

# Chapter 64 Unified Development Code

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## Article X Definitions

### Section 64-175 General Rules of Interpretation

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

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

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

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

### Section 64-176 Definitions

[NOTE: RED TYPE = FROM CURRENT DDD | GREEN TYPE = FROM SUBDIVISION REGULATIONS]

#### A. Introduction

This section defines terms and phrases in this Chapter that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this Section, Director shall determine the correct definition.

#### B. General Definitions

<b>Awning</b>	Any non-rigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall. <sup>8</sup>
<b>A-Streets</b>	Streets that have existing or planned buildings with pedestrian supportive qualities, or have future importance to pedestrian connectivity, as designated on the Zoning Map. This Chapter establishes standards for development with frontage on A-Streets that preserve their pedestrian orientation. (⇔ <i>compare B-Street</i> )
<b>Alley</b>	A public right-of-way located between rear or side property lines, which provides access to adjacent properties.
<b>Alteration, Structural</b>	Any structural change in the supporting or load-bearing members of a building such as bearing walls, columns, beams or girders.
<b>Alternative Parking Surface</b>	A pervious or semi-pervious parking surface.
<b>American Standard for Nursery Stock</b>	American Horticulture Industry Association, <i>The American Standard For Nursery Stock</i> (ANSI Z60.1-2014, approved April 14, 2014), which document is incorporated by reference as if set forth in its entirety in this Chapter. This document is used to determine the size specifications for required landscape plantings (see Section 63-2.E).
<b>Arcade</b>	A permanent roof supported by an arched colonnade that overlaps the sidewalk.
<b>Architectural Review Board ("ARB")</b>	The Architectural Review Board established by chapter 44 of the Mobile City Code.
<b>Attic</b>	The interior part of a building contained within a pitched roof structure.
<b>Automobile service station</b>	A business establishment where the primary function is the retail sale of gasoline, oil, grease, tires, batteries, and accessories. Services are limited to the installation of items sold, towing, tire changing, and automobile lubrication. Engine steam cleaning is prohibited.
<b>Awning</b>	A fixed or movable fabric shading structure, cantilevered or otherwise entirely supported from a building, used to protect outdoor spaces from sun, rain, and other natural conditions. Awnings are typically used to cover outdoor seating for restaurants and cafes.
<b>B-Streets</b>	those thoroughfares that by virtue of their use, location, or absence of preexisting pedestrian-supportive qualities, may meet a standard lower than that of A Streets. See A-Street.

<b>Balcony</b>	An open habitable portion of an upper floor that extends beyond or is recessed within a building's exterior wall that is not supported from below by vertical columns or piers but is instead supported by either a cantilever or brackets.
<b>Banner</b>	A sign that is composed of a non-rigid surface such as cloth, fabric, paper, or vinyl with text and/or graphic designs. <sup>9</sup>
<b>Beacon</b>	Any light with one or more beams directed into the atmosphere or directed at 1 or more points not on the same building site as the light source, or any light with 1 or more beams that rotate or move. <sup>10</sup>
<b>Best management practices (BMPs)</b>	A collection of sound conservation and engineering practices, and vegetative measures to prevent or minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices defined in sec. 17-2 of the City Code or contained in the Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas (September 2014) and the Alabama Soil and Water Conservation Committee, Field Guide For Erosion and Sediment Control On Construction Sites In Alabama (2nd Edition, June 2015).
<b>Blade sign</b>	A sign made from rigid material mounted perpendicular to a building wall with one (1) side attached or supported by a device extending from a building wall. See Illustration 6.
<b>Block</b>	A parcel or parcels of land entirely surrounded by streets, streams, railroad rights-of-way, parks or other public spaces or by a combination thereof.
<b>Block Face</b>	One side of a block.
<b>Board</b>	The board of adjustment established by this chapter.
<b>Board of Zoning Adjustment</b>	The board established pursuant to Alabama Code, section 11-52-80 (1975) as amended. <sup>11</sup>
<b>Buffer</b>	An area along the external boundaries of a lot, a minimum of 10-feet in width, planted with vegetation in sufficient density and of sufficient height (but in no case less than six feet high at the time of planting) to afford protection to adjacent properties from glare of lights, blowing papers, dust and debris, visual encroachment, and to effectively reduce the transmission of noise. A buffer may also include a minimum of a six-foot wooden privacy fence (maintained in good repair) or a combination of the aforementioned fence and vegetation.
<b>Build-to zone</b>	A build-to zone is a range of allowable distances from the front property line that the building shall be built to, in order to create a moderately uniform line of buildings along the street.
<b>Building</b>	Any covered structure intended for the shelter, housing or enclosure of persons, animals or chattels.
<b>Building frontage</b>	The width of a building facade that faces a street.
<b>Building frontage percentage</b>	The percentage of the width of a lot that is required to be occupied by the building's primary facade.
<b>Building height</b>	The vertical distance from grade to the highest finished roof surface in the case of flat roofs, or to a point at the average height of roofs having a pitch of more than one (1) foot in four and one-half (4½) feet. Within the TCD, building height shall instead be defined as a limit to the vertical extent of a building measured in stories from the mean elevation of the finished grade or sidewalk at the lot frontage, whichever is higher, to the eave of the roof, or cornice for a building with a parapet.
<b>Building height</b>	The vertical extent of a building measured in stories.
<b>Building marker</b>	Any sign cut into a masonry surface or made of bronze or other permanent material. <sup>12</sup>
<b>Building placement</b>	The placement of a building on its property.
<b>Building setback line</b>	The line indicating the minimum horizontal distance between the street right-of-way line and the face of the buildings.
<b>Building Setback Line</b>	The line indicating the minimum horizontal distance between the street line and the face of buildings
<b>Building site</b>	The land occupied or to be occupied by a structure and its accessory structures and including such open spaces, yards, minimum area, off-street parking facilities and off-street truck loading facilities as are required by this chapter; every building site shall abut upon a dedicated street for at least twenty-five (25) feet.
<b>Business center</b>	An area zoned, designed or used for school, commercial or industrial uses.
<b>Business Center</b>	An area zoned, designed or used for school, commercial or industrial uses.
<b>By right</b>	Characterizing a proposal or component of a proposal that complies with this Code and is permitted and processed administratively, without public hearing.
<b>Caliper</b>	Diameter of a tree trunk. Caliper is used to determine the minimum size of trees planted to fulfill the landscaping and tree preservation requirements (Sec. 64-4.E). Caliper is measured as follows:

	<b>Diameter (inches)</b>	<b>Where Measured</b>
	< 4 inches	6 inches above ground
	4-12 inches	12 inches above ground
<b>Canopy</b>	An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls. <sup>13</sup>	
<b>Canopy</b>	Any sign that is a part of or attached to a canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area (other than an awning or marquee). <sup>14</sup>	
<b>Centerline</b>	A line equidistant from the edge of the median separating the main-traveled ways of a divided street or highway, or the centerline of the main traveled way of a non-divided street or highway. <sup>15</sup>	
<b>Certificate of appropriateness</b>	Certificate issued by the review boards specifying work approved by the boards pursuant to subsection d. of this subsection 7. <sup>16</sup>	
<b>Changeable Copy</b>	A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign. <sup>17</sup>	
<b>Chapter</b>	Refers to chapter 64 – “Zoning” -of the City Code.	
<b>City Council</b>	The governing body of the City of Mobile.	
<b>Civic building</b>	A building designed specifically for a civic function. Civic buildings include but are not limited to municipal buildings, churches, libraries, schools, recreation facilities, and places of assembly. <sup>18</sup>	
<b>Civic parking reserve</b>	A parking structure or parking lot with no less than twenty (20) percent of total parking spaces available to the general public for parking. Parking may be free of charge or a fee may be charged for parking.	
<b>Civic spaces</b>	are open spaces that are strategically placed to serve a community function. Civic spaces may be used for active or passive activities, and commonly include manicured green spaces, naturalistic green spaces, parks, squares, hardscaped plazas, playgrounds, or community gardens. Civic Buildings may be located within civic spaces.	
<b>Closed-End Street</b>	A short street having one end open to traffic and being terminated at the other end with a vehicular turnaround.	
<b>Collector Street</b>	A street, existing or planned, which serves or is intended to serve as a secondary trafficway, collecting traffic from minor streets and feeding it into major streets or to important generators of traffic.	
<b>Colonnade</b>	A roofed structure, extending over the sidewalk and open to the street except for supporting columns or piers.	
<b>Commercial</b>	The term collectively defining workplace, office, retail, and restaurant uses.	
<b>Commercial Message</b>	Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. <sup>19</sup>	
<b>Completely enclosed structure</b>	A building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.	
<b>Comprehensive Plan</b>	The comprehensive plan made and adopted by the Mobile City Planning Commission, as provided by law, for the physical development of the City of Mobile and surrounding area; the term includes any unit or component part of such plan and any amendment to such plan or part thereof when adopted.	
<b>Configuration</b>	The form of a building, based on its massing, private frontage, and height.	
<b>Copy</b>	The characters, letters or illustrations displayed on a sign. <sup>20</sup>	
<b>Core area, downtown</b>	Also known as the central business district, the area is bounded on the north by St. Anthony Street from the Mobile River to Claiborne, then by St. Michael Street from Claiborne Street to Washington Avenue; on the west by Washington Avenue; on the south by Government Street from Washington Avenue to Claiborne Street; then by Church Street from Claiborne Street to Conception Street, then by Canal Street from Conception Street to Water Street; and on the east by Canal Street to the Interstate 10 tunnel, then by the Mobile River.	
<b>Corner property</b>	A property abutting two (2) or more thoroughfares at their intersection, or two (2) parts of the same thoroughfare forming an interior angle of less than one hundred thirty-five (135) degrees.	
<b>Courtyard building</b>	A building that occupies the boundaries of its lot while internally defining one or more private patios. <sup>21</sup>	
<b>Crosswalkway</b>	A public right-of-way between property lines, which provides pedestrian access but no vehicular access to adjacent properties.	

<b>Dauphin Street Overlay</b>	Area within the Hank Aaron Loop bounded on the east by Water Street, the north by St. Francis Street, the west by Franklin Street, and on the south by Government Street.
<b>Development</b>	The act of installing site improvements and building structures.
<b>Diameter at breast height (DBH)</b>	The measurement of the width of the trunk of the tree at four and one-half (4½) feet above the existing grade. For multitrunk trees the DBH shall be the sum of the diameter of the trunks.
<b>Dimensional Requirements or Dimensional Standards</b>	The requirements of this Chapter that establish the minimum or maximum lot area, yard, density, coverage, height, or frontage buildout for buildings or uses, or the area and height requirements for signs. <sup>22</sup>
<b>Display Area</b>	The exterior area or surface of a sign on which is placed the copy. For a freestanding sign, the display area is the board, placard, poster, banner, or similar plane on which the copy is placed. For a wall sign, awning sign, canopy sign, marquee sign or any other sign that is placed upon or integral to a structure, building or building element, the display area is the shape enclosing the copy (see the sign area measurement provisions of § 64-106), including any background which is different from or in contrast with any wall or structure surface upon which it is mounted.
<b>Director</b>	The designated government official whose responsibility it is to administer the provisions of this ordinance. These activities may include, but are not limited to, reviewing applications for sign permits, corresponding and/or meeting with applicants, issuing and denying sign permits, inspecting signs, and interpreting and enforcing the provisions of this section. <sup>23</sup>
<b>Director</b>	The director of the urban development department or her or his designee. <sup>24</sup>
<b>Drip line</b>	The circumference of the tree's natural, unaltered canopy extended vertically to the ground.
<b>Drive-thru</b>	Any business establishment providing automobile drive-thru service or window facilities, including but not limited to banks, dry cleaners, photographic supply and developing shops, restaurants, car washes, and convenience stores. <sup>25</sup>
<b>Driveway</b>	A vehicular lane within a property, often leading to a garage.
<b>Dwelling unit</b>	One (1) or more rooms in the same structure, connected together and constituting a separate, independent housekeeping unit for permanent residential occupancy and with facilities for sleeping and cooking.
<b>Easement</b>	A grant by the owner of the use of a strip of land by others for specific purposes.
<b>Encroach</b>	To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public frontage, or above a height limit.
<b>Encroachment</b>	Any structural element that encroaches.
<b>Engineering Plans</b>	The drawings on which the proposed subdivision improvements are shown and which, if approved, will be used for construction of the improvements.
<b>Enlargement</b>	An increase in the size of the building, structure or premises in which the adult entertainment business is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same of an adjacent lot or parcel of land.
<b>Establishing an adult entertainment business</b>	Any of the following: (1) The opening or commencement of any such business as a new business; (2) The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein; (3) The addition of any of the adult entertainment businesses defined herein to any other existing adult entertainment business; or (4) The relocation of any such business.
<b>Extraterritorial Planning Jurisdiction (EPJ)</b>	That portion of the Planning Jurisdiction lying outside the corporate limits of the City of Mobile.
<b>Facade</b>	The exterior wall of a building that is set along a frontage line.
<b>Family</b>	One (1) or more persons living together as a single housekeeping unit, which may include not more than four (4) lodgers or boarders.
<b>Fence</b>	a permeable wall, independent of a building, made of wood picket, wood slat, wood lattice, iron or steel, brick, stone, stucco over masonry, aluminum that appears to be iron. A fence may be of chain link only in limited conditions alongside and rear yards and never in frontages.
<b>Final Plat</b>	The final map or drawing on which the subdivision plan is submitted to the Planning Commission technical staff for final approval.
<b>Flag</b>	Any fabric or other material containing distinctive colors, patterns, or symbol. <sup>26</sup> Flags are not considered banners. <sup>27</sup>
<b>Foot candle</b>	A unit for measuring illumination that equals one (1) lumen per square foot.
<b>Forecourt</b>	A private frontage wherein a portion of the facade is close to the frontage line and remaining facade is set back from the frontage line.

