $17,500.

Schedule Adjustment:

See attached schedule.

SIGNATURES:

Goodwyn Mills Cawood, LLC	City of Decatur, AL
ARCHITECT *(Firm name)*	**OWNER** *(Firm name)*
SIGNATURE	**SIGNATURE**
Robert W. Gray; Sr. VP	Tab Bowling, Mayor
PRINTED NAME AND TITLE	**PRINTED NAME AND TITLE**
September 9, 2024	
DATE	**DATE**

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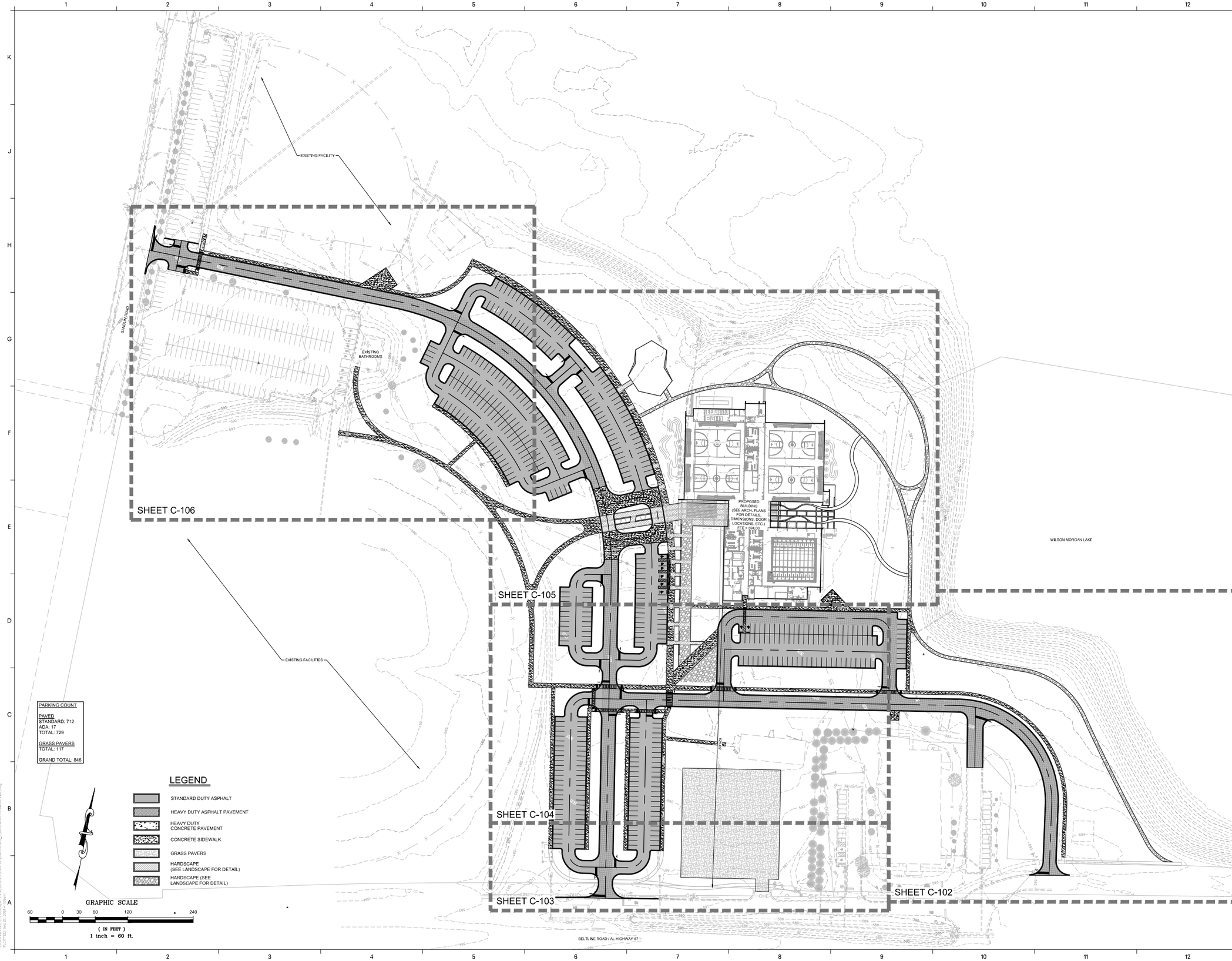
User Notes: (3B9ADA51)



GMC

2400 5th Avenue S, Suite 200
Birmingham, AL 35233
T 205.879.4462
GMCNETWORK.COM

ISSUE	DATE
PLANNING COMMISSION SUBMITTAL	2024.10.01

DRAWN BY: KJ/TEP
CHECKED BY: CAS

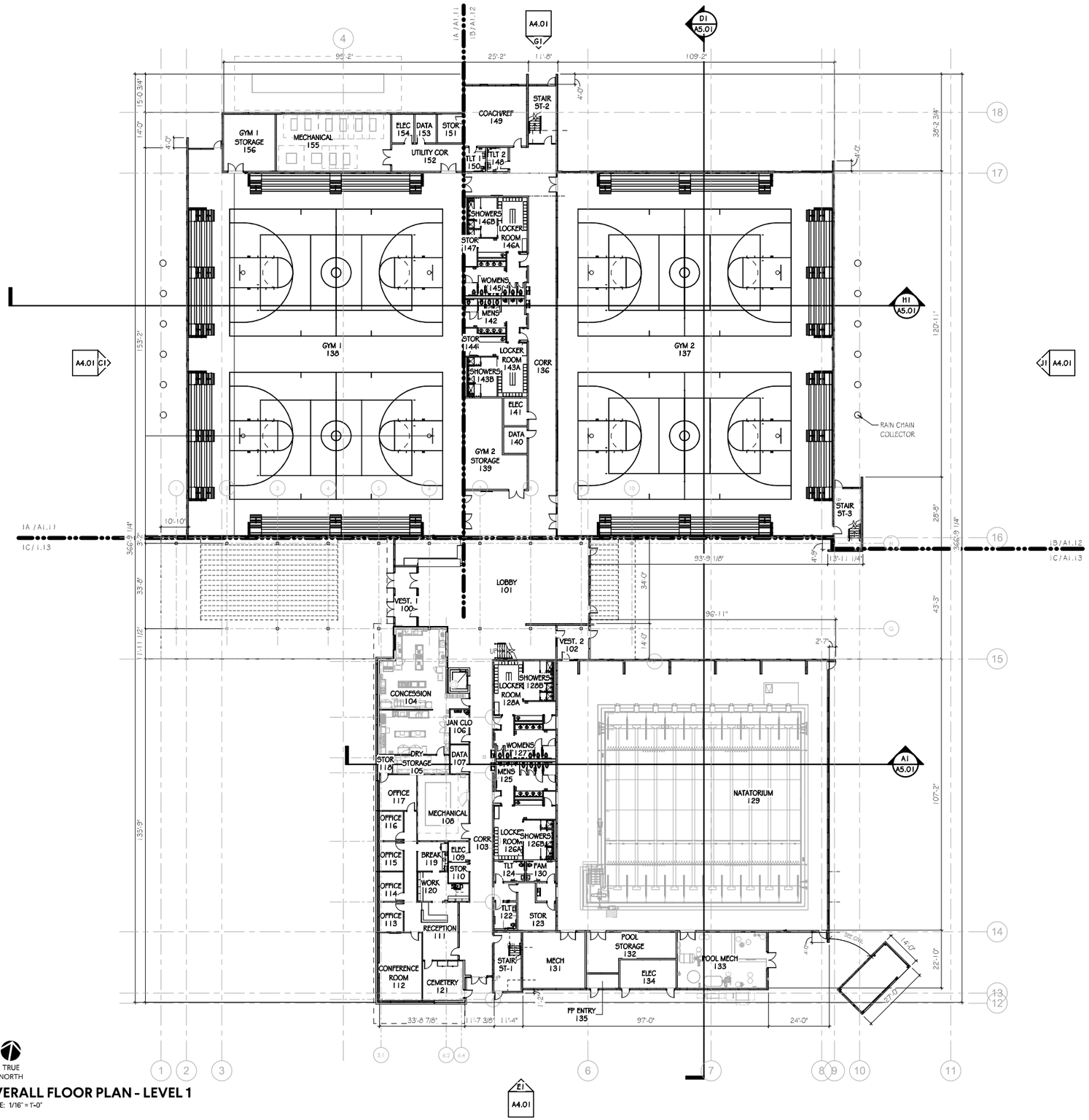
DECATUR RECREACTION CENTER
300 Beltline Rd SW, Decatur, AL 35601

GMC ABHM220026

OVERALL SITE PLAN

C-101

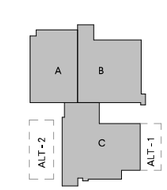
sheet of



PLAN NORTH TRUE NORTH

A1 OVERALL FLOOR PLAN - LEVEL 1

SCALE: 1/16" = 1'-0"



