

Chapter 64 Unified Development Code

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DRAFT – FOR DISCUSSION ONLY (1/11/19)

Article IV Development Standards

Sec. 64-51 General Provisions



Purpose: This Article establishes development standards that apply to zoning applications, as indicated in each section. These standards:

- *Implement Map for Mobile;*
- *Implement the purposes established for the zoning regulations;*
- *Ensure that new development, redevelopment, and land uses mitigate their development impacts; and*
- *Provide uniform methods for the application of the dimensional, site design, civic space, landscaping, and infrastructure standards established in this Article.*

A. Applicability

This Article applies to:

1. all zoning districts, and
2. unless otherwise provided, any application for:
 - (a) site plan approval where this Article was not previously applied to a subdivision plat approved for the subject property, or
 - (b) building permit or certificate of occupancy where this Article was not previously applied to a subdivision plat or site plan approved for the subject property.

B. Design & Improvements, Generally

1. **Required Improvements.** Developments subject to the City's zoning jurisdiction shall construct the following improvements:

Table 64-51-1 Required Improvements

Improvement	Zoning Approvals (Site Plan, Building Permit)
Landscaping and Tree Preservation (Sec. 64-56)	✓
Parking and Loading (Sec. 64-61)	✓
Streets (Sec. 64-62)	✓ (private drives only)

2. **Standards.** Street, utility, landscaping, parking, and other improvements shall be installed in each new development in accordance with the standards and requirements of this Article (refer to subsection 1 for improvements applicable to zoning approvals).
3. **Specifications.** Improvements required by these regulations for streets shall be made in accordance with the engineering specifications and under the supervision of the City Engineer or County Engineer (as appropriate), MAWSS, the County Health Officer, and other appropriate authorities.

C. Construction of Required Improvements

1. The applicant shall construct public improvements within the proposed development as provided in this Article.

Article IV Development Standards | *Sec. 64-52 Adequate Public Facilities*

2. If the improvements are not constructed before issuance of the building permit, then the developer shall submit performance and maintenance bonds prior to the issuance of the building permit and shall install the public improvements prior to the issuance of the certificate of occupancy.
3. No certificate of occupancy shall be granted until all public improvements are accepted by the City of Mobile.
4. All improvements installed by the applicant shall comply with all applicable regulations, including the *Major Street Plan* (where applicable), and all technical specifications promulgated by the City Engineer or the applicable service provider.

D. Modification

1. The City Council may modify any provision of this Article as a condition of rezoning to any “PD” (Planned Development) district.
2. The Planning Commission or Director may modify any other provision of this Article where specifically authorized.
3. A modification is permitted only if it is:
 - (a) Consistent with *Map for Mobile*; and
 - (b) Consistent with the public interest; and
 - (c) Will not place an unnecessary burden on the City or surrounding neighborhoods.

Sec. 64-52 Adequate Public Facilities

A. Applicability

This section applies to any application for:

1. Rezoning to a “PD” (Planned Development) or “CM” district, or
2. Any application for a conditional use permit, or
3. Any proposed development within the NCS, CT, or CM districts that meets the thresholds in Table 64-52-1.
4. A Traffic Impact Study (TIS) may be required if any of the thresholds listed in Table 64-52-1 are met, or as required by the Traffic Engineer based upon known existing conditions.
5. The Traffic Engineer may require mitigation measures to be implemented by the applicant, as part of any project approval, such as:
 - (a) Including any streets that will add the capacity needed to avoid a reduction in the LOS that are shown as fully funded in years 1 through 5 of the Capital Improvements Program (CIP) of the City, or the Surface Transportation Improvement Program published by ALDOT or the MPO, or
 - (b) Phasing the proposed development so that no building permit is issued before streets or other transportation facilities needed to achieve the LOS standard are constructed; or
 - (c) Providing measures that allow the transportation network to function more efficiently, or that add sufficient capacity to the off-site street system so that it is sufficient to accommodate the impacts of the development. Examples include pavement widening,

turn lanes, median islands, access controls, bus or public transportation improvements, mixing uses to provide internal trip capture, connectivity improvements such as connections to surrounding streets or cross-access easements, or traffic signalization.