<b>Fraternity or sorority house</b>	A building occupied by and maintained exclusively for students affiliated with a regularly organized college or university fraternity or sorority, when such facility is regulated by the affiliated institution of learning.
<b>Freestanding sign</b>	Any sign supported by structures or posts that are placed on, or anchored in, the ground and that are independent from any building or other structure. (also referred to as Pole Signs)
<b>Front setback</b>	The distance from the frontage line to the point where a building may be constructed. This area shall be maintained clear of permanent structures with the exception of permitted encroachments. Front setbacks are required on both primary and secondary frontages. See "primary frontage and secondary frontage."
<b>Frontage</b>	Both the public and private area extending from the building façade to the edge of the street pavement. Frontage is divided into private frontage and public frontage.
<b>Frontage</b>	The portion of a lot which coincides with a street right-of-way or civic space.
<b>Frontage buildout</b>	The percentage of the property width that is occupied by the building facade within the front setback.
<b>Frontage line</b>	A property line bordering a public frontage or thoroughfare.
<b>Frontage, building</b>	The length of a building that faces a street, parking area, or private drive. <sup>28</sup>
<b>Frontage, lot</b>	The length of that part of a building site that fronts a public street. <sup>29</sup>
<b>Gallery</b>	A frontage type wherein the facade is aligned close to the frontage line with an attached cantilevered balcony or lightweight colonnade overlapping the sidewalk.
<b>Garden wall</b>	A freestanding wall along the property line dividing private areas from streets, rear lanes, or adjacent lots.
<b>Glare</b>	The sensation produced by a bright light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance.
<b>Glare, Direct</b>	Glare resulting from direct line-of-sight eye contact with a direct light source.
<b>Glare, Disability</b>	The effect of stray light in the eye where the contrast of the retinal image and, consequently, visibility and visual performance are reduced. A direct glare source that produces discomfort may also produce disability glare.
<b>Government Street Corridor</b>	All lots having real property frontage along Government Street from the Mobile River to Dauphin Island Parkway.
<b>Gross Floor Area</b>	The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, and any exterior open porches or galleries which serve as an extension of those activities conducted within the enclosed structure; all horizontal dimensions shall be measured between the exterior faces of walls, including the walls or railings of roofed porches. The gross floor area of a building shall include the floor area of accessory buildings on the same building site, measured the same way.
<b>Grubbing</b>	The effective removal of understory vegetation such as, but not limited to, palmetto from the site. As herein defined, no tree greater than three (3) inches DBH will be removed.
<b>Hank Aaron Loop</b>	Area within and bounded by Water Street on the East, Beauregard Street on the North, Broad Street on the West, and Canal Street on the South, in addition to all lots having real property frontage on the north and west sides of Beauregard/Broad streets from North Lawrence Street to Canal Street.
<b>Hazardous Material or Substance</b>	A substance is considered hazardous when it has one of the following characteristics: flammable, explosive, corrosive, toxic, radioactive, or if it readily decomposes into oxygen at elevated temperatures.
<b>Hedge</b>	a foliated boundary formed by bushes, shrubs, or climbing vines spaced less than 3 feet apart.
<b>Heritage Live Oak Tree</b>	A live oak tree which is at least twenty-four (24) inches DBH.
<b>Heritage Tree</b>	Any of the following list of trees which is at least twelve (12) inches DBH: oak (excluding water oak and scrub oak), hickory, sycamore, yellow poplar, sweet gum, magnolia, cypress, and new trees required by section E or section H.4(f) of this article.
<b>Historic district</b>	Any area of the city designated: (a) Pursuant to chapter 44 of this Code, as amended, as a historic district; (b) The properties along Government Street from Water Street to the intersection of Government Street and Dauphin Island Parkway; (c) Any area designated by the MHDC as a historic district. <sup>30</sup>
<b>Historic district overlay (HDO)</b>	Site development requirements that supersede specific regulations set forth in Section 3, B.—F. of the Zoning Ordinance; excluding properties zoned LB-2, B-2 and B-3.
<b>Historic district overlay boundaries (HDOB)</b>	All property located within the boundaries of the seven city historic districts and any historic districts hereafter designated by the city council. These districts include: Ashland Place, Church Street East, DeTonti Square, Leinkauf, Lower Dauphin, Oakleigh and Old Dauphin

Way. In addition, the HDOB includes all properties defined by the Hank Aaron Loop, and the Government Street Corridor.

<b>Historic markers</b>	Any sign with historic significance as awarded or recognized by the MHDC. <sup>31</sup>
<b>Improvements</b>	Street surfacing, curb and gutter, sidewalks, water mains, sanitary sewers, storm sewers, utilities, monuments, and other appropriate items.
<b>Individual Sewage Disposal System (ISDS)</b>	See Plumbing Code of the City of Mobile, City Code Section 45-2. An ISDS is allowed by the Plumbing Code only if public sewer is not available. [□Alabama Administrative Code § 420-3-1-.03(nn)(defining “Onsite Sewage Disposal System”)].
<b>Land clearing</b>	Those operations where trees and vegetation are removed and which occur previous to the construction of building; e.g., road right-of-way excavation or paving, lake and drainage system excavation, utility excavation, grubbing, and any other necessary clearing operations.
<b>Landfill</b>	A disposal site for the controlled burial of solid waste according to applicable governmental rules and regulations. Hazardous or radioactive waste disposal is not permitted in a sanitary landfill.
<b>Landscape material</b>	Living plant material which shall include, but not be limited to, trees, shrubs, flowers, vines, lawn grass and other ground cover; natural features and areas; and nonliving durable material commonly used in landscaping which shall include, but not be limited to, rocks, pebbles, sand, mulch, wood chips, exterior lighting fixtures, planters, fountains, reflecting pools, works of art, walkways, fences, walls, benches and other types of appropriate outdoor furniture. Nonliving landscape material shall not include artificial or synthetic material in the form of trees, flowers, shrubs, vines, or ground cover.
<b>Landscaped area</b>	An area which shall consist of landscape material, as defined, such that the use of living landscape material predominates over the use of nonliving landscape material.
<b>Large tract</b>	A tract of property of one (1) acre or more in size.
<b>LID Handbook</b>	The Low Impact Development Handbook for the State of Alabama
<b>Light Loss Factor (LLF)</b>	The ratio of illuminance (or exitance or luminance) for a given area to the value that would occur if lamps operated at their (initial) rated lumens and if no system variation or depreciation had occurred. Components of this factor can be either initial or maintained. Also know as “maintenance factor.”
<b>Light Fixture, Full Cut-off</b>	A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above 90-degree horizontal plane from the base of the fixture.
<b>Liner building</b>	A building or portion of a building specifically designed to mask a parking lot, parking structure, or other large-footprint use from a right-of-way or civic space.
<b>Liner building</b>	A thin building along the frontage of a parking deck or parking lot that masks the parking behind it.
<b>Loading dock</b>	An area in which goods and products are moved on and off a vehicle, including the stall or berth, apron, and maneuvering room.
<b>Lodging</b>	A building use available for daily and weekly renting of bedrooms. Lodging uses include hotels, rooming houses, inns and bed & breakfast inns.
<b>Lot</b>	Any piece or parcel of land or a portion of a subdivision, the boundaries of which are established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership. <sup>32</sup>
<b>Lot frontage</b>	The portion of the lot adjacent to a property line or lines which coincides with a street right-of-way or civic space.
<b>Lot of record</b>	A lot which is part of a subdivision, the plat of which has been recorded in the office of the probate court of Mobile County, or a lot described by metes and bounds, the description of which has been recorded in the office of the probate court of Mobile County.
<b>Major Street</b>	A street, existing or planned, which serves or is intended to serve as a principal trafficway and which is designated on the Major Street Plan as a limited access highway, major street, Interstate, arterial, collector, parkway or other term to identify those streets comprising the basic structure of the street system.
<b>Major Street Plan</b>	The component part of the Comprehensive Plan showing the general locations of principal thoroughfares.
<b>Marginal Access Street (Service Road)</b>	A street running parallel to and adjacent to or in the immediate vicinity of another street and which has as its principal purpose the relief of such other street from the local service of abutting properties.
<b>Marquee</b>	Any permanent rooflike structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. <sup>33</sup>
<b>Menu Board</b>	An incidental sign oriented to a driveway or drive-through lane, which may include a speaker box. An example includes a sign that lists the menu and prices for a drive-thru restaurant.

<b>Mobile Historic Development Commission (“MHDC”)</b>	Mobile historic development commission as established by chapter 44 of this Code, as amended. <sup>34</sup>
<b>Minor Street</b>	A street of limited continuity which serves or is intended to serve the local needs of a neighborhood.
<b>Mixed use</b>	Multiple functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency.
<b>Mobile Tree Act</b>	The common name of the local law enacted by the Alabama State Legislature (Act. No. 929, Acts of Alabama, 1961 Regular Session, as amended, 1981) for the purpose of protecting the trees on both public and private property within the incorporated areas of the city.
<b>Mobile Tree Commission (“MTC”)</b>	Hereafter called the "commission," [the Mobile tree commission] is the agency designated by the Alabama State Legislature to enforce the Mobile Tree Act.
<b>Monument</b>	A freestanding sign with a base affixed to the ground which measures at least two-thirds the horizontal length of the sign. <sup>35</sup>
<b>Monument sign</b>	A monolithic at grade sign independent from any building or structure
<b>Municipal or Municipality</b>	The City of Mobile and, where appropriate to the context, that area lying within the corporate limits of such city as such corporate limits exist or may exist in the future.
<b>Mural</b>	Any piece of artwork painted, tiled or otherwise applied directly on an exterior wall.
<b>Net Property Area</b>	The area of a property within the property lines, excluding any portions of street rights-of-way or other dedications.
<b>Nit</b>	Luminance is the measure of the light emanating from an object with respect to its size and is the term used to quantify electronic sign brightness. The unit of measurement for luminance is nits, which is the total amount of light emitted from a sign divided by the surface area of the sign (candelas per square meter (cd/m <sup>2</sup> )). <sup>36</sup>
<b>Node</b>	The intersection of 2 or more streets (vehicular street or pedestrian connection) or a vehicular dead-end. The following are not considered Nodes: <ul style="list-style-type: none"> <li>• An eyebrow. An eyebrow is a semicircular shaped portion of a street that is configured so that a portion of a circle with a radius of 30 feet can fit within the confines of the paved portion of the surface.</li> <li>• The intersection of a minor street within the proposed subdivision with an external public street that connects to the proposed subdivision is not considered a node in computing the connectivity ratio.</li> <li>• The terminus of a minor street that provides a stub for a future public street connection.</li> </ul>
<b>Nonconforming structure</b>	A building or part thereof lawfully existing on the effective date of this ordinance and which does not conform to all of the regulations of the district in which it is located.
<b>Nonconforming use</b>	A use which lawfully occupies a building or land on the effective date of this ordinance and which does not conform to the regulations of the district in which it is located.
<b>Nursing home</b>	A facility which provides chronic and/or convalescent care for not less than twenty-four (24) hours in any one (1) week to individuals not related by blood or marriage to the owner and/or administrator. Chronic and convalescent care includes care given because of prolonged illness or defect, or during recovery from injury or disease, and shall include any or all of the procedures commonly employed in waiting on the sick, application of dressings and bandages, and carrying out of treatments prescribed by a physician.
<b>Office</b>	The use associated with a business or activity involving the transaction of general business but excluding retail and manufacturing uses.
<b>Off-Site</b>	Located on a separate site from the building site on which a subject use or building is located.
<b>Overstory</b>	The top portion or canopy of trees above a cluster of smaller trees.
<b>Owner</b>	Shall include the person receiving benefit from the sign and/or the property owner. <sup>38</sup>
<b>Parapet</b>	That portion of a building wall that rises above the roof line. <sup>39</sup>
<b>Parking lot</b>	An area, other than a public street or alley, devoted to unenclosed parking spaces for motorized vehicles.
<b>Parking Lot Sign</b>	A sign to identify the entrance of a parking lot. Maximum height, including mount, is 10’.
<b>Parking Group</b>	A row of side-by-side abutting parking spaces.
<b>Parking Structure</b>	A building containing one (1) or more stories of vehicular parking above or below grade.
<b>Parking Surface</b>	All areas of a parking lot intended for vehicle movement, circulation or parking, including parking spaces, aisles, fire lanes, and maneuvering areas.
<b>Pedestrian Connection</b>	A sidewalk or similar pedestrian access or portion of a development’s trail system that connects a dead-end street, cul-de-sac, or T-intersection to another public street or to a commercial or office development that is built, approved or designated as part of the proposed development.