Key Plan

GMC

Goodwyn Mills Cawood, LLC
2400 5th Avenue South, Suite 200
Birmingham, AL 35233
T 205.879.4462
GMCNETWORK.COM

ISSUE	DATE
60% PRICING SET	2024.09.12

DRAWN BY: Author
CHECKED BY: Checker

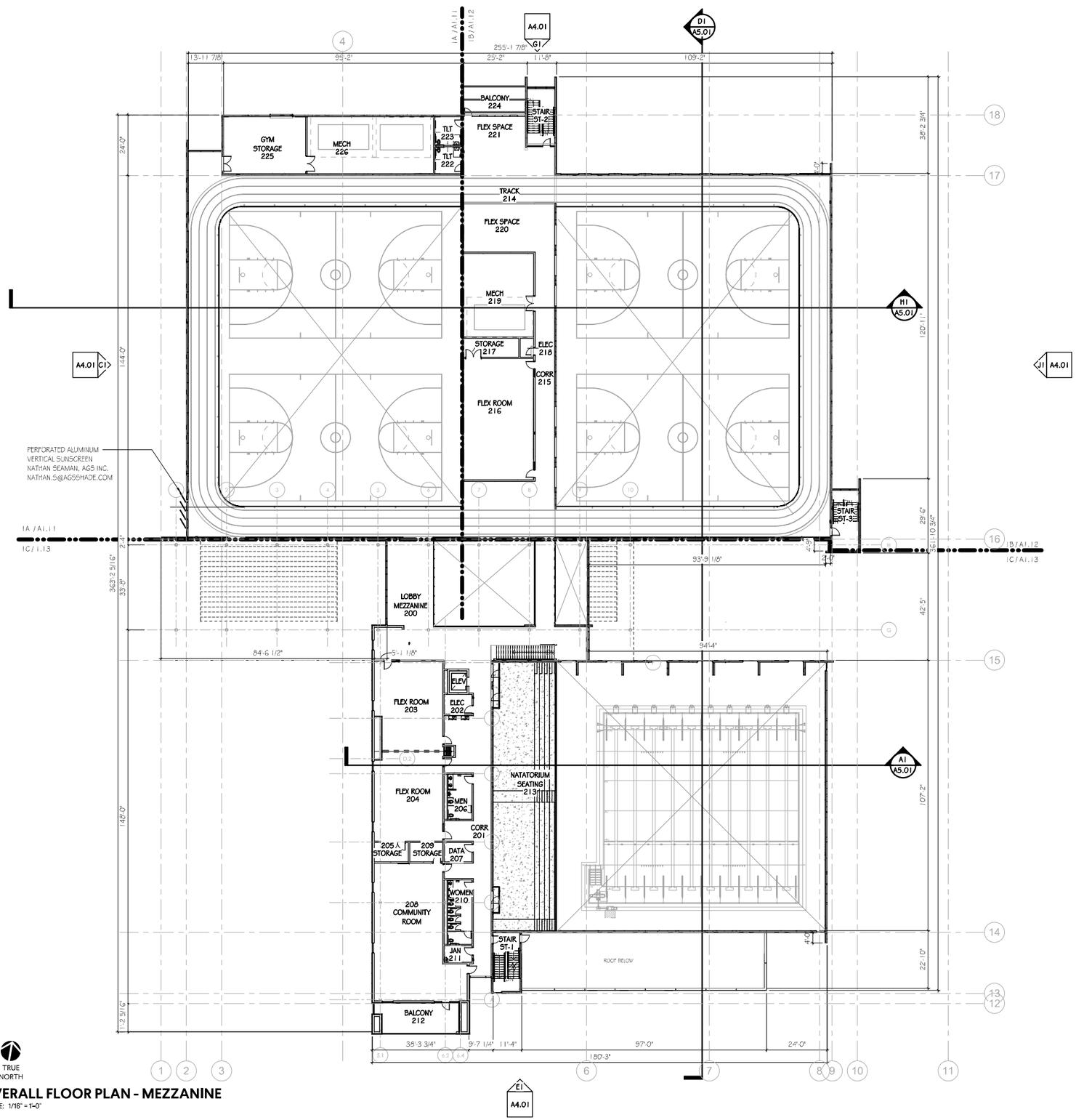
DECATUR RECREATION CENTER
300 Beltline Rd SW, Decatur, AL 35601

GMC ABHM220026

OVERALL PLAN - LEVEL 1

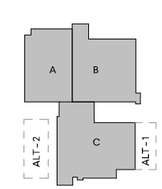
A1.01

9/13/2024 4:02:52 PM TEMPLATE VERSION: 20221



A1 OVERALL FLOOR PLAN - MEZZANINE

SCALE: 1/16" = 1'-0"



Key Plan

GMC

Goodwyn Mills Cawood, LLC
2400 5th Avenue South, Suite 200
Birmingham, AL 35233
T 205.879.4462
GMCNETWORK.COM

ISSUE	DATE
60% PRICING SET	2024.09.12

DRAWN BY: Author
CHECKED BY: Checker

DECATUR RECREATION CENTER
300 Beltline Rd SW, Decatur, AL 35601

GMC ABHM220026

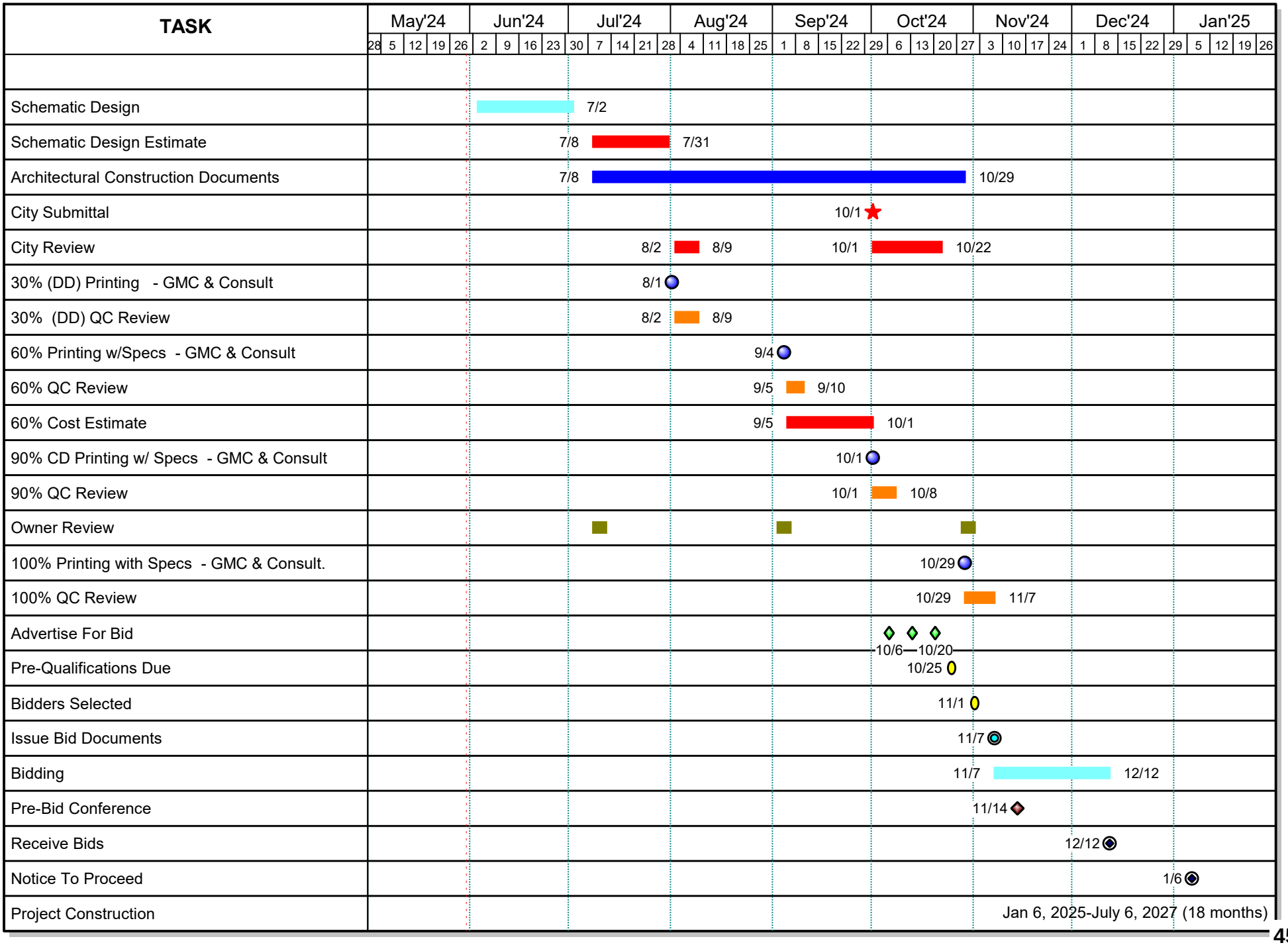
OVERALL PLAN - MEZZANINE

A1.02

9/13/2024 4:02:56 PM TEMPLATE VERSION: 20221

Decatur Recreation Center Design Schedule

5/30/24



AGENDA ITEM NO. VIII.E

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 4, 2024
SUBMITTED BY:	Susanne Henderson,Community Development
ITEM TYPE:	Grant
AGENDA SECTION:	RESOLUTIONS:
SUBJECT:	Resolution No. 24-260: Accept 2024-25 Family Matters Grant for Children's Trust Fund
FINANCIAL IMPACT:	cash match