Table 64-52-1 Transportation Impact Study (TIS) Thresholds

Land Use Thresholds	
Preliminary plat in RL district	90 dwelling units
Manufactured Housing Land Lease Community / Mobile Homes	
Multi-Family Dwelling, Townhouse/Rowhouse	150 dwelling units or living units
Group Living uses	
Commercial / Mixed Use, generally	25,000 sf
Restaurant (including drive-in or drive-thru)	3,000 sf
Gasoline or diesel fuel sales / Convenience store (with 7 fueling positions gasoline sales)	
Office	60,000 sf
Medical (includes dental)	29,000 sf
Education	30,000 sf or 250 students
Lodging / Short-Term Rental	150 rooms or RV/trailer spaces
Industrial / Production	90,000 sf
Any other use	At least 100 trips in the P.M. peak hour

⇔ Refer to § 64-27 (Use Table) and Art. 10 for classification and definitions of uses

B. Utilities

- 1. Wastewater.** The development must be served by a public sanitary sewer system, public sewer where available, or an approved private sewage disposal system in accordance with Alabama Department of Public Health, Mobile County Health Department, or Mobile County Engineering & Public Works requirements.
- 2. Water.** The development must have access to a public water supply.

Sec. 64-53 Access Management and Driveways



Purpose: Consistent with Map for Mobile, this section establishes techniques to control access to major streets to improve movement of traffic, reduce crashes, and lessen vehicle conflicts through controlling entry and exit points along the street. This section encourages parcels that front a street on the Major Street Plan and that adjoin private property to share access with adjoining properties to minimize conflict points and to maximize the efficiency of streets on the Major Street Plan.

This section is consistent with the Major Street Plan and State and regional transportation policy, including the South Alabama Regional Planning Commission (SARPC), 2040 Long Range Transportation Plan (§§ 6.5.4) and ALDOT, Access Management Manual (February 2014)(the “ALDOT Manual”), and generally accepted planning standards such as the Transportation Research Board, Access Management Manual (National Research Council, Washington, DC, 2003)(the “TRB Manual”).

A. Applicability

1. This section applies to applications for site plan approval.
2. An application for a rezoning, conditional use permit, or building permit that accesses or adjoins a Major Street shall include an Access Management Plan that shows how the access points and the site’s circulation system (including internal streets, parking areas and driveways) conform to this section.
3. The number and location of access points are determined as part of the site plan, rezoning, conditional use permit or building permit review process.

B. Access Principles

Because frequent median breaks and curb cuts can be an impediment to the proper and safe functioning of Major Streets, City Engineering, ALDOT, City Traffic Engineering, or other entities may require that access to the street be limited by any combination of the following means:

1. Cross-access easements, minimum driveway separations, shared driveways and frontage roads.
2. Designing and arranging driveways to avoid requiring vehicles to back into traffic on an arterial street.
3. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to the parallel street, with the rear lines of their terminal lots backing onto the major arterial.

C. Number and Spacing of Access Points

Generally, each lot is allowed one access point to an abutting road, however, shared access is encouraged wherever possible. Additional access points may be allowed, if there is sufficient frontage, as determined by the appropriate authority, such as City Engineering, ALDOT, City Traffic Engineering, or other entity.