<b>Pennant</b>	Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. <sup>40</sup>
<b>Permitted structure</b>	A structure meeting all the requirements established by this chapter for the district in which the structure is located.
<b>Permitted use</b>	A use meeting all the requirements established by this chapter for the district in which the use is located.
<b>Person</b>	Any individual, firm, partnership, corporation, company, association, trust or any other group or combination of individuals operating as a unit. "Person" includes any trustee, receiver, assignee, or similar representative. <sup>42</sup>
<b>Planning Commission or Commission</b>	The City Planning Commission of the City of Mobile, as such Commission was created heretofore by ordinance adopted by the City Council of the City of Mobile, pursuant to Title 37, Chapter 16, of the Code of Alabama, 1940, as amended.
<b>Planning Jurisdiction</b>	The territorial jurisdiction delegated to the Planning Commission to control subdivisions under Alabama law. [↔ Refer to Code of Ala. § 11-52-30]
<b>Porch</b>	A roofed area, attached at the ground floor level or first floor level, and to the front or side of a building, open except for railings and support columns.
<b>Preliminary Plan</b>	The preliminary map or drawing on which the proposed layout of a subdivision is submitted to the Planning Commission for consideration and tentative approval.
<b>Primary Building Wall</b>	Exterior building walls that face a street and contain a primary public entrance. <sup>43</sup>
<b>Primary Entrance</b>	The entrance to a structure which is located along the primary frontage.
<b>Primary Facade</b>	The front plane of a building that faces a primary street or civic space.
<b>Primary frontage</b>	The private frontage designated to bear the address and principal entrance of a building. See "frontage."
<b>Principal building</b>	The main building on a property, usually located toward the frontage.
<b>Principal entrance</b>	The main point of access for pedestrians into a building.
<b>Principal plane</b>	The plane of a building closest to the front property line, not including stoops, porches, colonnades, galleries, or other attached architectural features.
<b>Private frontage</b>	The privately held layer between the frontage line and the required setback.
<b>Private Street</b>	Any privately owned street, drive, or roadway which provides vehicular and pedestrian access to adjacent properties as allowed in Section VIII. of these Regulations.
<b>Property</b>	A legal lot of record or parcel of land accommodating a building or buildings under single ownership.
<b>Property coverage</b>	The percentage of a property that is covered by buildings and other roofed structures.
<b>Property line</b>	The boundary that legally and geometrically demarcates a property.
<b>Property width</b>	The length of the principal frontage line of a property.
<b>Protection buffer</b>	A wall, fence, or screen planting strip intended to physically separate unlike uses and minimize light, debris, and visual intrusion onto adjacent lots. Requirements for various buffers are found in Section 64.4D, supplementary yard regulations.
<b>Protective barrier</b>	A physical structure limiting access to a protected area, composed of wood or other suitable materials which assures compliance with the intent of this article. Variations of these methods may be permitted by the urban forester upon written request if they satisfy the intent of this ordinance.
<b>Public frontage</b>	The area between the pavement of a thoroughfare and frontage lines.
<b>Public tree</b>	A tree located on any property owned by the City of Mobile, Alabama.
<b>Recreational vehicle</b>	A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation use. For purposes of these regulations, the term includes pick-up campers, camping trailers, travel trailers, RV's, and motorized homes (living facilities constructed as integral parts of self-propelled vehicles.)
<b>Relocation</b>	The digging up by a property owner of a tree from one (1) place on his property and the planting of the same tree in another place on the same property.
<b>Required parking</b>	The number of parking spaces needed to accommodate a building or buildings on a single property according to the intensity of its function.
<b>Residential</b>	Characterizing premises available for long-term human dwelling. Includes accessory dwelling units, multiple-family dwellings, single-family dwellings, live-work units, and supportive housing.
<b>Residential Area</b>	Any area zoned RL or RM, the residential portion of any property zoned PD or approved as a Planned Unit Development prior to the effective date of this Chapter, the residential portion of a platted subdivision in the EPJ, or a parcel used as a dwelling unit in the EPJ.

<b>Residential care facility, youth</b>	Provides 24-hour supervisory care for individuals less than eighteen (18) years of age.
<b>Review boards</b>	The Architectural Review Board and any other entity designated by the city to review applications for signs in historic districts. <sup>44</sup>
<b>Riparian Buffer Zone (RPZ)</b>	A naturally undisturbed, vegetated and pervious streamside zone that is protected from clearing, grading, filling, paving, building, or other destruction of the naturally vegetated state.
<b>Roadway</b>	The portion of a street available for vehicular traffic; where curbs are laid, the portion between curbs.
<b>Roof</b>	A sign that is erected, constructed, or maintained above the roof of a building or above any portion of the building's facade. <sup>45</sup>
<b>Sandwich Board</b>	Two-sided, A-frame style self-supporting sign, which is not permanently affixed to the ground and is designed to be moveable. <sup>46</sup>
<b>Secondary frontage</b>	A private frontage that is not the principal frontage.
<b>Self-Parking</b>	A parking lot where the public, customers or employees are required to park their own vehicles.
<b>Service area</b>	The portion of a property or building dedicated to service in the form of shipping and receiving, trash and recycling collection and storage, housing of mechanical equipment and outdoor storage areas.
<b>Setback</b>	The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line. <sup>47</sup>
<b>Shield or Shielded</b>	A non-reflective covering or other device fitted over a light source that prevents light from illuminating an area not intended to be illuminated.
<b>Shopfront</b>	A private frontage for retail and office uses with substantial glazing wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade.
<b>Sidewalk</b>	The paved portion of the right of way and/or frontage dedicated exclusively to pedestrian activity.
<b>Sign</b>	Any device, fixture, placard, object, or structure that uses any word, letter, figure, design, fixture, projected image, color, form, graphic, illumination, symbol, or writing to advertise, display, direct, or attract attention to, announce the purpose of, or identify a person object, institution, organization, business, product, service, event, location or entity, or to communicate information of any kind to the public. <sup>48</sup>
<b>Sign, Abandoned</b>	A sign shall be considered abandoned when the business activity or firm which such sign advertises is no longer in operation, or does not have a current business license in effect, or is in a state of disrepair. <sup>50</sup>
<b>Sign, Animated</b>	Any sign that uses movement or change of lighting to depict action or create a special effect or scene. <sup>51</sup>
<b>Sign, Awning</b>	A sign placed directly on the surface of an awning. <sup>52</sup>
<b>Sign, Bulletin Board</b>	A type of changeable copy sign displayed in a casement made of glass or plexiglass. <sup>53</sup>
<b>Sign, Digital</b>	A computer programmable, microprocessor controlled electronic or digital screen or surface that displays electronic images, graphics, or pictures, with or without textual information. <sup>54</sup>
<b>Sign, Electronic</b>	Any sign which electronically changes the fixed display screen composed of a series of lights, including light emitting diodes, fiber optics, or other similar technology. <sup>56</sup>
<b>Sign, Flashing</b>	A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects. <sup>57</sup>
<b>Sign, Freestanding</b>	Any sign supported by structures or posts that are placed on, or anchored in, the ground and that are independent from any building or other structure. <sup>58</sup> This includes any monument sign or pole sign.
<b>Sign, Illegal</b>	Any sign erected or maintained in violation of a preceding ordinance or erected, altered, removed, or replaced in violation of this section. <sup>59</sup>
<b>Sign, Illuminated</b>	A sign illuminated in any manner by an internal artificial light source. <sup>60</sup>
<b>Sign, Incidental</b>	A sign that is subordinate in scale to the principal signs on the site or to the buildings, structures, or building elements (such as windows) on which they are placed. Typical uses include, but are not limited to, official notices required by law or by a public utility, trade affiliations, signs attached to ATM machines or gasoline pumps, signs providing direction or instruction to persons using a facility (such as placards indicating hours of operation or courtesy information such as "credit cards accepted," "vacancy," "no vacancy," "open," "closed," and "self service"), and signs that provide time and temperature or public service announcements. These signs may be freestanding or wall signs.
<b>Sign, Incidental Structure</b>	Incidental signs that are integrated into or on an accessory structure such as a coin-operated machine, vending machine, fence, ATM, gasoline pump, oil rack, or similar structure that

	serves an independent purpose other than the sign display and is used for its intended purpose.
<b>Sign, Marquee</b>	Any sign attached to, in any manner, or made a part of a marquee. <sup>61</sup>
<b>Sign, Multi-Family Entry</b>	a sign located within an interior median or on a lot adjacent to an intersection at the entrance to a multi-family development.
<b>Sign, Nonconforming</b>	Any sign that does not conform to the requirements of this Chapter. <sup>62</sup>
<b>Sign, Off-premise</b>	A sign located away from or advertising a product not sold at the location on which the sign is placed. <sup>63</sup>
<b>Sign, Off-Premise Electronic or Digital</b>	Any sign that qualifies as an Off-Premise Sign and as an Electronic Sign or Digital Sign. <sup>64</sup>
<b>Sign, On-premise</b>	Any sign other than an off-premise sign. <sup>65</sup>
<b>Sign, Permanent Window</b>	A sign that is placed on or attached to a window. <sup>66</sup>
<b>Sign, Pole</b>	A freestanding sign supported by pole, and where the bottom edge of the sign face is located three feet or more above the average finished grade at the base of the sign. A “pole sign” does not include a flag mounted on a flagpole
<b>Sign, Portable</b>	A sign that is not permanently affixed to a building, structure, or the ground or designed to be permanently affixed to a building, structure, or the ground. Trailer signs are considered portable signs. <sup>67</sup>
<b>Sign, Projecting</b>	A sign which is supported by an exterior wall of a building, is displayed perpendicular to or at an angle of forty-five (45) degrees from the face of the building, and projects more than twelve (12) inches. <sup>68</sup>
<b>Sign, Subdivision Entry</b>	a sign located within an interior median or on a lot adjacent to an intersection at the entrance to a single-family subdivision.
<b>Sign, Suspended</b>	A sign that is suspended from the underside of a horizontal plane surface and is supported by that surface. <sup>69</sup>
<b>Sign, Temporary</b>	Any sign other than a banner, that is not permanently mounted, to be displayed for a specified period of time. <sup>70</sup>
<b>Sign, Wall</b>	A sign painted on a wall or attached to a wall of a building, parallel to the wall. <sup>71</sup>
<b>Sign, Window</b>	Any sign that is placed inside a window frame or upon the window panes or glass and is visible from the exterior of the window. <sup>72</sup>
<b>Small tract</b>	A tract of property of less than one (1) acre in size.
<b>Specified anatomical areas</b>	Any of the following: (1) Less than complete and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
<b>Specified sexual activities</b>	Any of the following: (1) Human genitals in a state of sexual stimulation or arousal; (2) Acts of human masturbation, sexual intercourse or sodomy; (3) Fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts; (4) Flagellation or torture in the context of a sexual relationship; (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain; (6) Erotic touching, fondling or other such contact with an animal by a human being; or (7) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in (1) through (6) above.
<b>Stoop</b>	An exterior stair and landing at the building entrance. Stoops may be covered by a roof structure supported by columns or wall brackets.
<b>Storefront</b>	The portion of a building at the first story of a retail frontage that is made available for retail use.
<b>Story</b>	The portion of a building included between the upper surface of a floor to bottom of the lowest structural member that supports the floor or roof next above. Space at ground level is considered as the first story if it is five (5) feet or more in height. Space within a roofline that is entirely nonhabitable is not considered to be a story.
<b>Stream</b>	Any watercourse that sustains normal stream flow during any period of the year under normal meteorological conditions.
<b>Street</b>	A public right-of-way or private easement subject to vehicular and/or pedestrian traffic that provides direct or indirect access to property. <sup>73</sup>
<b>Street frontage</b>	The land extending the full width of the building site and located between the street line and a building wall fronting on a street.
<b>Street line</b>	The line or boundary separating the public right-of-way from the land or property adjoining.
<b>Street Link</b>	That portion of a Street that lies between 2 Nodes.
<b>Street, Minor</b>	A street that is not shown on the <i>Major Street Plan</i> .