SUGGESTED ACTION:

ATTACHMENTS:
Res_No_24-260_Family_Matters_Grant.pdf
Signed Beason Hammond.pdf

RESOLUTION NO. 24-260

Accept 2024-2025 Family Matters CTF Grant

WHEREAS, the ADCANP Family Matters Program has been developed by the Youth Services Department of the City of Decatur to provide professional counseling and mentorship opportunities to Decatur families; and

WHEREAS, the Children's Trust Fund of Alabama has awarded the Youth Services Department of the City of Decatur funding to be used toward the prevention of child abuse and neglect; and

WHEREAS, this is a $100,000.00 grant that will require a cash match of $27,500.00, funding previously approved in FY25 grant fund match budget;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Decatur, in the State of Alabama, as follows:

SECTION 1. That Mayor Tab Bowling is hereby authorized to apply and accept for this grant from the Children Trust Fund of Alabama,

SECTION 2. That Mayor Tab Bowling is hereby authorized and directed to act as the official representative of the City of Decatur in connection with said grant,

SECTION 3. That Mayor Tab Bowling shall take any such other actions as may be requested or required in the implementation of this grant.

ADOPTED this the 4th day of November, 2024.

State of Alabama
County of Morgan

CERTIFICATE OF COMPLIANCE WITH THE BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (ACT 2011-535, as amended by ACT 2012-491)

DATE: September 16, 2024

RE Contract/Grant/Incentive (describe by number or subject):
Children Trust Fund by and between
City of Decatur Youth Services (Contractor/Grantee) and
_____ (State Agency, Department or Public Entity

The undersigned hereby certifies to the State of Alabama as follows:

1. The undersigned holds the position of Mayor with the Contractor/Grantee named above, and is authorized to provide representations set out in this Certificate as the official and binding act of that entity, and has knowledge of the provisions of THE BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (ACT 2011-535 of the Alabama Legislature, as amended by ACT 2012-491) which is described herein as "the Act."
2. Using the following definitions from Section 3 of the Act, select and initial either (a) or (b), below, to describe the Contractor/Grantee's business structure.

   BUSINESS ENTITY. Any person or group of persons employing one or more persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit.

   a. Self-employed individuals, business entities filing articles of incorporation, partnerships, limited partnerships, limited liability companies, foreign corporations, foreign limited partnerships, and foreign limited liability companies authorized to transact business in this state, business trusts, and any business entity that registers with the Secretary of State.

   b. Any business entity that possesses a business license, permit, certificate, approval, registration, charter, or similar form of authorization issued by the state, any business entity that is exempt by law from obtaining such a business license, and any business entity that is operating unlawfully without a business license.

   EMPLOYER. Any person, firm, corporation, partnership, joint stock association, agent, manager, representative, foreman, or other person having control or custody of any employment, place of employment, or of any employee, including any person or entity employing any person for hire within the State of Alabama, including a public employer. This term shall not include the occupant of a household contracting with another person to perform casual domestic labor within the household.

___ (a) The Contractor/Grantee is a business entity or employer as those terms are defined in Section 3 of the Act.

X___ (b) The Contractor/Grantee is not a business entity or employer as those terms are defined in Section 3 of the Act.

3. As of the date of this Certificate, the Contractor/Grantee does not knowingly employ an unauthorized alien within the State of Alabama and hereafter it will not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama;
4. The Contractor/Grantee is enrolled in E-Verify unless it is not eligible to enroll because of the rules of that program or other factors beyond its control.

Certified this 16th day of September 2024.

City of Decatur Youth Services

Name of Contractor/Grantee/Recipient

By: [signature]

Its Grant Administrator

The above Certification was signed in my presence by the person whose name appears above, on this 18 day of September 2024.

WITNESS: [signature]

Stephnie Harris

Printed Name of Witness

AGENDA ITEM NO. VIII.F

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 4, 2024
SUBMITTED BY:	Allen Stover,Community Development
ITEM TYPE:	Resolutions
AGENDA SECTION:	RESOLUTIONS:
SUBJECT:	Resolution No. 24-261: Authorize the Mayor to purchase 523 11th Ave NW from the State of Alabama
FINANCIAL IMPACT:	will need to increase by $100.00 Community Development Budget 001-01815-000-59091 coming from unassigned Fund Balance

SUGGESTED ACTION:

ATTACHMENTS:
Res_No_24-261_Purchase_523_11th_Ave_NW.pdf
Scanned from a Xerox Multifunction Printer (013).pdf

RESOLUTION NO. 24-261

Acquiring 532 11th Ave NW from State of Alabama

BE IT RESOLVED, by the City Council of the City of Decatur, Alabama, that Mayor Tab Bowling is hereby authorized to purchase 523 11th Ave NW from the State of Alabama for the Sum of $100.00.

BE IT FURTHER RESOLVED, that Community Development Department budget is increased by $100.00; the expense shall be recorded in 001-018-15-000-59091. Funding source shall be General Fund Unassigned Balance.

Approved this 4th day of November, 2024.

50 North Ripley Street
Montgomery, AL 36130

revenue.alabama.gov

Alabama Department of Revenue

October 15, 2024

City of Decatur
Attention: Allen Stover
P.O. Box 488
Decatur, AL 35602-0488

Subject:	C/S:	52-11-0009
	Assessed to:	ROBINSON, LEWIS G & VALENTEEN
	Parcel #:	52020513100800100 0
	Legal Desc.:	LT 2 BLK 52 DLI&F CO ADD #1 PLAT 1-11 DECATUR

Dear Mr. Stover:

The Alabama Department of Revenue accepts the City of Decatur's $100 (one hundred and no/100 dollars) per parcel offer to purchase the State's right and title in the property referenced above. Per your request, the tax deed will be issued in the name of the City of Decatur. Ad valorem taxes due to the State, County, and City maturing before and on October 1, 2025, are deemed to be included in the price. Conveyance will be made by tax deed given without warranty or covenant of any type.

Please make the remittance payable to the Alabama Department of Revenue within 60 days of the date on this acceptance and return with a copy of this letter to the Property Tax Division, P.O. Box 327210, Montgomery, AL 36132-7210. If remittance cannot be made within 60 days, then contact me at 334-353-9507 so that I may prepare another acceptance letter.

Sincerely,

Amanda Wolfe

Amanda Wolfe
Office Operations Supervisor
Property Tax Division

AGENDA ITEM NO. VIII.G

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 4, 2024
SUBMITTED BY:	Wanda Tyler,Landfill and Recycling
ITEM TYPE:	Agreements
AGENDA SECTION:	RESOLUTIONS:
SUBJECT:	Resolution No. 24-262: Approve the Amendment to Recycling Partnership Grant Agreement
FINANCIAL IMPACT:	LF0005-FA<7500 082-037-82-000-52044, LF0005-EDUCATION 082-037-82-000-52048

SUGGESTED ACTION:

ATTACHMENTS:
Res_No_24-262_Recycling_Partnership_Grant_Amendment.pdf

RESOLUTION NO. 24-262

FIRST AMENDMENT TO RECYCLING PARTNERSHP GRANT AGREEMENT

This First Amendment to Recycling Partnership Grant Agreement is made and entered into as of the date last signed below between the City of Decatur, Alabama ("Grantee") and The Recycling Partnership, Inc. ("The Partnership"). The Grantee and The Partnership are hereafter referred to jointly as the "Parties" and each individually as a "Party."

RECITALS:

WHEREAS, the Parties entered into a Recycling Partnership Grant Agreement with an Effective Date of June 11, 2024 (the "Grant Agreement");

WHEREAS, all capitalized terms not otherwise defined herein shall have the same meaning ascribed to them in the Grant Agreement; and

WHEREAS, pursuant to Paragraph 8 of the Grant Agreement, the Parties wish to amend the Grant Agreement as provided herein.