<b>Street screen</b>	a freestanding wall or fence/planting combination built or located along the front property line, or on the same plane with a facade for the purpose of masking views and providing a street wall.
<b>Streetscape</b>	The appearance or view of the street including trees, lighting fixtures, and street furnishings such as benches and trash receptacles.
<b>Structure</b>	Anything constructed or erected which requires location on the ground or is attached to something having a location on the ground; except (a) public utility poles, wires, guy wires, and cables; and, (b) fences and walls other than building walls.
<b>Subdivider</b>	Any person, group or corporation acting as a unit, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as defined herein.
<b>Subdivision</b>	The division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes a resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territories subdivided.
<b>Subdivision Jurisdiction</b>	All land located in the corporate limits of the City of Mobile and its extraterritorial jurisdiction as defined by the State Code, and not located within the corporate limits of any other municipality or within the subdivision jurisdiction of any other municipality having a planning commission.
<b>Swimming pool</b>	Any concrete or impervious masonry structure used for bathing or swimming purposes, and filled with a controlled water supply.
<b>Tentative Approval</b>	The approval by the Planning Commission of the Preliminary Plan as such approval is required by these regulations.
<b>Terrace</b>	a paved or landscaped front yard elevated above the grade of the sidewalk..
<b>Thoroughfare</b>	A way for use by vehicular and pedestrian traffic and to provide access to properties and open spaces, consisting of vehicular lanes and the public frontage.
<b>Transparent Window</b>	A window where the window glass (whether integrally tinted or with applied film) transmits at least 50% percent of visible daylight. <sup>75</sup>
<b>Travel trailer</b>	A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation use. For purposes of these regulations, the term includes pickup campers, camping trailers, and motorized homes (living facilities constructed as integral parts of self-propelled vehicles).
<b>Tree</b>	Any self-supporting, woody plant of a species suitable for growing in the proposed environment as well as the City of Mobile.
<b>Understory</b>	The trees which grow beneath the overstory to include dogwood, crepe myrtles, Bradford pears, red buds and others approved by the urban forester.
<b>Uniformity Ratio</b>	The highest horizontal illuminance point or area, divided by the lowest horizontal illuminance point or area.
<b>Urban forester</b>	The city employee specially trained in forestry, arboriculture and urbiculture, or his/her duly authorized designee.
<b>Useable wall area</b>	The exterior wall or surface area of a building or structure that excludes doors. <sup>76</sup>
<b>Vehicular use area</b>	All areas used by any and all types of vehicles, boats, trailers, or other equipment, whether such vehicles, boats, trailers, or equipment are self-propelled or not for the purpose of, including but not limited to, driving, parking, loading, unloading, storage, or display, such as, but not limited to, new and used car lots, and activities of a drive-in nature in connection with banks, restaurants, gas stations, grocery and dairy stores, and the like.
<b>Sight triangle</b>	The triangular area formed by the intersection street lines and a straight line connecting such street lines at point equidistant from such point of intersection and passing through a point which point is the intersection of lines defining the front and side yards. <sup>77</sup>
<b>Vocational or trade school</b>	A non-academic establishment offering vocational training, including but not limited to automobile body and engine repair, construction equipment operation, truck driving, building trades, and mechanical or electrical equipment/appliance repair. Courses offered normally would exclude those listed under business college or technical school.
<b>Waters of the State</b>	All waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce. Waters of the State include all "navigable waters" as defined in §502(7) of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. §1362(7), which are within the State of Alabama. [↔ <i>Code of Ala. § 22-22-1; 40 C.F.R. Section 122.2; Alabama Department of Environmental Management, National Pollutant Discharge Elimination System General Permit ALR100000 (effective April 1, 2016)</i> ].

<b>Wayfinding Sign</b>	A sign that is intended to direct pedestrian or vehicular traffic to specific areas or amenities. Wayfinding signs are not internally lighted, and are generally of a cohesive design for specific areas or types. Wayfinding signs may be mounted on utility poles. Wayfinding signs are not advertisements for individual businesses.
<b>Wind-activated</b>	A sign that is driven by the wind or by mechanically produced air flow via movement. Examples include but are not limited to free-standing advertising flags, blower-driven tubes or human forms, pennant streamers, whirligigs, and the like. Flags are not considered wind-activated signs. <sup>78</sup>
<b>Work of Art</b>	A hand-painted, hand-carved or hand-cast work of visual art expressing creative skill or imagination in a visual form which is intended to beautify or provide an aesthetic influence to a public area or area. An original art display may be either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner, or a three-dimensional statue that is placed in a park, courtyard, lawn, or similar area for public display. An original art display does not include: mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.
<b>Yard</b>	A required setback from the street or property lines.
<b>Yard, front</b>	A yard extending across the front lot line (⇔ refer to Article IV, Section 64-44).
<b>Yard, rear</b>	A yard extending the rear lot line (⇔ refer to Article IV, Section 64-44).
<b>Yard, side</b>	A yard extending from the rear line of the front yard to the front line of the rear yard (⇔ refer to Article IV, Section 64-44).

(Ord. No. 80-014, 4-14-87; Ord. No. 80-055, § II, 7-23-91; Ord. No. 64-026, § III, 3-17-92; Ord. No. 64-083, § 2, 12-21-93; Ord. No. 64-061, § 1, 9-9-97; Ord. No. 64-002, § 1, 1-4-00; Ord. No. 64-002, § 1, 1-4-00; Ord. No. 64-005, § 1, 1-18-00; Ord. No. 64-016-2014, § 1, 5-13-14; Ord. No. 64-026, § 1, 4-23-02; Ord. No. 64-090, § I, 12-17-02; Ord. No. 64-029, § I, 6-15-04; Ord. No. 64-053-2008, 8-26-08; Ord. No. 64-019-2012, § I, 8-7-12; Ord. No. 64-026-2016, 1-17-17)

### C. Use Definitions

The following definitions apply to references to uses in this Chapter, and in particular Article II (Districts) and Article VI (Use Regulations).

<b>Residential</b>	
<b>Residences</b>	
<b>Dwelling, Single-Family Detached</b>	A detached building containing only one (1) dwelling unit and used for residential purposes exclusively by one (1) family. <sup>79</sup> This includes any factory-built dwelling unit constructed to the standards of the City's building code (typically referred to as a "modular home).
<b>Accessory Dwelling Unit</b>	A secondary, independent living facility located in, or on the same lot as, a single-family residence.
<b>Apartment House</b>	A building that - (1) is a converted single-family detached dwelling, or with architectural features and massing that are compatible with single-family dwellings, and (2) that consists of at least 3 separate dwelling units. This use type is different from a boarding house in that the units are intended for occupancy as permanent residences, and each unit may have separate kitchens and bathroom facilities. This use type is sometimes called a "big house."
<b>Cottage Court</b>	A single lot that includes detached single family dwellings or duplexes arranged around a courtyard or open space.
<b>Dwelling, Two-Family (Duplex)</b>	A building containing two (2) dwelling units and used for residential purposes by two (2) families living independently of each other. The units may be horizontally, vertically (with one above the other), or back to back.
<b>Dwelling, Multi-Family</b>	A building containing three (3) or more dwelling units and used for residential purposes by three (3) or more families living independently of each other. It includes any form of family occupancy, including traditional or non-traditional households, elderly housing, or retirement housing. The units may be integrated horizontally and vertically, or with 2 units stacked vertically and separated from adjacent units by a party wall (sometimes called "stacked flats"). Examples include apartments, dormitories, or flats.
<b>Live/Work Dwelling</b>	A principally residential building that includes an office, studio, or other commercial use and a single dwelling unit occupied by the building owner. ó Compare: (1) Home Occupations (listed under "Accessory," below). A live-work unit allows a broader range of commercial and production-type uses and more non-residential floor area than a home occupation. In

addition, a live-work unit may be designed as a townhouse or with a storefront or other commercial design configuration at the ground level, while a home occupation occurs in a building that is designed as a residence. (2) Mixed Use Building (listed under Commercial / Mixed Use - Mixed Use, below). A Mixed Use Building allows multiple buildings and residences in the same building, while a Live/Work Dwelling is generally limited to a single dwelling unit and a single business.

<b>Manufactured Home</b>	A factory-built dwelling unit constructed to the standards and codes promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401 et seq., as amended.
<b>Manufactured Housing Land Lease Community Mobile Home</b>	Any plot of ground on which two (2) or more mobile homes are located for long-term occupancy (for periods of thirty (30) days or more) for use as dwellings. Manufactured home land lease communities are not occupied by travel trailers. <sup>80</sup> <b>Includes customary accessory buildings or uses such as clubhouses, laundries, or management and sales units.</b>
<b>Townhouse / Row House</b>	A single-family dwelling forming one of a group or series of two or more attached single-family dwellings, separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through the walls from basement or cellar to roof, and having roofs which may extend from one of the dwelling units to another.
<b>Zero Lot Line Home</b>	A single-family detached dwelling that is sited with no setback along one side property line.
<b>Group Living:</b>	
<b>Rooming &amp; Boarding</b>	A building where, for compensation and by prearrangement, at least 5 persons other than occasional or transient customers are provided with meals and/or lodging. <sup>81</sup> <b>Examples include dormitories, fraternities, sororities, or dorms. This use type does not include a hotel, motel, or multi-family building. A multifamily building or apartment house includes separate dwelling units occupied by a single household, while a rooming and boarding includes separate households sharing kitchen facilities. Examples include single room occupancy units, rooming and boarding houses, dormitories, and workers' camps.</b>
<b>Community Housing</b>	Establishments primarily engaged in providing one or more of the following housing services: (1) short term emergency shelter for victims of domestic violence, sexual assault, or child abuse; (2) temporary residential shelter for the homeless, runaway youths, and patients and families caught in medical crises; or (3) transitional housing for low-income individuals and families. <sup>82</sup>
<b>Community Residential Facility</b>	A facility providing seven days a week residential and rehabilitative services by resident staff to persons with developmental disabilities. "Developmental disability" is defined by the Federal Developmental Disabilities Act, 1984 as a severe, chronic disability that: 1. Is attributable to a mental or physical impairment or combination of mental and physical impairments; 2. Is manifested before the person attains age 22; 3. Results in substantial functional limitations in three or more of the following areas of major life activity: a. Self-care. b. Receptive and expressive language. c. Learning. d. Mobility. e. Self-direction. f. Capacity for independent living. g. Economic self-sufficiency. h. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are lifelong or of extended duration and are individually planned and coordinated.
<b>Life Care or Continuing Care Services</b>	An institution, residence or facility that provides accommodation and personal assistance to residents who depend on the services of others by reason of age and physical or mental impairment, and that may be licensed to provide skilled nursing care. This category includes nursing or convalescent home homes, hospices, assisted living facilities, or domiciliary care facilities as defined in Code of Ala. § 11-58-1. A "nursing or convalescent home" is any part of a building where shelter, board, and nursing care is provided to persons who require care because of infirmities of old age, illness, and/or disability of a physical or mental nature. "Assisted living" is a residence that primarily serves the elderly and provides rooms and meals, and may provide personal care and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services and transportation. This use does not include an establishment which provides care only during the day, or a halfway house for recovering alcohol and drug abusers. <sup>83</sup>
<b>Retirement Home or Elderly Housing</b>	A building or group of buildings containing dwelling units where the occupancy of the dwellings is restricted to the elderly (in which at least one resident per household is fifty-five (55) or older.) This does not include a development that contains convalescent or nursing

facilities, but often includes the provision of special support services, such as central dining and limited medical care.