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Parties agree as follows:

I. The fourth Recital of the Grant Agreement is hereby amended and restated in its entirety to read as follows:

> WHEREAS, the Grantee desires to improve recycling and resident engagement in the City by engaging in a project with the goal of improving and enhancing the Grantee's residential recycling program by implementing a City-wide education and outreach campaign targeting all eligible households to increase the opt-in rate of City residents in its curbside recycling program and giving the option for current opt-in residents to upgrade their current 64-gallon recycling cart to a City-owned and branded 96-gallon recycling cart;

II. The first sentence of Paragraph 4 of the Grant Agreement is hereby amended and restated in its entirety to read as follows:

> The Partnership shall make cash grants to the Grantee in an amount not to exceed ONE HUNDRED THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS ($137,500) to support the purchase of recycling carts and educational and outreach efforts with the goal of improving and enhancing the Grantee's residential curbside recycling program ("Cash Grants").

III. The second paragraph of Section a of Attachment B of the Grant Agreement is hereby amended and restated in its entirety to read as follows:

> The Grantee intends to implement two (2) City-wide education and outreach campaigns to increase the opt-in rate of eligible curbside households. Each new opt-in household will receive one (1) 93+ gallon recycling cart. Additionally, current opt-in households using 64-gallon

recycling carts will be given the option of requesting a 93+ gallon recycling cart to replace the 64-gallon recycling cart in use at that household. The purpose of the Cash Grants is to support the distribution of new 93+ gallon curbside recycling carts to new opt-in households, the replacement of the 64-gallon recycling carts with 93+ gallon recycling carts for those households that request it, and the Grantee's public recycling education and outreach efforts.

IV. Section b of Attachment B of the Grant Agreement is hereby amended and restated in its entirety to read as follows:

> **Project Description.** With the support of Cash Grants and In-Kind Services from the Partnership, the Grantee will distribute 93+ gallon recycling carts (hereafter, individually a "First-Time Cart" and collectively "First-Time Carts") to each new opt-in household and the Grantee will also distribute 93+ gallon recycling carts (hereafter, individually a "New Cart" and collectively "New Carts") to each current opt-in household that requests one as a replacement for their current 64-gallon recycling cart. The goal is for the Grantee to adopt the 93+ gallon cart as the standard for new opt-in households and to encourage the adoption of the 93+ gallon carts by those households who have already opted into the curbside recycling program while accommodating those households and citizens with special needs. Only 93+ gallon carts, whether First-Time Carts or New Carts, will be considered reimbursable under the Grant Agreement. In addition, with support from The Partnership, the Grantee will implement a City-wide education and outreach campaign to support its curbside recycling program and increase the opt-in rate among non-recycling curbside eligible households."

V. The first sentence of Section c of Attachment B of the Grant Agreement is hereby amended and restated in its entirety to read as follows:

> The Grantee will implement a system for tracking the number of households eligible to receive curbside recycling service along with the number of households that receive a First-Time Cart and the number of households that receive a New Cart.

VI. The first paragraph of Section f of Attachment B of the Grant Agreement is hereby amended and restated in its entirety to read as follows:

> **Project Budget and Grant Funding:** Under this Grant Agreement The Partnership shall provide grant funding of no more than $15.00 per qualifying First-Time Cart, no more than $15.00 per qualifying New Cart, and up to $40,000 for supportive education and outreach materials. Qualifying First-Time Carts and New Carts shall satisfy the conditions set out in Sections j, k, l and m of Attachment A (hereafter, collectively "Qualified Carts"). The actual amount of Cash Grants may vary based on the actual number of Qualified Carts distributed, the type of Qualified Cart distributed (i.e., Qualified First-Time Carts or Qualified New Carts) as well as the total number of households served by the curbside recycling program as determined at the time of the implementation of the outreach campaign and as verified by the Grantee's staff and documents provided pursuant to Paragraph 6 of this Grant Agreement. Cash Grants made for Qualified Carts will be based on the number and type of Qualified Carts distributed, will be limited to one (1) Qualified Cart per household, and shall not exceed the amount specified in the table below. The Grantee may, at its discretion, provide households with more than one (1) curbside recycling cart, but Cash Grants shall only be available for one (1) Qualified Cart per household. The budget for Cash Grants set out below assumes the provision and distribution of 4,500 Qualified First-Time Carts to new opt-in households

following the education and outreach campaigns, 2,000 Qualified New Carts to those current opt-in households who request them to replace their current 64-gallon recycling cart, and supportive education and outreach to 20,000 households by the Grantee.

VII. The table set out in Section f of Attachment B of the Grant Agreement is hereby amended and restated in its entirety to read as follows:

Grant Element	Description	Grant Amount
First Time Carts	Grant funding to support the purchase and distribution of Qualified First-Time Carts by the Grantee to all new opt-in households following each education and outreach campaign.	$67,500
New Carts	Grant funding to support the purchase and distribution of Qualified New Carts by the Grantee to those current opt-in households who request a 93+ gallon cart to replace their current 64-gallon cart.	$30,000
Education and Outreach Support	Grant funding to implement a City-wide recycling education and outreach campaign in support of curbside recycling and increase the opt-in rate among non-recycling curbside eligible households.	$40,000
Total		$137,500

VIII. Except as herein amended, the Grant Agreement is hereby affirmed and ratified in all respects and remains in full force and effect.

IX. This First Amendment to Recycling Partnership Grant Agreement will not be effective until it has been fully executed by the Parties.

[THE BALANCE OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

Each of the undersigned represents and warrants that he or she is authorized to execute this First Amendment to Recycling Partnership Grant Agreement.

THE RECYCLING PARTNERSHIP, INC.

By: _____
Name: Rob Taylor
Title: Vice President of Grants and Community Development
Date: _____

CITY OF DECATUR, ALABAMA

By: _____
Name: Tab Bowling
Title: Mayor
Date: _____

AGENDA ITEM NO. VIII.H

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 4, 2024
SUBMITTED BY:	Wanda Tyler,Landfill and Recycling
ITEM TYPE:	Expenditures
AGENDA SECTION:	RESOLUTIONS:
SUBJECT:	Resolution No. 24-263: Approve the purchase of recycling carts from Toter, LLC
FINANCIAL IMPACT:	LF0005-FA<7500 082-037-82-000-52039 Grant funded

SUGGESTED ACTION:

ATTACHMENTS:
Res_No_24-263_Recycling_Carts__TRP_Grant.pdf
Toter Cart Quote20241017_09040472.pdf

RESOLUTION NO. 24-263

Approve the Purchase of recycling carts from Toter, LLC

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DECATUR, ALABAMA that the Landfill/Recycling Department is hereby authorized to purchase of 96-gallon carts in the amount of $41,000.48 from Toter, LLC.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute this attached agreement on behalf of the City with Toter, LLC. for $41,000.48. Funding was previously approved through the TRP Grant.

This expense will be recorded under Project LF0005 -FA<7500 (082-037-82-000-52044).

Approved this 4th day of November, 2024.

841 Meacham Rd, Statesville, NC, 28677
PHONE: 800-424-0422 FAX: 833-930-1124
WQ-10319354

Sell To:

Contact Name	Danny Dotson	Ship To Name	City of Decatur AL
Bill To Name	City of Decatur AL	Ship To	625 Landfill Dr Trinity, AL 35673 USA
Bill To	625 Landfill Dr Trinity, AL 35673 USA		
Email	ddotson@decatur-al.gov		
Phone	(256) 351-7760		
Mobile	(256) 565-3660		

Quote Information

Salesperson	Steve Swanson	Created Date	9/18/2024
Salesperson Email	sswanson@wastequip.com	Expiration Date	10/1/2024
		Quote Number	WQ-10319354 Please Reference Quote Number on all Purchase Orders

Product	Product Description	Description	Product Notes	Selected Option	Quantity	Sales Price	Total Price
**Plastics - 79296	Model 79296 - Toter 96 Gallon EVR II Universal/Nestable Cart ---Ultra High	Carts for Recycling will be manufactured using a minimum of 5% residential post-consumer plastic content based on the weight of the entire mass of the body, lid, and wheels and meet The Recycling Partnership's Grant requirements.	--Body Color - (249) Sandstone ---Lid Color - (200) Black ---Body Hot Stamp on Both Sides (Existing) in White ---Lid Graphic (IML) Position - Center of Lid, Read from Street ---Lid Graphic (IML) - 8.125 x 10 ---Wheels - 10in Sunburst	---Body Color - (249) Sandstone ---Lid Color - (200) Black ---Body Hot Stamp on Both Sides (Existing) in White ---Lid Graphic (IML) Position - Center of Lid, Read from Street ---Lid Graphic (IML) - 8.125 x 10 ---Wheels - 10in Sunburst ---Toter Serial Number Hot Stamped on Front of Cart Body in White ---2/3 Assembled with Lid (down), Stop Bar and Axle Factory Installed ---Warranty – 12 Yrs Cart Body, All other components 10 Yrs	624.00	$56.75	$35,412.00

841 Meacham Rd, Statesville, NC, 28677
PHONE: 800-424-0422 FAX: 833-930-1124
WQ-10319354

93 Plastics-Op-UHF	Frequency (UHF) RFID Tag ---Factory Installed			624.00	$0.75	$468.00
94 Plastics-Op-IML-9	---Lid Graphic (IML) - 8.125" x 10"			624.00	$4.52	$2,820.48

Payment Terms	Net 30 Days if credit has been established
Shipping Terms	FOB Origin

Subtotal	$38,700.48
Shipping	$2,300.00
Tax	$0.00
Grand Total	$41,000.48

Additional Information

Additional Terms

Our Quote serves as an offer to provide Products and/or services at the quantities and prices shown and is a good faith estimate, based on our understanding of your needs. By signing below, you indicate your acceptance of our offer which is expressly subject to the Wastequip Terms & Conditions of Sale ("Wastequip's Terms"") located at: https://www.wastequip.com/terms-conditions-sale, as of the date set forth in Section 1(b) of the WQ T&C, which are made a part of this Quote. Wastequip's Terms may be updated from time to time and are available by hard copy upon request. Any changes or deviations to the terms of this Quote, including any different terms in an Order submitted by you, must be agreed upon in writing by both parties.