<b>Residential Care Facilities</b>	Establishments that provide residential care combined with supervision and personal care services. Examples include boot or disciplinary camps (except correctional) for delinquent youth, child group foster homes, halfway group homes for delinquents or ex-offenders, delinquent youth halfway group homes, homes for unwed mothers, group homes for the disabled without nursing care, and orphanages.
<b>Lodging / Short-Term Rental</b>	
<b>Bed &amp; Breakfast</b>	A house, or portion thereof, where short term lodging rooms, with or without meals, are provided for compensation. The house is owner-occupied with no more than 4 rooms (for a total of 8 guests) provided for short-term (1 night to 2 weeks) lodging, and may include serving meals to overnight guests.
<b>Hotel / Motel</b>	A building containing guest rooms in which lodging is provided, with or without meals, for compensation, and which is open to transient guests, or both. <sup>84</sup>
<b>Recreational Vehicle Park</b>	Any plot of land on which two or more travel trailers are located for short-term (less than thirty (30) days) occupancy during travel, recreational or vacation use. Recreational vehicle (or travel trailer) parks are not occupied by any travel trailer for thirty (30) days or more, nor by any mobile home. Examples include campgrounds and recreational vehicle/travel trailer parks. This use does not include a Manufactured Housing Land Lease Community.
<b>Short-Term Rental</b>	The rental of a residential dwelling unit or an accessory building on a residential lot for a period of less than 30 days. The use does not include an extension for less than 30 consecutive days of a previously existing rental agreement of 30 consecutive days or more. The use does not include a rental between parties to the sale of that residential dwelling unit.
<b>Commercial / Mixed Use</b>	
<b>Animal Services:</b>	
<b>Animal Hospital (Indoor)</b>	Any part of a building designed or used to care for or observe animals under medical treatment. The treatment of animals occurs entirely inside the principal building and not in ancillary or accessory buildings. This use does not include outside kennels.
<b>Animal Services, Generally</b>	Any part of a building designed or used to care for, board, groom, observe, or treat animals, supervised by a licensed veterinarian. This use may include overnight boarding or outdoor confinement or exercise areas. Includes a dog pound.
<b>Day Care:</b>	
<b>Adult Day Care</b>	A licensed establishment operated and maintained to provide care or supervision during the day, such as social activities, minor health care assessments, meals, and recreation, for five or more persons 18 years of age or older. The facility is not used as a residence. The definition does not include halfway houses for recovering alcohol and drug abusers.
<b>Child Day Care</b>	A facility that is licensed as such by the Alabama Department of Human Resources and provides non-medical care to children, normally for periods less than 24 hours, and defined as a "day care center" by Code of Ala. § 38-7-2. It serves more than 12 children. This use does not include: (1) day care homes, foster family homes, group day care homes, and group homes as defined by Code of Ala. § 38-7-2, which are considered accessory to the residential use, (2) facilities exempt from the definition of "day care center" by Code of Ala. § 38-7-2, which are considered accessory to the applicable use, or (3) child day care facilities associated with schools or churches that are exempt from licensing pursuant to Ala. Code 38-7-3, which are permitted as accessory uses to those facilities.
<b>Financial Services:</b>	
<b>Automated Teller Machine, Stand Alone</b>	An automated teller machine that is at a location separate from the controlling financial institution.
<b>Financial Institution</b>	A business where the primary occupation is financial services such as banking, savings and loans, loan offices, and check cashing and currency exchange outlets. It does not include financial services that typically occur in an office or storefront, such as investment companies, loan companies, credit and mortgage, insurance services, or brokerage firms), which are classified under "Office," below.
<b>Pawnbroker</b>	Any person engaged in the business of lending money on the security of pledged goods left in pawn, or in the business of purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. (See Code of Ala. § 5-19A-2)
<b>Payday Lender</b>	A business that provides deferred presentment services. A "deferred presentment service" is a transaction pursuant to a written agreement involving the following combination of activities in exchange for a fee: (1) accepting a check or authorization to debit a checking

account and, in connection with that acceptance, advancing funds to the checking account holder; (2) holding the check or authorization to debit checking account for a period of time prior to payment or deposit. (See *Alabama Small Loan Act, § 5-18-1 et seq., Code of Ala.*)

<b>Food &amp; Beverage Sales / Service:</b>	
<b>Bar / Lounge</b>	An establishment where the main source of revenue is the sale of alcoholic beverages which are customarily consumed on the premises. This includes taverns, microbreweries, hookah lounges, neighborhood taverns/bars/pubs, or distilleries. This definition does not include a brew pub, which is considered a restaurant. <sup>85</sup>
<b>Food Market</b>	A structure or place where agricultural produce is brought for the purpose of retail sales from vehicles, temporary stands, or stalls. These include more than one seller per parcel of land. Examples include farmers markets, seafood markets, and mobile markets.
<b>Food Preparation</b>	A business that prepares food and beverages for off-site consumption, including delivery services. Examples include catering shops, bakeries with on-site retail sales, and the small-scale production of specialty foods (such as sweets). This classification excludes food production of an industrial character.
<b>Food Service</b>	An establishment for retail sales of food and beverages for off-site preparation and consumption. Examples include grocers/supermarkets, specialty food stores, fruit and/or vegetable stands, butcher shops, delicatessens, dairy product sales, food cooperatives, or convenience markets. This category also includes large-scale stores that sell food items and beverages in bulk.
<b>Mobile Vendor</b>	Any person, including any employee or agent of another, who sells or offers to sell, barter or trade from a vending vehicle, trailer or cart.
<b>Restaurant</b>	A business which prepares, sells, and serves food and beverages to customers for consumption within the building or on the building site at the outside tables. Examples include sit-down restaurants, brew pubs, cafes, cafeterias, delis, dining rooms, ice cream parlors, tearooms, coffee shops, hot dog stands, sandwich shops, and specialty food and/or outside dining patios and sitting areas. May include take-out, drive-in, sit-down service, or the sale and consumption of alcohol. "Brew pub" means an establishment licensed as and meeting the qualifications of a brewpub under the state alcoholic beverage control laws, including Title 28, Chapter 4A of the Code of Ala. 1975, which qualifications include but are not necessarily limited to the requirements that such brewpub must contain and operate a restaurant with a seating capacity of not less than eighty (80), and that the beer shall be sold at retail for on premises consumption only. "Cafe" means a restaurant, bar, theater, or entertainment venue with less than one hundred-person occupancy load.
<b>Restaurant, Drive-In</b>	A restaurant providing automobile curb-service in which the parking area is designated for the consumption of food which is served by an employee to the customer in his automobile. Carry-out and drive-thru window service may be provided.
<b>Restaurant, Drive-Thru</b>	A restaurant providing automobile drive-thru service or window facilities for the consumption of food on or off the premises. Automobile curb-service may not be provided.
<b>Snack or Beverage Bars</b>	Establishments primarily engaged in (1) preparing and/or serving a specialty snack, such as ice cream, coffee and/or pastries, frozen yogurt, cookies, or popcorn, or (2) serving nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises.
<b>Mixed Use:</b>	
<b>Mixed Use Building</b>	A building with any of the following floor space configurations: (1) an office, as defined below, located above the ground floor, where the ground floor is occupied by any use listed in the "convenience store," "restaurant," "retail," or "theater" categories, or (2) "office," "convenience store," "restaurant," "retail," or "theater" categories on the ground floor, and residential dwelling units above the ground floor or behind the non-residential floor area. The floor space above the ground floor may be occupied by non-residential floor area in addition to dwelling units.
<b>Office, Business &amp; Professional:</b>	
<b>Office</b>	A building principally occupied by professional, semi-professional, business, government/municipal, <sup>86</sup> philanthropic institutions, or client-oriented services. Offices do not include retail or wholesale activities which require the receiving, stocking, storing, displaying, manufacturing, selling, or renting of merchandise or equipment, except where specifically permitted as an accessory use. Offices include the administrative, clerical or public contact offices of a government agency. All services are rendered within the principal building, and no outside areas are used to perform services. Examples of offices include law firms, publishers, business services, sales, marketing, interior decorators, and studios for professional work or teaching.

**Personal / Business services:**

<b>Bail Bond Services</b>	An office that engages in the sale or issuance of bail bonds or other financial transfers for the purpose of securing the release from jail of an accused defendant pending trial.
<b>Business Support Services</b>	Includes blueprinting, printing, graphics, photostating, copying, packaging, labelling, and similar services. "Printing" and "graphics" means a business engaged in the custom design and/or reproduction of written or graphic materials. Typical processes include computerized design and printing, photocopying, and facsimile sending and receiving.
<b>Courier, Messenger &amp; Delivery Services</b>	Establishments primarily engaged in providing air, surface, or combined mode courier services, express delivery services of parcels, or local messenger and delivery services of small items, with local pick-up and delivery. Examples include air courier services, express delivery services; local delivery services for letters, documents, or small parcels; grocery delivery services (i.e., independent service from grocery store), or restaurant meals delivery services.
<b>Day Labor Service</b>	Any building or premises that serves as a staging point or gathering place for persons who are seeking immediate employment in daily labor activities and who accept or are assigned employment in accordance with whatever employment is available on that particular day. For purposes of this definition, "day labor" means manual labor, such as construction cleanup, garbage pickup and removal, demolition, convention setup and takedown, landscaping, planting, and digging.
<b>Funeral &amp; Interment Services</b>	Any place or premises devoted to or used in the care and preparation for burial of the body of a deceased person or maintained or held out to the public by advertising or otherwise as the office or place for the practice of funeral directing. Examples include funeral homes, mortuaries or columbaria. (Note: cemeteries are classified under Public/Civic/Institutional - Assembly, below).
<b>Crematorium</b>	The building or portion of a building that houses the chamber for cremation and the holding facility.
<b>Linen/Uniform Supply</b>	Establishments that supply laundered items, such as table and bed linens; towels; diapers; and uniforms, gowns, or coats of the type used by doctors, nurses, barbers, beauticians, and waitresses.
<b>Maintenance &amp; Repair Services</b>	An establishment providing repair services for personal and household goods, such as household appliances, computers, radio, television, audio or video equipment, office machines, furniture and leather goods, and metal sharpening. This classification excludes building maintenance services and maintenance and repair of automobiles and other vehicles and equipment.
<b>Personal Services</b>	A business which provides a service to the general public. This includes, but is not limited to, barber shops, beauty shops/salons/cosmeticians, laundries (including self service), dry cleaners, tailors, seamstresses or dressmakers, taxidermist, pet groomers, photographers, wedding planning, wedding chapels, dating services, nail salons, massage establishments, tattoo parlors, and shoe shining or repair. This does not include bail bond, or other services listed separately.
<b>Laundry / Dry Cleaning Pick-Up Station</b>	Establishments that accept from the public clothes or other materials to be laundered or dry-cleaned, and for which a charge is made. The laundering or dry-cleaning work is done by a laundry or dry cleaning establishment that is not on the premises of the pickup station.
<b>Retail sales:</b>	
<b>Convenience Store</b>	Establishments that retail a limited line of goods that generally includes milk, bread, soda, alcohol and package liquor, and snacks, but not fuel sales for vehicles.
<b>Convenience Store (with Gasoline Sales)</b>	Establishments that retail a limited line of goods that generally includes milk, bread, soda, alcohol and package liquor, snacks, and fuel sales for vehicles.
<b>Machinery &amp; Equipment Rental &amp; Leasing</b>	Establishments primarily engaged in renting or leasing machinery and equipment for use in business or industrial operations. These establishments typically cater to a business clientele and do not generally operate a retail-like or store-front facility. Examples include the sale or leasing of farm equipment and supplies, heavy equipment, office furniture or equipment, machinery tools (construction equipment sales and service), or off-highway transportation equipment.
<b>Manufactured Home Dealers</b>	Establishments primarily engaged in retailing new and/or used manufactured homes (i.e., mobile homes), parts, and equipment.
<b>Nonstore Retailers</b>	Establishments that retail merchandise through online, mass media, telephone, mail, or similar methods (infomercials, direct-response advertising, paper and electronic catalogs, door-to-door solicitation, in-home demonstration, selling from portable stalls, vending machines, and similar methods). Examples include mail-order houses, vending machine operators, home delivery sales, door-to-door sales, party plan sales, electronic shopping, and sales through portable stalls (e.g., street vendors).

<b>Nursery / Horticulture / Farm Supply</b>	A place for the propagation or sale of small trees, shrubs, garden supplies, and plants. This classification includes the sale of seed and feed, landscape materials, soils, and rental of landscaping equipment.
<b>Retail, General</b>	An establishment engaged in sale or rental of goods, such as: general merchandise, apparel and accessories/uniforms, appliances, auto parts/tires, bicycles, books, camera and photographic supplies, candy and confections, dry goods, electronics, entertainment media (such as videos, compact discs, DVDs, or computer games), firearms, floral goods, furniture, gifts and novelties, hardware, health and personal care (such as pharmacies, cosmetics and optical or surgical supplies) , heating and plumbing equipment, hobby, jewelry, luggage and leather goods, music, news media (newsstand), office supplies, pets, picture frames, shoes, sporting goods, stationary, tobacco, toys, used merchandise / antiques, arts and crafts, beer or liquor (package), or similar items. This includes artist studios that both create and sell visual artwork. This classification includes the retail sale or rental of merchandise not specifically listed under another use classification. Merchandise is typically sold from locations known as storefronts, stand-alone buildings, department stores, warehouse clubs, variety stores, superstores, swap meets or flea markets, auctions, or consumer goods rental / general rental centers. <sup>87</sup>
<b>Automotive:</b>	
<b>Auto &amp; Truck Repair</b>	An area used for major mechanical and body work, straightening of body parts, body repairs, battery rebuilding, painting, welding, short term (less than 72 hours) storage of automobiles not in operating condition, outdoor work on vehicles, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in auto service stations. Includes general maintenance activities including but not limited to replacement of filters, fluids, light bulbs, belts, fuses, and tire; emissions testing; and similar activities. Includes emissions testing services that test the emissions of automobiles or other vehicles to determine compliance with state or federal emissions requirements.
<b>Automobile or Vehicle Dealership</b>	A facility for the sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, motor homes or recreational vehicles.
<b>Building Material Sales &amp; Services</b>	Retailing, wholesaling or rental of building supplies or construction equipment. Examples include lumberyards, hardware / home improvement sales and services, paint, tool and equipment sales or rental establishments.
<b>Car Wash</b>	A facility where the primary or secondary function is washing automobiles, pick-up trucks, and small vans, but not trailers or commercial trucks. Mechanical production line methods or self service equipment may be used. A car wash may also function as an accessory use to an automobile service station or other primary use. It does not include the additional activities permitted in "auto and truck repair".
<b>Gasoline or Diesel Fuel Sales</b>	An area used exclusively for retail sales of fuels or oils. This use may have storage tanks and pumps, vehicle service and repair facilities conducted inside the building, or an accessory car wash.
<b>Truck Stop</b>	A structure or land intended to be used primarily for the sale of fuel for trucks and usually incidental service or repair of trucks. This includes a group of facilities consisting of those uses and attendant eating, sleeping, or truck parking facilities. As used in this definition, the term "truck" does include any vehicle whose maximum gross weight is more than 10,000 pounds.
<b>Public/Civic/Institutional</b>	
<b>Assembly:</b>	
<b>Cemetery / Mausoleum</b>	A place dedicated to and used or intended to be used for the permanent interment of human remains. It may be either land or earth interment; a mausoleum for vault or crypt entombment; a structure or place used or intended to be used for the interment of cremated remains; cryogenic storage; or any combination of one or more thereof. ( <i>Code of Ala. § 34-13-1</i> )
<b>Religious Land Use</b>	A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship or instruction, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. Accessory uses include parish houses, community houses, educational buildings, and child care for persons attending worship or instruction.
<b>Exhibition, Convention, or</b>	A facility used for assemblies or meetings of the members or representatives of a group, such as convention centers and banquet halls. This does not include clubs, lodges, community

<b>Conference Facility</b>	meeting facilities, or other meeting facilities of private or non-profit groups that are primarily used by group members.
<b>Club or Lodge (Private)</b>	A non-profit association of persons which owns, rents, or leases a building for the exclusive use of its members and guests. This includes a fraternal organization.
<b>Government / Non-Profit:</b>	
<b>Armory</b>	A building or group of buildings used primarily for housing and training troops or for storing military property, supplies, or records.
<b>Correctional Facilities</b>	A facility where persons are detained pending adjudication or confined under criminal sentences. Examples include penitentiaries, jails, major correctional facilities, community based facilities, community work centers, or juvenile detention facilities.
<b>Vehicle / Equipment Maintenance Facility</b>	A facility providing maintenance and repair services for vehicles and equipment and areas for storage of equipment and supplies. This classification includes construction yards, equipment service centers, transit vehicle storage and servicing, and similar facilities.
<b>Public Safety Facility</b>	A facility for public safety and emergency services, such as police, fire protection, police and fire training facilities, and ambulance and emergency services, administrative facilities for emergency medical care, and blood and organ banks. This includes accessory transportation services and the vehicle maintenance.
<b>Social Assistance, Welfare, &amp; Charitable Services</b>	Establishments that provide social assistance services directly to clients such as children, elderly persons, disabled persons, homeless persons, or veterans. Social assistance may include food, medical relief, counseling or training. Examples include adoption agencies, youth centers (except recreational only), child guidance organizations, youth self-help organizations, foster care placement services, community action services agencies, marriage counseling services (except by offices of mental health practitioners), crisis intervention centers, multipurpose social services centers, family social services agencies, self-help organizations (except for disabled persons, the elderly, persons diagnosed with intellectual and developmental disabilities), family welfare services, suicide crisis centers, hotline centers, telephone counseling services, community food services (includes collection, preparation, and delivery of food, clothing and blankets for needy persons).
<b>Postal Services</b>	Establishments that provide mail services, including delivering items (such as letters and small parcels that can be handled by one person without using special equipment. Sorting and transportation activities, where necessary, are generally mechanized.
<b>Education:</b>	
<b>Business College / Technical School</b>	A nonacademic establishment offering courses such as secretarial, computer and data processing, drafting, electronic repair including radio/TV repair, commercial art, cosmetology, allied health care, real estate, banking, and restaurant operation. Instruction excludes vocational training such as automobile body and engine repair, construction equipment operation, building trades, truck driving, and mechanical and electrical equipment/appliance repair.
<b>School (Public or Private)</b>	An institution of learning which offers instruction in the several branches of learning required to be taught in the public schools of the state, such as an elementary school, middle school, high school, special school, signature academy, magnet school, or college. A "college" is a post-secondary educational institution authorized to award associate, baccalaureate, or higher degrees, or a seminary.
<b>Personal Instructional Services</b>	The provision of instructional services such as tutoring and exam preparation, language, photography, fine arts, crafts, dance or music studios, exercise studios, art studios, driving schools, employment training, diet centers, and beauty schools. This includes incidental retail sales, or light assembly and offices relating to training or instruction.
<b>Medical:</b>	
<b>Hospital</b>	An institution providing health services, primarily for in-patients, and medical and surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.
<b>Clinic, Dental or Medical</b>	A building in which a group of physicians, dentists, and allied professional assistants are associated for the purpose of carrying on their profession; the clinic may include a dental or medical laboratory but it shall not include in-patient care or operating rooms for major surgery. Examples include medical offices, laboratories, or facilities for medical, optical, orthotic, prosthetic, psychiatric, physiotherapy, surgical, or dental laboratory services, photographic, analytical, or testing services. This includes any "medical clinic" as defined in Code of Ala. § 11-58-1.
<b>Arts, Entertainment, &amp; Recreation:</b>	

<b>Adult Entertainment Enterprise</b>	An adult bookstore, adult motion picture theater, adult mini motion picture theater, adult motion picture arcade, adult cabaret, adult drive-in theater, adult live entertainment arcade or adult service establishment (including, but not limited to a topless car wash or topless cleaning service). ⇔ <i>Refer to Art. VI (Use Regulations) for specific definitions.</i>
<b>Art Studio</b>	The working place of a painter, sculptor, artisan, or photographer or a place for the study of art, including singing and acting.
<b>Civic Space</b>	Open spaces that are strategically placed to serve a community function. Civic spaces may be used for active or passive activities, and commonly include manicured green spaces, naturalistic green spaces, parks, squares, hard-scaped plazas, playgrounds, or community gardens. Civic Buildings may be located within civic spaces.
<b>Cultural Facility</b>	An institution engaged primarily in the performing arts or in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. Examples include performing arts centers, theaters, facilities for dances and events, museums, historical sites, art galleries, libraries/reading rooms, zoos, aquariums and observatories.
<b>Entertainment Facility</b>	An establishment where the primary source of revenue is derived from live or recorded performances shown or played for the amusement of an audience. Examples include auditoriums, music clubs and dance halls.
<b>Health/Fitness Club</b>	An establishment that offers exercise or weight control programs whether or not the business provides any other service. Examples include gymnasiums, martial arts schools, gymnastics schools, weight control establishments/reducing salons, health clubs, health spas, swimming pools, handball facilities, racquetball or tennis club facilities, tanning facilities, fitness facilities, and yoga or workout studios.
<b>Recreational Facility, Indoor</b>	Buildings or structures principally devoted to recreational activities or nongambling games, leisure and recreation services to the public or to members. Examples include the following uses when they are conducted indoor: ice or roller skating rinks, bingo parlors, billiard parlors, bowling centers, pool rooms, miniature golf courses, amusement game arcades, tennis clubs, swimming pools, community centers, play courts, shooting facilities, batting cages, go-cart or dirt-bike courses, skateboard areas, and water slides or water parks. "Amusement game arcade" means a building or part of a building in which more than fifty (50) percent of the public floor area is devoted to amusement game machines, regardless of whether the amusement game machines constitute a primary or accessory use of the premises. "Amusement game machine" means a coin-operated machine or device which, whether mechanical, electrical, or electronic, is ready for play by the insertion of a coin or token and may be operated by the public for use as a game, entertainment, or amusement, through the exercise of skill or chance. It includes devices such as video or computer games, pinball machines, air-hockey, foos-ball, and skeebowls, but excludes pool tables and amusement or vending machines which provide a ride, sensation, electronic reading or weight, photograph, lamination, or item of merchandise.
<b>Recreational Facility, Outdoor or Major</b>	A facility principally devoted to recreational activities or nongambling games, leisure and recreation services to the public or to members, and where the activities, games, or services predominantly occur outdoors. Examples include outdoor roller or ice-skating rinks, sports stadiums and arenas; amusement and theme parks; racetracks; swimming or wave pools; entertainment complexes; amphitheaters; drive-in theaters; archery or shooting ranges; riding academies; miniature golf; golf courses, driving ranges, and country clubs; marinas; and similar facilities.
<b>Teen Club</b>	Any club, business or establishment providing an on-going place of entertainment, including but not limited to night clubs, discotheques or similar establishments, either with or without payment, for persons between the ages of 13 and 18 on a full-time or occasional basis. A teen club does not include uses operated by public agencies or private non-profit or charitable organizations, such as religious youth centers, the boys' and girls' club, or youth community centers provided for recreation or congregation.
<b>Theater</b>	A facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.
<b>Youth Organization Camp</b>	An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character. It is intended that these types of facilities provide a camping environment for children and youth groups who may be affiliated with such organizations as the Girl or Boy Scouts of America, religious institutions, or other local community activity groups. It is not permitted to serve youth offender organizations.