Additional Information

Pricing is based on your acceptance prior to the expiration of this Quote, including product specifications, quantities, and timing. Any differences to your Order may result in different pricing, freight or other costs. Due to volatility in petrochemical, steel and related Product material markets, actual prices and freight, are subject to change. We reserve the right, by providing notice to you at any time before beginning Product manufacturing, to increase the price of the Product(s) to reflect any increase in the cost to us which is due to any factor beyond our control (such as, without limitation, any increase in the costs of labor, materials, or other costs of manufacture or supply). Unless otherwise stated, materials and container sizes indicated on sales literature, invoices, price lists, quotations and delivery tickets are nominal sizes and representations – actual volume. Products and materials are subject to manufacturing and commercial variation and Wastequip's practices, and may vary from nominal sizes and materials. All prices are in US dollars; this Quote may not include all applicable taxes, brokerage fees or duties. If customer is not tax exempt, final tax calculations are subject to change.

Special Contract Information

Please Note: Pricing and Product offerings is based on the OMNIA Partners, Public Sector (subsidiaries National IPA and U.S. Communities) agreement through Toter's Contract No. 226024-2 as awarded by the City of Tucson on 06-15-2023. Per the terms of this contract, pricing and products are evaluated per this contract based on current market conditions, at any time without prior notice, and after City of Tucson approval. The current pricing is effective 6-15-2023 through 6-14-2024 (then current freight applied at time of each order). Toter, LLC Product Warranties, Disclaimers, Limitation of Liability and Remedies, and Limited Warranty Provisions apply to all purchases thereunder.

Signatures

Accepted By: _____

Company Name: _____

Date: _____

Purchase Order: _____

Please Reference Quote Number on all Purchase Orders

AGENDA ITEM NO. VIII.I

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 4, 2024
SUBMITTED BY:	Wanda Tyler,Landfill and Recycling
ITEM TYPE:	Agreements
AGENDA SECTION:	RESOLUTIONS:
SUBJECT:	Resolution No. 24-264: Approve agreement with ContainerPros Professional Waste Services for the unloading, assembly, and delivery of recycling carts
FINANCIAL IMPACT:	LF0005-CONTRACT 082-037-82-000-53044 Grant funded

SUGGESTED ACTION:

ATTACHMENTS:
Res_No_24-264_ContainerPros_Cart_Delivery.pdf
ContainerPro Agreement Revised 10.28.2024.pdf

RESOLUTION NO. 24-264

Approve agreement with ContainerPros Professional Waste Services for the unloading, assembly, and delivery of recycling carts

BE IT RESOLVED by the City Council of the City of Decatur, Alabama that the Mayor is authorized to execute the agreement with ContainerPros Professional Waste Services for the unloading, assembly, and delivery of 624 containers to homes within the City of Decatur;

BE IT FURTHER RESOLVED that the funding source for this agreement is The Recycling Partnership Grant Fund LF0005-CONTRACT (082-037-82-000-53044.)

ADOPTED this 4th day of November 2024.

Residential Cart Program

Prepared For

Presented to

Mr. Danny Dotson II, Recycling Manager
City of Decatur, AL
402 Lee Street NE
Decatur, AL 35601

October 28, 2024

Proposal Summary & Agreement

Revised 10/28/24

Operations – Tel 830.734.6896
Administration –Tel 704.402.0980
Headquarters – 6525 Carnegie Blvd., Suite 300, Charlotte, NC 28211

October 28, 2024

Mr. Danny Dotson II, Recycling Manager
City of Decatur, AL
402 Lee Street NE
Decatur, AL 35601

Re: City of Decatur, AL Container Services

Dear Mr. Dotson:

Please find included herein for your review and approval our Proposal Summary & Agreement and additional details surrounding waste services for the upcoming Decatur, AL project.

Please phone or write with any comments or questions or if anything contained herein needs further clarification. Thank you again, Danny, for your support and confidence in our services. We're very grateful for the opportunity and are excited to work with you and your team to provide a successful project together.

Respectfully Submitted,

Mark Merhab
Vice President – General Manager

PROPOSAL SUMMARY & AGREEMENT

Container Assembly and Delivery Program
Decatur, AL

Introduction

As part of its waste collection services, the City of Decatur ("The City") needs unloading, assembly, and delivery of approximately 624 containers throughout homes within the Decatur, AL. New containers will be comprised of 96-gallon Toter EVR II Universal/Nestable recycling carts with pal nut wheels. This has prompted the need for certain waste services, as outlined below. Container*Pros, LLC* ("Container*Pros*" or "CP") provides these professional waste services.

Scope

♦ Residential Cart Receiving, Assembly, and Delivery

Container*Pros* will provide crews and equipment to receive approximately 624 carts; carts will be unloaded and staged.

- Container*Pros* will provide The City with a copy of all BOLs and a totals spreadsheet detailing all carts received.

Approximately 624 carts will be assembled and delivered to homes over a period of approximately 3-6 working days beginning in Q4 of 2024. Carts will be delivered curbside. Homes that subscribe to recycling collection service or homes that are upgrading their recycling carts will receive one (1) recycling cart. Literature will be attached to carts by hanging a pre-stuffed information packet, provided by The City, onto the cart handle during delivery. Carts leftover at the project's end will remain unassembled and stacked at the staging yard for storage. A day rate for ancillary services such as work orders, hot tickets, and cart transporting has been provided should The City have a need for services outside of this project's main scope.

The City will provide a suitable work area(s) for staging (large, paved, and secure area) within the service area, that will adequately store the cart order during the project timeframe. There are two (2) potential staging yard locations at 625 Landfill Dr, Trinity, AL 35673 or 1802 Central Pkwy SW, Decatur, AL 35601. If the staging yard is not paved, leveled evenly or within the city limits, additional charges may apply.

Distribution schedule is based on Monday through Saturday, excluding Holidays, until all deliveries are completed. On-street operating window hours will be limited from 7AM to 7PM unless otherwise approved by the City. Yard operating window hours will be limited from 6AM to 7PM unless otherwise approved by the City.

The City will provide copies of concise delivery/route maps which must be provided at least two weeks prior to the project start up. Copies of concise household delivery address lists will also be provided in .xls format and contain:

- House Number
- Street Name
- Unit Number, if applicable
- City, State, and Zip Code
- Route number

- Service Day
- Gate Codes
- Cart sizes and types and quantities per address listed
- Sequencing of all stops, if available
- Driver Notes, if available

If an account is NOT on the master list provided, CP crews will NOT drop carts, unless directed otherwise by The City.

The City will provide monitoring services to observe and verify distribution of the carts and also to respond to inquiries from Container*Pros* and the public.

The City may periodically provide CP with 'clean-up' lists (created by The City's Service Department) for missed deliveries, if any. If CP is responsible for the missed deliveries, as outlined within this agreement, CP will complete the 'clean-up' deliveries as quickly as practical to close out the 'clean-up' lists, as received, usually within one day. If missed deliveries were for reasons outside of CP's control, as outlined within this agreement, The City will be responsible for completing these deliveries but may contract CP under the terms set forth herein.

Container*Pros* will provide at the project's end a detailed delivery report showing the total number of carts assembled and delivered, as well as exceptions, including vacancies, and customer refusals, if any. Delivery data will include the cart type, cart size, and serial number recording information of the cart delivered to each address.

Container*Pros* IS NOT responsible for any missed deliveries caused by anything outside its control, including but not limited to incorrect mapping, incorrect or incomplete delivery lists or delivery locations not clearly marked with site addresses or lack of access or inventory.

Additional Requirements, Terms and Conditions

All work will be performed within the Decatur, AL limits.

Container*Pros* may, at its own expense, use any employees or subcontractors as it deems necessary to perform the services required by this Agreement. The City may not control, direct, or supervise Container*Pros*' employees or subcontractors in the performance of those services.

Neither this Agreement nor any duties or obligations under this Agreement may be assigned by either party without the prior written consent of the other.

This Agreement supersedes any and all agreements, either oral or written, between the parties hereto with respect to the rendering of services by Container*Pros* and contains all of the covenants and agreements between the parties with respect to the rendering of such services in any manner whatsoever.

Each party to this Agreement acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party which is not embodied herein, and that no other agreement, statement or promise not contained in this Agreement shall be valid or binding. Any modification of this Agreement will be effective only if it is in writing signed by the party to be charged.

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party will be entitled to reasonable attorneys' fees and costs.

This Agreement will be governed by and construed in accordance with the laws of the State of Alabama.

This Agreement can be signed in counterpart and by electronic and/or facsimile signature(s).

Delay charges may be billed for additional delivery days and/or additional labor needed due to lack of inventory or anything outside of bid spec including but not limited to delays caused by the hauler and unsafe conditions. Any delay charges incurred must be presented, in writing, within five (5) working days of discovery with detail of the cause(s) and costs incurred.

Financial Framework

Unit & Estimated Total Costs

All services outlined above will be performed for the firm fixed price of $8,767.20.

Any additional services beyond the scope provided will be invoiced at a fixed day rate per 2-man crew at $1,290.00 per day and must be approved by the County. Any number of carts delivered above 624 will be invoiced at $14.05 per cart.

Terms

Services will be invoiced and paid as follows:

Amounts owed will be invoiced monthly and due within 45 days.

Signature Page

If in agreement with the specifications, terms and conditions described herein, please endorse here and email to jgray@wastequip.com:

For the City of Decatur, AL:

Authorization: _____ Date: _____

Name: _____ Title: _____

For Container*Pros*:

Authorization: Date: October 28, 2024

Name: **Mark Merhab** Title: Vice President – General Manager

Disclaimer: ContainerPros has taken information provided by The City and/or their employees to provide the above prices. If there are any significant adjustments in the scope that cause a change in the estimated production (more or less than 3%), The City will notify ContainerPros either via email or facsimile of the issues within 1 day of discovery. The above price may no longer be valid, and a pricing alignment meeting must be held within 48 hours of the notification.

Confidential & Proprietary – Unlawful to disseminate without the express written permission of Container*Pros*, LLC
All rights reserved.

AGENDA ITEM NO. VIII.J

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 4, 2024

SUBMITTED BY: Herman Marks,Legal

ITEM TYPE: Recognition

AGENDA SECTION: RESOLUTIONS:

SUBJECT: Resolution No. 24-265: Retirement of K-9 Officer Baron

FINANCIAL IMPACT: None

SUGGESTED ACTION:

ATTACHMENTS:
Res_No_24-265_K-9_Officer_Baron_Retirement.pdf

RESOLUTION NO. 24-265

WHEREAS, K-9 Officer Baron was purchased by the City of Decatur in June 2016 and completed K-9 School at Huntsville PD in October 2016; and

WHEREAS, K-9 Officer Baron has maintained a dual certification in Narcotics and Patrol from the United States Police Canine Association during his career; and

WHEREAS, Baron has won USPCA Region 22 Top Dog three times; and

WHEREAS, in 2021 Baron and his partner Officer Greg Rutherford were the first in the Decatur Police Department to be certified Nationally in Patrol through USPCA finishing seventh in the nation; and

WHEREAS, in 2022 Baron and Officer Rutherford were certified at the first dual purpose Nationals finishing Eighteenth; and

WHEREAS, Baron has been responsible for the apprehension of numerous suspects for not only Decatur, but also for most of the surrounding law enforcement agencies including ALEA; and

WHEREAS, K-9 Officer Baron has also been responsible for the seizure of countless amounts of drugs and well over $500,000 in drug money; and

WHEREAS, Baron has served the city with distinction; and

WHEREAS, at the end of this year it will be time for Baron to retire and end his career with the city because of his age,

THEREFORE, BE IT RESOLVED by the City Council of the City of Decatur, Alabama that the City recognizes and states its great appreciation for K-9 Officer Baron in carrying out his duties and his service to the City and its citizens over the last eight years;

BE IT FURTHER RESOLVED that since Baron is unable to serve the City as a K-9 Officer effective January 1, 2025 it is appropriate that the custody of Baron on that date be given to his Officer Partner Greg Rutherford, who will be personally responsible at his expense to maintain the well-being of Baron during his retirement years.

Approved this the 4th day of November, 2024.

AGENDA ITEM NO. VIII.K

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 4, 2024
SUBMITTED BY:	Richelle Sandlin,Human Resources Department
ITEM TYPE:	Contracts
AGENDA SECTION:	RESOLUTIONS:
SUBJECT:	Resolution No. 24-266: Approve Executive Recruitment for Director of Planning
FINANCIAL IMPACT:	Funding source â€“ Fund 025 line item 53044, Contract Services.

SUGGESTED ACTION:

ATTACHMENTS:
Res_No_24-266_Executive_Recruitment_for_Director_of_Planning.pdf

RESOLUTION NO. 24-266

Executive Recruitment for Director of Planning

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DECATUR, ALABAMA that the Human Resources Director is authorized to engage with an executive recruiting firm for specialized assistance in recruiting a qualified, AICP certified Director of Planning. The Executive firm is required to have experience in recruitment for government agencies for executive level positions, and agrees to a fixed fee NTE 25% of annual salary offer for the candidate selected, plus advertising and/or travel expenses.

Funding source – Fund 025 line item 53044, Contract Services.

Adopted this 4th day of November, 2024.

AGENDA ITEM NO. IX.A

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 4, 2024
SUBMITTED BY:	Tommie Williams,Planning
ITEM TYPE:	Annexation
AGENDA SECTION:	ORDINANCES:
SUBJECT:	Ordinance No. 24-4596: Annexation 378-24 5.06 Acres at 2612 Old Moulton Road
FINANCIAL IMPACT:	NONE

SUGGESTED ACTION:

ATTACHMENTS:
Ord No 24-4596 Annexation_378-24.pdf
Aerial Map.pdf
Annexation Packet.pdf

ORDINANCE NO. 24- 4596

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DECATUR, ALABAMA

As follows:

Section 1. A written petition having been signed and filed by the owners of the below described property with the City Clerk, together with a map of the said territory showing its relationship to the corporate limits of the City of Decatur to which said property Is proposed to be annexed, requesting that such below described property or territory be annexed to the City of Decatur, a municipal corporation, In the State of Alabama, which petition Is brought under, and is found to comply fully with the provisions of Section 11-42-20 to Section 11-42-24, Inclusive, Code of Alabama 1975, as amended, said property being contiguous to the present corporate limits, and it being in the public interest for such property to be made a part of the municipality in addition to the territory already within the corporate limits, the City Council of the City of Decatur does hereby assent to the annexation of said property or territory to the City of Decatur, and the corporate limits of the City of Decatur be and hereby are extended and rearranged so as to embrace and include such property, which is described as follows, situated in Morgan County, Alabama, to -wit:

A tract of land containing 5.06 acres, more or less, situated in the SW1/4 of the NE1/4 Section 27, T5S., R5W., Morgan County, Alabama, being more particularly described as follows:

Beginning at the Southwest Corner of Section 27, T5S., R5W.; thence run N 86°30’00" E for a distance of 1322.47 feet to a point; thence run N 04°00’00" W for a distance of 2082.25 feet to a point; thence run S 36°22’00" E for a distance of 1217.69 feet to a point on the northerly right-of-way margin of the Old Moulton Road; thence run N 49°04’00" E along said northerly right-of-way margin for a distance of 357.00 feet to a point, said point being the TRUE POINT OF BEGINNING: thence continue N 40°04’00" E along said northerly right-of-way margin for a distance of 148.00 feet to a point; thence run N 36°22’00" W for a distance of 872.87 feet to a point; thence run S 80°55’00" W for a distance of 293.87 feet to a point; thence run S 36°22’00" E for a distance of 880.34 feet to a point; thence run N 53°38’00" E for a distance of 99.13 feet to a point; thence run S 36°22’00" E for a distance of 160.61 feet to a point and back to the TRUE POINT OF BEGINNING. Said tract of land being subject to any existing road and utility easements or rights of way.