**Industrial / Production**

**Manufacturing & Employment:**

<b>Contractor</b>	The offices and/or storage facilities for a specialized trade related to construction, electric, glass, painting and decorating, welding, water well drilling, sign making, or similar items. Includes storage yards (for equipment, materials, supplies and/or vehicles), roofing and sheet metal, elevator maintenance and service, and venetian blind and metal awning fabrication and cleaning.
<b>Data Processing, Hosting, &amp; Related Services (Including Data Centers)</b>	Establishments that provide infrastructure for hosting or data processing services. These establishments may provide specialized hosting activities, such as web hosting, streaming services or application hosting; provide application service provisioning; or may provide general timeshare mainframe facilities to clients. Data processing establishments provide complete processing and specialized reports from data supplied by clients or provide automated data processing and data entry services.
<b>Industrial Launderer</b>	A business that provides cleaning, washing, or similar services to industrial, manufacturing, medical or business establishments. Examples include commercial launderers that launder and dry clean clothing and other fabric articles in bulk quantities, such as cleaning services for hospitals, restaurants, hotels, and similar clients, or rug and dry-cleaning plants.
<b>Media Production</b>	Establishments that produce, manufacture, arrange for the manufacture, or distribute motion pictures, videos, television programs, television commercials, or music and sound recordings. This includes specialized motion picture or video postproduction services, such as editing, film/tape transfers, titling, subtitling, credits, closed captioning, and computer-produced graphics, animation and special effects, and developing and processing motion picture film. Examples include motion picture film laboratories, stock footage film libraries, postproduction facilities, teleproduction services, and sound recording studios. It does not include graphics, editing, or similar work that occurs in an office (see Commercial / Mixed Use - Office category, above).
<b>Mining &amp; Quarrying</b>	The extraction of metallic and nonmetallic minerals, including sand and gravel pit operations.
<b>Manufacturing, Light</b>	<a href="#">The use associated with a business or activity involving the creation, assemblage or repair of artifacts, using table-mounted electrical machinery or artisanal equipment, and including their retail sale.</a> <sup>88</sup> An example is jewelry manufacturing.
<b>Manufacturing, General</b>	Manufacturing of products, from extracted or raw materials, recycled or secondary materials, or bulk storage and handling of those products and materials. These include apparel (including clothing, shoes, dress making), boats and transportation equipment, brooms, caskets, food/baking (including coffee roasting, creameries, ice cream, ice, frozen food, confectionery, and beverage), tobacco products, fasteners and buttons, gaskets, leather and allied products, medical equipment and supplies, mill work and similar woodwork, mattresses, musical instruments, novelties, office supplies, printing and print supplies, signs, sporting goods, textiles (including dyeing, laundry bags, canvas products, dry goods, hosiery, millinery), and toys. This includes similar establishments, and businesses of a similar and no more objectionable character. It also includes incidental finishing and storage. Goods or products manufactured or processed on site may be sold at retail or wholesale on or off the premises. This does not include any activity listed under Intensive Manufacturing.
<b>Manufacturing, Intensive</b>	Manufacturing of paper, chemicals, plastics, rubber, cosmetics, drugs, nonmetallic mineral products (such as concrete and concrete products, glass), fabricated metal products (including electroplating, hardware), primary metals, acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, electrical equipment, appliances, batteries, and machinery. This group also includes smelting, animal slaughtering and oil refining.
<b>Oil &amp; Gas Company (Drilling &amp; Exploration)</b>	Establishments that operate and/or develop oil and gas field properties. Activities may include exploration for crude petroleum and natural gas; drilling, completing, and equipping wells; operating separators, emulsion breakers, desilting equipment, and field gathering lines for crude petroleum and natural gas; and all other activities in the preparation of oil and gas up to the point of shipment from the producing property.
<b>Research &amp; Development</b>	The investigation into the natural, physical, or social sciences, and that includes product development or testing. This does not include research, engineering or similar activities that occur indoors in an office environment, which is classified separately under Commercial / Mixed Use - Office, above.
<b>Oil &amp; Mining Support Activities</b>	Establishments that support oil extraction or minerals mining, including exploration, sampling, excavating, drilling, surveying, and similar activities. This includes oil field service companies and oil field supplies and machinery.

<b>Stone Cutting</b>	Establishments that cut, shape, and finish marble, granite, slate, and other stone for building and miscellaneous uses, or that buy or sell partly finished monuments and tombstones.
<b>Warehousing, Storage &amp; Distribution:</b>	
<b>Building &amp; Landscaping Materials Supplier</b>	A business that sells building materials or landscaping where the majority of sales are wholesale transactions to other firms, not retail sales.
<b>Building Maintenance Services</b>	An establishment providing carpet cleaning, carpentry, roofing, exterminator, glazing, janitorial services, electrical repair, plumbing, heating and air conditioning (sales and service), upholstery, painting and paper hanging, sign painting, or rug cleaning.
<b>Freight Depot (Railway &amp; Truck)</b>	Distribution facilities upon which storage and warehousing of cargo is incidental to the primary function of freight shipment, and not to include any display of goods for either retail sale or wholesale. Includes both railway and truck freight transfers.
<b>Fuel Distribution or Recycling</b>	A facility dedicated to: (1) wholesale or commercial fuel storage and distribution, including petroleum, biodiesel, propane, butane, natural gas, or other similar fuels, to vehicles, machinery, or heavy equipment, or (2) the collection, storage, and processing of waste oil product for conversion into useable fuel products such as biodiesel, and may include storage and sales of resulting useable fuels. This does not include auto service stations.
<b>Machinery &amp; Heavy Equipment Sales &amp; Service</b>	The retail sales and accessory repair of construction, agriculture, excavation, and similar machinery and equipment, including tractor-trailers.
<b>Self-Service Storage Facility</b>	A building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized, or controlled access stalls or lockers for the storage of customers.
<b>Oil &amp; Gas Storage</b>	A tank farm or outdoor facility to store oil and gas. Includes a bulk plant (petroleum).
<b>Outdoor Storage</b>	Materials, goods, vehicles, or equipment kept or placed outside an enclosed structure for twenty-four (24) hours or more for sale or use as part of a production or distribution activity. This does not include storage incidental to construction activities. Includes pipe storage and sand and gravel storage yards.
<b>Vehicle Towing &amp; Storage Facility</b>	Establishments primarily engaged in towing light or heavy motor vehicles, along with incidental services such as storage and emergency road repair services.
<b>Wholesale Distribution, Warehousing &amp; Storage</b>	A business where the primary function is the distribution of goods and products. <sup>89</sup> The storage of goods, and the sale of goods to other firms for resale, including activities involving significant storage and movement of products or equipment. This use does not involve manufacturing or production. Examples include warehouse or produce/fruit/food storage and wholesale structures, carting, express crating, hauling, cold storage, feed locker plants, dry goods wholesale, hardware storage, and wholesale, paper supplies, shoes, sporting goods, professional and commercial equipment and supplies merchant wholesalers (such as restaurant supply sales), and otherwise preparing goods for transportation. This may include fulfillment centers that combine storage with call centers.
<b>Infrastructure</b>	
<b>Transportation / Parking:</b>	
<b>Airport</b>	Any area of land or water which is used or intended for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary runways, taxiways, aircraft storage and tie-down areas, hangers, public terminal buildings and parking, helicopter pads, support activities such as airport operations and air traffic control, and other necessary buildings and open spaces. Includes dusting services.
<b>Ground Passenger Transportation (e.g. Taxi, Charter Bus)</b>	Establishments that provide passenger transportation by bus, charter bus, automobile, limousine, van, or shuttle. Some services (such as taxi) are not operated over regular routes and on regular schedules. Examples include charter bus, special needs transportation, taxicab owner/operators, taxicab fleet operators, or taxicab organizations. This does not apply to publicly operated bus or transit systems. Includes fleet services that store, maintain, repair, fuel, and service two or more vehicles owned by a single commercial or public entity.
<b>Heliport / Miscellaneous</b>	Facilities intended solely for takeoff and landing of helicopters, or for miscellaneous transportation vehicles for scenic purposes such as balloons.

<b>Air Transportation</b>	
<b>Parking Facility</b>	A parking lot or a parking garage offering parking to the public and that is the principal use of the premises. "Parking lot" is an off-street, ground-level, open area for the temporary placement of operable motor vehicles. A "parking garage" is a multi-level structure for the temporary placement of operable motor vehicles. Automobile fuels and oils are not sold and motor vehicles are not equipped, repaired, hired, or sold in a parking facility.
<b>Port &amp; Water Transportation</b>	Establishments that provide water transportation of cargo and passengers using watercraft, such as ships, barges, and boats. Examples include pier, dock, wharf, or jetty facilities including port and harbor terminals, marine cargo handling and dry dock services, port warehouses, and port fuel facilities.
<b>Railroad Facilities</b>	A facility for freight pick-up or distribution by rail. This may include specialized services for railroad transportation including servicing, routine repairing (except factory conversion, overhaul or rebuilding of rolling stock), and maintaining rail cars; loading and unloading rail cars; and independent terminals.
<b>Railroad Right-Of-Way</b>	A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train shed, warehouses, car or locomotive shops, or car yards.
<b>Passenger Depot</b>	Facilities for passenger transportation operations, and holding facilities, which includes rail stations, bus terminals, urban and regional transit stations and scenic and sightseeing facilities, but does not include airports and heliports. This includes accessory parking facilities. This does not include transit shelters, which are permitted in all districts.
<b>Transit Shelter</b>	A roofed structure with at least three (3) walls located on or adjacent to the right-of-way of a street, and which is designed and used primarily for the protection and convenience of bus passengers.
<b>Utilities:</b>	
<b>Utility, Major</b>	A building or other structure for water supply (including water distillation), wastewater treatment, or the production of electricity, steam, air conditioning, or potable water for consumption by the general public.
<b>Utility, Minor</b>	All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm water, communications, electricity, transportation, gas, steam, and similar public services, and may include storage for vehicles and equipment necessary to provide those services. This includes facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, water or sewer pumping stations, water storage facilities, telephone exchanges, switch boxes, transformer boxes, cap banks, and underground water and sewer lines. This does not include "telecommunications facility" as defined below, which refer to the point of transmission rather than distribution systems such as cable networks.
<b>Communications Facilities:</b>	
<b>Broadcasting Facility</b>	Broadcasting and other communication services accomplished through wired electronic mechanisms or wireless (except for separately listed uses below). Examples include radio, television or recording studios, switching centers and cable transmitting stations.
<b>Telecommunications Facility</b>	A free standing or elevated structure on which transmitting and/or receiving antennas or devices are located for the transmission or reception of information by radio, television, microwave or other electromagnetic energy signals. Includes antennas, transmission equipment, towers, base stations, or antenna support structures as defined by § 64-107. <sup>90</sup>
<b>Weather or Environmental Monitoring Station</b>	A facility with instruments and equipment that measures atmospheric conditions (typically to provide current weather information or a basis for weather forecasts), air or water quality, soil conditions, or similar variables.
<b>Waste-related:</b>	
<b>Composting Facility</b>	A facility where presorted municipal solid waste organic materials are biologically decomposed through an aerobic (or oxygen rich) process for the purpose of waste reduction. Includes any "composting or compost plant" as defined by Code of Ala. § 22-27-2.
<b>Hazardous Waste Disposal</b>	Any site used for the storage, treatment or disposal of hazardous wastes as defined in Code of Ala. § 22-30-3. Includes any "hazardous waste management facility" as defined by Ala. Administrative Code § 335-14-1-.02.
<b>Hazardous Waste Transfer</b>	A facility where hazardous or infectious waste is received and processed for transportation to another place for recycling, re-use, incineration or final disposal. Includes any "transfer facility" as defined by Ala. Administrative Code § 335-14-1-.02.