Adopted this 4th day of November, 2024

Approved this 4th day of November, 2024

_____
Tab Bowling
Mayor of the City of
Decatur, Alabama

Authenticated:

_____

Stephanie Simon, City Clerk

2612 Old Moulton Road
ERTON CIR SW
SHERWOOD OAKS CT SW
SHERWOOD OA
N ST SW
MOULTON RD
BROOKLINE AV SW
COLUMNS WAY SW
LEGEND
2612 Old Moulton Road
Ownership Parcels
Streets
City of Decatur Department of Development
Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED.
0 62.5 125 250 Feet
N
W
E
S

dotloop signature verification: dtlp.us/c7lZ-0nUC-SpGT

PROCEDURE FOR PETITIONING ANNEXATION TO THE CITY OF DECATUR, ALABAMA

GENERAL INFORMATION

Submit to the Planning Department the following information twenty-one (21) days prior to review by the Planning Commission (next to the last Tuesday of each month).

Effective 11/7/22, the following fees should be remitted to the Planning Department at the time of application submission:

- Annexation Application Fee $1000.00

ANNEXATION REQUIREMENTS

The following items are required by the City of Decatur and the same shall constitute an application for annexation, under Act 2228, of the 1971 Legislature of the State of Alabama:

1. The ***original*** of a written and signed petition requesting annexation which includes (see attached sample):
   a. An introductory statement requesting annexation to the City of Decatur by all property owners
   b. The legal description of the subject property. Note: Property must be adjacent and/or contiguous to the existing corporate limits. Legal description should be submitted in a .docx format to planningcommissionapplications@decatur-al.gov
   c. The signature(s), duly witnessed, of all the property owners of the subject property
2. One copy of a map, marked "Exhibit A", of the subject property showing its relationship to the corporate limits of the City of Decatur. (PAGE 4/7)
3. Submit a copy of the deed showing ownership. (PAGE 5&6)
4. Complete the attached ***Annexation Questionnaire*** for all the property included in the request for annexation (one copy is sufficient). (PAGE 7/7)
5. Complete signature page: (PAGE 3/7)

Signatures must be witnessed by someone not involved in the annexation.
Signatures must appear on the petition the same way they appear on the deed.

6. Application can be emailed to planningcommissionapplications@decatur-al.gov.

Planning Department • Decatur City Hall Annex • 308 Cain Street NE • Post Office Box 488 • Decatur, AL 35602-0488
(256) 341-4720 • planningcommissionapplications@decatur-al.gov • www.DecaturAlabamaUSA.com

TO THE CITY CLERK AND TO THE GOVERNING BODY OF THE CITY OF DECATUR, A MUNICIPAL CORPORATION IN THE STATE OF ALABAMA:

We, the undersigned, constituting all of the owners of the below described property or territory, which is within an area contiguous to the corporate limits of the City of Decatur, a municipal corporation in the State of Alabama, and which no part of the said property or territory lies within the corporate limits of any other municipality, do hereby file this our written petition with the City Clerk of the said City of Decatur, and do petition and request that the said below described property or territory be annexed to the said City of Decatur as a part of its corporate limits, all under and pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975, as amended.

Attached hereto and marked "Exhibit A" and incorporated herein by reference as if fully set out, is a map of said territory showing its relationship to the corporate limits of the City of Decatur. Said property or territory sought to be annexed is accurately described as follows, situated in Morgan County, Alabama, to-wit:

A tract of land containing 5.06 acres, more or less, situated in the SW1/4 of the NE1/4 Section 27, T5S., R5W., Morgan County, Alabama, being more particularly described as follows:

Beginning at the Southwest Corner of Section 27, T5S., R5W.; thence run N 86°30'00" E for a distance of 1322.47 feet to a point; thence run N 04°00'00" W for a distance of 2082.25 feet to a point; thence run S 36°22'00" E for a distance of 1217.69 feet to a point on the northerly right-of way margin of the Old Moulton Road; thence run N 49°04'00" E along said northerly right-of-way margin for a distance of 357.00 feet to a point, said point being the TRUE POINT OF BEGINNING; thence continue N 49°04'00" E along said northerly right-of-way margin for a distance of 148.00 feet to a point; thence run N 36°22'00" W for a distance of 872.87 feet to a point; thence run S 86°35'00" W for a distance of 293.87 feet to a point; thence run S 36°22'00" E for a distance of 880.34 feet to a point; thence run N 53°38'00" E for a distance of 99.33 feet to a point; thence run S 36°22'00" E for a distance of 160.61 feet to a point and back to the TRUE POINT OF BEGINNING. Said tract of land being subject to any existing road and utility easements or rights of way.

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IN WITNESS WHEREOF, the undersigned have executed or caused to be executed with full authority, this instrument on this the 10 day of June, 20 24.

Signature of Owner	Printed Name of Owner	Witness
Gopal Patel — dotloop verified 06/18/24 11:48 AM CDT J3UI-3AKS-9MFT-H99C	Gopal Patel	
Ali samawi — dotloop verified 06/18/24 11:23 PM CEST KJTP-WNW5-S6DF-AUKY	Ali Alsamawi	
Sam Mozeb — dotloop verified 06/18/24 10:54 AM CDT I2IT-A9XU-2Q6B-HKDJ	Sam Mozeb	

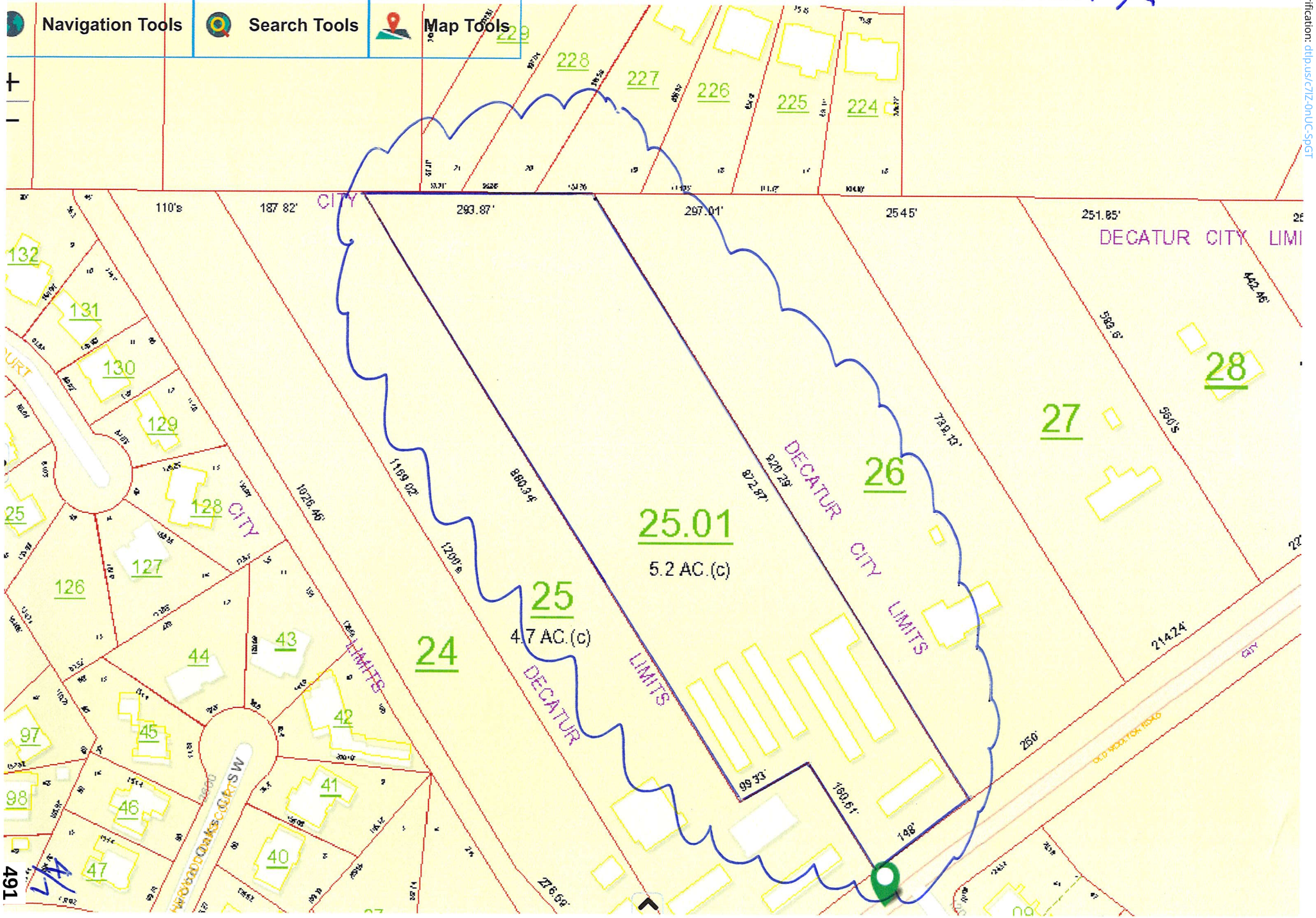
3/7

Morgan County Parcel Viewer

2612 Old Moulton Rd, Decatur,

"EXHIBIT A"

Navigation Tools | Search Tools | Map Tools



dotloop signature verification: dtlp.us/c7IZ-0nUC-SpGT

dotloop signature verification: dtlp.us/c7lZ-0nUC-SpGT

PREPARED BY:
Meagan Yarbrough, LLC
Attorney at Law
P.O. Box 1501
Decatur, Alabama 35602

E-RECORDED simplifile
ID: Deed BK 2021 PG 1790
County: Morgan
Date: 02/24/2021 Time: 02:43:31 PM

SEND TAX NOTICE TO: GSA21, LLC, An Alabama Limited Liability Company 111 Silver Strand TRL Huntsville, AL 35806

WARRANTY DEED

STATE OF ALABAMA)
COUNTY OF MORGAN)
KNOW ALL MEN BY THESE PRESENTS: That in consideration of **SIX HUNDRED TWENTY-FIVE THOUSAND AND 00/100 ($625,000.00)**, *the amount of which can be verified in the Sales Contract between the parties hereto*, to the undersigned Grantor or Grantors, in hand paid by the GRANTEES herein, the receipt of which is hereby acknowledged, We, or I, **JERRY M. FLOWERS AND HIS WIFE, JENNIE H. FLOWERS,** *whose mailing address is 3301 Cedar Cove SW Decatur, AL 35603* (herein referred to as GRANTOR, whether one or more) do grant, bargain, sell and convey unto, **GSA21, LLC, An Alabama Limited Liability Company,** *whose mailing address is 111 Silver Strand TRL Huntsville, AL 35806,* herein referred to as GRANTEE(S), the following described real estate situated in MORGAN County, Alabama, *the address of which is No Mail Receptacle N of CO HWY 61 Decatur, AL 35603* to-wit:

See Attached Exhibit "A"

(1) Subject to property taxes for the current year.
(2) Subject to easements, restrictions, covenants and conditions, if any.
(3) Parcel Number: 02-08-27-0-000-025.001.

This description was provided to preparer by Grantor. Draftsman makes no warranty that the description referenced in this document is correct, or that the Grantor is the owner of the property. Unless separately contracted for, no title exam has been performed. There are no representations made that any subdivision, restrictions, state, county or city regulations have been followed. There are no warranties concerning prescription or adverse possession by surrounding land owners or existing easements that may exist on the property but are not referenced in this instrument.

TO HAVE AND TO HOLD Unto the said GRANTEE(S) its successors and assigns, forever.

And I do for myself and for my heirs, executors and administrators covenant with said GRANTEE(S), its successors and assigns, that I am lawfully seized in fee simple of said premises; that they are free from all encumbrances unless otherwise noted above; that I have a good right to sell and convey the same as aforesaid; that I will, and my heirs, executors and administrators shall warrant and defend the same to the said Grantee(s), its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, I have hereunto set my hand(s) and seal(s) **and hereby attest to the best of my knowledge and belief that the information contained in this document is true and accurate and further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h)**, on this the 23rd day of February, 2021.

ALABAMA * MEAGAN YARBROUGH * NOTARY PUBLIC STATE AT LARGE

JERRY M. FLOWERS
Jerry M Flowers by JP
BY: JEFF PARKER,
HIS ATTORNEY IN FACT, Grantor

JENNIE H. FLOWERS
Jennie H Flowers by JP
BY: JEFF PARKER,
HER ATTORNEY IN FACT, Grantor

STATE OF ALABAMA)
COUNTY OF MORGAN)
I, the undersigned authority, a Notary Public, in and for said County in said State, hereby certify that, JEFF PARKER, whose named as Attorney in Fact for JERRY M. FLOWERS AND JENNIE H. FLOWERS , is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, he, in his capacity as such Attorney-in-Fact and with full authority executed the same voluntarily on the date the same bears date.

Given under my hand and official seal on this the 23rd day of FEBRUARY, 2021.

Meagan Y
Notary Public
My commission expires: 9/10/2024

5/4

dotloop signature verification: dtlp.us/c7lZ-0nUC-SpGT

Exhibit "A"

A tract of land containing 5.06 acres, more or less, situated in the SW1/4 of the NE1/4 Section 27, T5S., R5W., Morgan County, Alabama, being more particularly described as follows:

Beginning at the Southwest Corner of Section 27, T5S., R5W.; thence run N 86°30'00" E for a distance of 1322.47 feet to a point; thence run N 04°00'00" W for a distance of 2082.25 feet to a point; thence run S 36°22'00" E for a distance of 1217.69 feet to a point on the northerly right-of way margin of the Old Moulton Road; thence run N 49°04'00" E along said northerly right-of-way margin for a distance of 357.00 feet to a point, said point being the TRUE POINT OF BEGINNING; thence continue N 40°04'00" E along said northerly right-of-way margin for a distance of 148.00 feet to a point; thence run N 36°22'00" W for a distance of 872.87 feet to a point; thence run S 86°35'00" W for a distance of 293.87 feet to a point; thence run S 36°22'00" E for a distance of 880.34 feet to a point; thence run N 53°38'00" E for a distance of 99.33 feet to a point; thence run S 36°22'00" E for a distance of 160.61 feet to a point and back to the TRUE POINT OF BEGINNING. Said tract of land being subject to any existing road and utility easements or rights of way.

JERRY M. FLOWERS

Jerry M. Flowers by JP

BY: JEFF PARKER,
HIS ATTORNEY IN FACT, Grantor

JENNIE H. FLOWERS

Jennie H. Flowers by JP

BY: JEFF PARKER,
HER ATTORNEY IN FACT, Grantor

dotloop signature verification: dtlp.us/c7lZ-0nUC-SpGT

ANNEXATION QUESTIONNAIRE

1) BRIEF DESCRIPTION OF PROPERTY FOR ANNEXATION:

Parcel Number or Address (if applicable): 2612 Old Moulton Road, SW

2) STATE REASON FOR REQUESTING ANNEXATION:

for the purpose of doing business within the city

3) FOR THE AREA PROPOSED FOR ANNEXATION PROVIDE THE FOLLOWING:

CURRENT RESIDENTS		CURRENT REGISTERED VOTERS	
WHITE	n/a	WHITE	n/a
NON-WHITE	n/a	NON-WHITE	n/a
TOTAL	n/a	TOTAL	n/a

4) PRESENT LAND USE OF AREA PROPOSED FOR ANNEXATION:

a) _____ACRES INDUSTRIAL

b) 5.2 ACRES COMMERCIAL

c) _____ACRES RESIDENTIAL AND _____DWELLING UNITS

d) _____ACRES AGRICULTURAL OR VACANT

e) 5.2 TOTAL ACRES IN ANNEXATION PROPOSAL

5) TOTAL ANTICIPATED FUTURE LAND USE OF AREA PROPOSED FOR ANNEXATION:

a) _____ACRES INDUSTRIAL

b) 5.2 ACRES COMMERCIAL

c) _____ACRES RESIDENTIAL AND _____DWELLING UNITS

d) _____TOTAL ACRES

6) COUNCIL VOTING DISTRICT NUMBER 5.

PETITIONER (OR REPRESENTATIVE)
PAT KIRK GENERAL CONTRACTOR, INC.

NAME Patrick E. Kirk

ADDRESS
390 Aderholdt Road, Piedmont, Alabama 36272

PHONE
256-770-2098

AGENDA ITEM NO. X.A

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 4, 2024
SUBMITTED BY:	Stephanie Simon,City Clerk
ITEM TYPE:	Board Appointments & Reappointments
AGENDA SECTION:	BOARDS AND COMMITTEES:
SUBJECT:	Appoint Bonnie Hurst to the Library Board with term expiring June 30, 2025
FINANCIAL IMPACT:	NA
SUGGESTED ACTION:	Ms. Hurst will be a partial term as she will be filling Wayne Thrasher's term.

ATTACHMENTS:

AGENDA ITEM NO. X.B

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 4, 2024
SUBMITTED BY:	Stephanie Simon,City Clerk
ITEM TYPE:	Board Appointments & Reappointments
AGENDA SECTION:	BOARDS AND COMMITTEES:
SUBJECT:	Appoint Flor Gonzalez as a Full Board Member to the Board of Zoning Adjustment with term ending December 31, 2026
FINANCIAL IMPACT:	NA
SUGGESTED ACTION:	Moving from Supernumerary to Full Member filling unexpired term of Jeremy Goforth

ATTACHMENTS:

AGENDA ITEM NO. X.C

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 4, 2024
SUBMITTED BY:	Stephanie Simon,City Clerk
ITEM TYPE:	Board Appointments & Reappointments
AGENDA SECTION:	BOARDS AND COMMITTEES:
SUBJECT:	Appoint Mark Moody as Supernumerary to the Board of Zoning Adjustment with term ending December 31, 2026
FINANCIAL IMPACT:	NA
SUGGESTED ACTION:	Filling Flor Gonzalez's term as she moved to Full Member
ATTACHMENTS:	