<b>Junk Yards</b>	Any establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile recycler. This includes any junkyard (other than a sanitary landfill), automobile recycler, or scrap processor (including any scrap tire processor as defined by Ala. Administrative Code § 335-4-1-.01) as defined by Code of Ala. § 23-1-241.
<b>Recycling Plant</b>	A facility that is not a junkyard and in which pre-sorted recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production. Recycling plants shall not collect vehicles for salvage, hazardous materials, compost, or rubbish.
<b>Recycling Transfer Station</b>	A permanent, fixed, supplemental collection and transportation facility, where pre-sorted solid waste materials are taken from smaller collection vehicles and placed in larger transportation units like railroad cars, barges, or truck trailers. In some transfer operations, compaction or separation for recycling may be done at the station.
<b>Remediation Services</b>	Establishments primarily engaged in one or more of the following: (1) remediation and cleanup of contaminated buildings, mine sites, soil, or ground water; (2) integrated mine reclamation activities, including demolition, soil remediation, waste water treatment, hazardous material removal, contouring land, and revegetation; and (3) asbestos, lead paint, and other toxic material abatement.
<b>Solid Waste Facility</b>	A fixed facility where non-hazardous wastes are taken from collection vehicles, temporarily stored, and ultimately relocated to a permanent disposal site. Includes any facility, incinerator, landfill, materials recovery facility, municipal solid waste landfill, private or public solid waste management facility, recovered materials processing facility, sanitary landfill, or solid waste management facility as defined by Code of Ala. § 22-27-2. “Materials recovery facility” means a facility that is not a junkyard and which recoverable resources, such as newspapers, glassware, and metal cans, are collected, sorted, stored, flattened, crushed, or bundled, and processed to a condition in which they may again be used for production.
<b>Agriculture</b>	
<b>Agriculture &amp; Forestry</b>	Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, or dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used.
<b>Community Garden</b>	A site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use, consumption, donation or off-site sale of items grown on the site.
<b>Community Supported Agriculture</b>	An area of land managed and maintained by an individual or group of individuals to grow and harvest food and/or horticultural products for shareholder consumption or for sale or donation.
<b>Greenhouse</b>	An establishment primarily engaged in growing crops of any kind under cover and/or growing nursery stock and flowers. Examples include greenhouses, cold frames, cloth houses, and lath houses.
<b>Accessory</b>	
<b>Accessory building or structure</b>	A detached subordinate building or structure located on the same lot or building site as the main building or structure on the building site or lot. An accessory building or structure is smaller than and incidental to the main structure.
<b>Accessory schools</b>	An educational use, such as a kindergarten, that is accessory to a multi-family residential building.
<b>Accessory retail &amp; personal service, office, or recreational use</b>	A retail, office, or recreational use that is subordinate to and incidental to the primary use, that primarily serves the employees of the primary use.
<b>Accessory use (generally)</b>	A use customarily incidental to the principal use of a building site or to a structure and located upon the same building site with the principal use.
<b>Caretaker or guard</b>	A home, apartment, manufactured home, or other unit built to residential occupancy standards for use as the residence of the caretaker or guard.
<b>Construction yard</b>	A temporary area used for the storage of construction materials, supplies, equipment, tools, stock piling and recycling of useable construction materials and other items as permitted including temporary storage containers, construction trailers and temporary office trailers.
<b>Home occupation</b>	An occupation for gain or support conducted only by members of a family residing in a dwelling and conducted entirely within the dwelling. <sup>91</sup>

<b>Model home complex / temporary real estate sales office</b>	A "model home complex" is a group of at least two (2) dwelling units that are temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular subdivision or other residential development approved by the City. Model homes may also incorporate sales or rental offices for dwellings within the development. A "temporary real estate sales office" is an office or a model home used to sell homes or buildings while the property is under development. The sales may occur in a permanent building, or in a trailer or manufactured home.
<b>Parking garage, private</b>	A space intended for or used by the private automobiles of households, businesses, government or non-business entities resident on the lot.
<b>Pharmacy, accessory</b>	A pharmacy or pharmacy supply facility accessory to a medical office, clinic, or laboratory that sells medical items where the total square footage does not exceed 10% of the building square footage. The accessory pharmacy is contained within the principal medical building.
<b>Recreational facility, accessory</b>	A recreational facility for the exclusive use of members and their guests, or solely for the use of employees of a permitted business use. This may include swimming pools, tennis courts, exercise facilities, and similar indoor activities. It does not include golf courses, which are classified separately.
<b>Recycling drop-off center</b>	An incidental use that serves as a neighborhood collection point for temporary storage of recoverable resources such as glass, paper, and aluminum. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.
<b>Sign, Generally</b>	
<b>Sign, Banner</b>	
<b>Sign, Menu Board</b>	
<b>Sign, Off-Premise</b>	
<b>Miscellaneous</b>	
<b>Temporary Uses</b>	

## Section 64-177 Acronyms

ARB	The Architectural Review Board as established by chapter 44, Mobile City Code, as amended. <sup>92</sup>
DBH	Diameter at breast height
EPJ	Extraterritorial Planning Jurisdiction
ODWRB	The Old Dauphin Way review board as established by chapter 44 of this Code, as amended. <sup>93</sup>
OHWL	Ordinary high water line

## Section 64-178 Applicability

This title applies to the erection, construction, reconstruction, alteration, repair or use of any building, structure or land.

## Section 64-179 Consistency with Plans

The City finds that this title is consistent with, and implements, the City's comprehensive plan (*Map for Mobile*), the General Land Use Plan, and the *Major Street Plan*.

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## Endnotes

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- <sup>8</sup> From 64-11.1.1 (sign regulations).
- <sup>9</sup> From 64-11.1.1 (sign regulations). “Banner” is defined in 3 places in the sign regulations (including 64-11.8.c.(5)), and this combines those definitions.
- <sup>10</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>11</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>12</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>13</sup> From 64-11.1.1 (sign regulations).
- <sup>14</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>15</sup> See Code of Ala. § § 23-1-271.
- <sup>16</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>17</sup> From 64-11.1.1 (sign regulations).
- <sup>18</sup> These are currently treated separately for frontage and setback provisions in the TCD, but are not culled out as a separate use.
- <sup>19</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>20</sup> From 64-11.1.1 (sign regulations).
- <sup>21</sup> Not treated separately as a use – mentioned only once in TCD to allow extension of a forecourt over 20 feet into a central garden or courtyard.. This should be possible anyway with the revised standards, so a separate category is not needed.
- <sup>22</sup> From 64-11.1.1 (sign regulations).
- <sup>23</sup> From sign regulations (64-11).
- <sup>24</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>25</sup> This is addressed in the development standards, but is not treated as a separate use. It could also be addressed in the supplemental use regulations.
- <sup>26</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>27</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>28</sup> From 64-11.1.1 (sign regulations).
- <sup>29</sup> From 64-11.1.1 (sign regulations).
- <sup>30</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>31</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>32</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>33</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>34</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>35</sup> From 64-11.1.1 (sign regulations).
- <sup>36</sup> From 64-11.1.1 (sign regulations).
- <sup>38</sup> From 64-11.1.1 (sign regulations).
- <sup>39</sup> From 64-11.1.1 (sign regulations).
- <sup>40</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>42</sup> From 64-11.1.1 (sign regulations).
- <sup>43</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>44</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>45</sup> From 64-11.1.1 (sign regulations).
- <sup>46</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>47</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>48</sup> Combines 64-11.7.c (Signs in historic districts and along Government Street) and 64-11.1.1 (sign regulations).
- <sup>50</sup> From 64-11.1.1 (sign regulations).
- <sup>51</sup> From 64-11.7.c (Signs in historic districts and along Government Street).
- <sup>52</sup> From 64-11.1.1 (sign regulations).
- <sup>53</sup> From 64-11.1.1 (sign regulations).
- <sup>54</sup> From 64-11.1.1 (sign regulations).

<sup>56</sup> From 64-11.1.1 (sign regulations).

<sup>57</sup> From 64-11.1.1 (sign regulations).

<sup>58</sup> From 64-11.7.c (Signs in historic districts and along Government Street).

<sup>59</sup> From 64-11.1.1 (sign regulations).

<sup>60</sup> From 64-11.1.1 (sign regulations).

<sup>61</sup> From 64-11.7.c (Signs in historic districts and along Government Street).

<sup>62</sup> From 64-11.7.c (Signs in historic districts and along Government Street).

<sup>63</sup> From 64-11.7.c (Signs in historic districts and along Government Street). An alternative content-neutral definition could be: “A freestanding sign that: (1) is not within the allocation of signs provided in § 64-106.C for freestanding signs, other than a monument sign, and (2) is located adjacent to and within 660 feet of the nearest edge of the right-of-way of an interstate or primary highway, measured horizontally along a line normal or perpendicular to the centerline of the highway (I-16 or I-10), or that is the primary use of the property.” This borrows terminology from the Alabama Highway Beautification Act, Code of Ala. § 23-1-271, eliminates the need to read the sign to determine its applicability, and captures what is traditionally defined as onsite signs by excluding signs with the zoning allocation or that are a primary use of the property. While signs within the zoning allocation could be used to advertise products sold elsewhere, I anticipate that this would be extremely rare. Is there any information on the location of permits for off-premise signs in the City?

<sup>64</sup> From 64-11.1.1 (sign regulations).

<sup>65</sup> From 64-11.7.c (Signs in historic districts and along Government Street).

<sup>66</sup> From 64-11.1.1 (sign regulations).

<sup>67</sup> From 64-11.1.1 (sign regulations).

<sup>68</sup> From 64-11.1.1 (sign regulations).

<sup>69</sup> From 64-11.7.c (Signs in historic districts and along Government Street).

<sup>70</sup> From 64-11.7.c (Signs in historic districts and along Government Street).

<sup>71</sup> From 64-11.7.c (Signs in historic districts and along Government Street).

<sup>72</sup> From 64-11.7.c (Signs in historic districts and along Government Street).

<sup>73</sup> From 64-11.7.c (Signs in historic districts and along Government Street).

<sup>75</sup> From TCD, 64-4.H.

<sup>76</sup> From 64-11.1.1 (sign regulations).

<sup>77</sup> From 64-11.1.1 (sign regulations).

<sup>78</sup> From 64-11.1.1 (sign regulations).

<sup>79</sup> Changed to “single-family detached.”

<sup>80</sup> Changed to “manufacturing housing land lease community” for accuracy. Manufactured homes are built to the HUD Code, but mobile homes are not.

<sup>81</sup> The combines the definitions of “boarding house” (which provides meals) and “rooming house” (which provide lodging) in § 64-2.

<sup>82</sup> Replaces “emergency shelter facility,” defined in § 64-2 as “a facility providing temporary residential housing for persons otherwise homeless or who seek shelter from abuse.”

<sup>83</sup> Includes the former “domiciliary care” category, defined in 64-2 as: “A residential facility whose primary purpose is to furnish room, board, laundry, personal care, and other nonmedical services, for not less than twenty-four (24) hours in any week, to individuals not related by blood or marriage to the owner and/or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who because of age and/or disabilities, are incapable of living independently in their own homes or a commercial board and room situation, yet who do not require the medical and nursing services provided in a nursing home. These facilities may provide temporary limited medical care as an individual would receive if the individual were living in his or her own home.”

<sup>84</sup> Reference to “permanent” guess removed – that would convert the building to a Multi-family Residential use.

<sup>85</sup> The DDD defines this in terms of occupancy load: “Bar: A retail, theater, or entertainment establishment with an occupancy load of more than one hundred (100) persons that serves alcohol.” If there is a need to keep that distinction, I suggest moving it to the use regulations (Art. VI) where the permitted locations are determined by the use’s intensity.

<sup>86</sup> Replaces “civic support” from DDD (a term not used in the Zoning Ordinance, although the DDD refers to “civic” [not “civil”] support as a use category).

<sup>87</sup> “Portable retail” is deleted, which is currently defined in DDD but not used in the current zoning regulations. This is not a zoning issue because it does not change the use of property. “Rental/leasing activities” (defined as “establishments that involve retail sales may also engage in the rental or leasing of those items in the same districts, unless the rental or leasing of the item is specifically listed otherwise in the chart of permitted uses”) is deleted because it is not a definition – it’s a permission – and these activities are already included in the definition of retail.

<sup>88</sup> Changed to “light” manufacturing.

<sup>89</sup> Eliminates the distinction between “light” and “heavy” in § 64-2, along with the standards and discretionary review triggers (which are moved to the Use Standards in Art. VI).

<sup>90</sup> Replaces the following definition in § 64-2 with pending telecommunications amendments: “Communication tower: A free standing or elevated structure on which transmitting and/or receiving antennas or devices are located for the transmission or reception of information by radio, television, microwave or other electromagnetic energy signals.”

<sup>91</sup> Replaces “Home office” from DDD, defined as “non-retail commercial enterprises permitted under the office category, incidental to the primary residential building use” Standards to be added to Art. VI.

<sup>92</sup> From 64-11.7.c (Signs in historic districts and along Government Street).

<sup>93</sup> From 64-11.7.c (Signs in historic districts and along Government Street).