Sec. 64-54 Yards

A. Yards

1. Yard Types and Measurement Standards

- (a) For purposes of Article II (Zoning Districts) and any other provision of this Chapter that refers to or requires a yard, the following classifications and measurement standards apply:

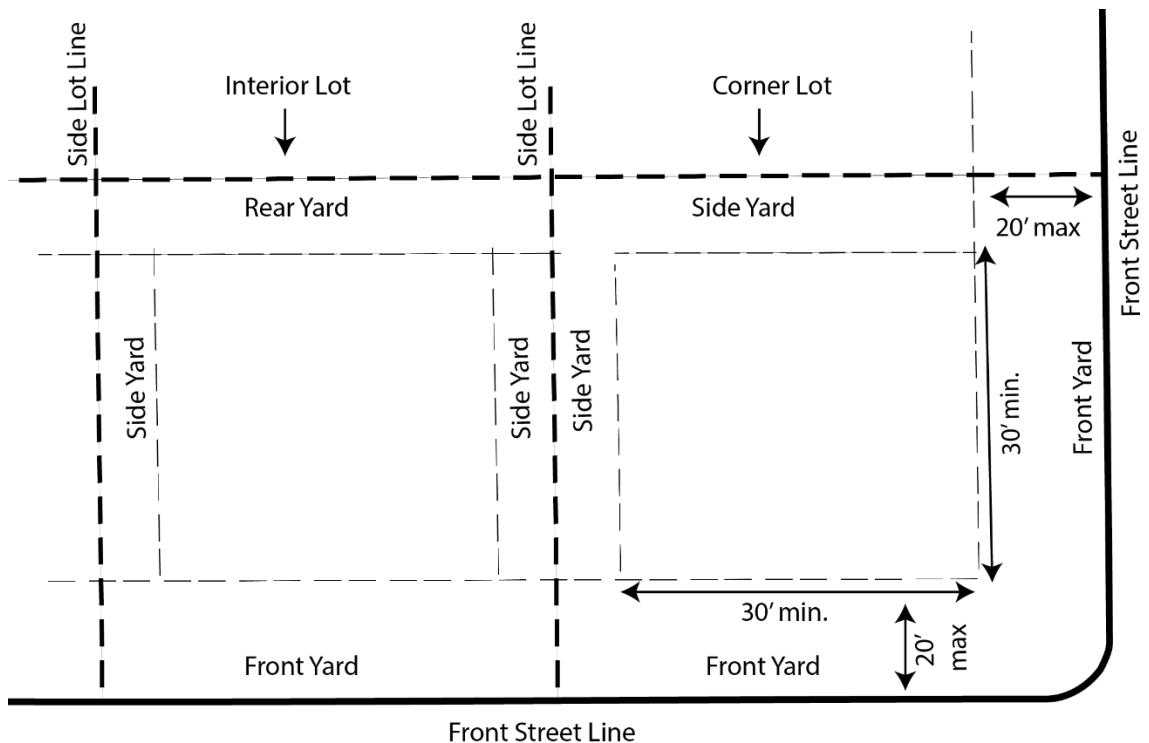


Figure 64-54-1 Yard Types

Front Yard	A yard extending the full width of the building site across its front, with required depth measured at right angles to the front street line of the building site. Major street lines. Front yard depth is measured from the future street right-of-way line of a major street.
Rear Yard	A yard extending the full width of the building site across its rear, with required depth measured at right angles to the rear line of the building site.
Side Yard	A yard extending from the rear line of the front yard to the front line of the rear yard, with required width measured at right angles to the adjacent side lines of the building site. If no front and/or rear yard is provided, the front and/or rear lines of the building site shall be construed as front and/or rear boundaries of the side yard. In any district where side yards are not required by the district regulations, a side yard shall have the minimum width required by the currently adopted RC or IBC, as applicable (↔ <i>City Code Chapter 11, Article 1</i>).
(b) Corner Lots.	A corner lot is considered to have a front yard on each lot line abutting a street, and a side lot line abutting an interior lot. This regulation shall not reduce the buildable width to less than 30 feet or require a front or side yard of more than 20 feet.

2. Encroachments

- (a) Except as provided below, yards shall be unoccupied and unobstructed from 3 feet above the general ground level of the building site upward.
- (b) The features designated and as conditioned below may encroach into a required yard subject to height limitations and intersection visibility requirements (subsection 3 below) and building code separation requirements:

Table 64-54-1 Encroachments

Feature	Yards where encroachment is permitted	Maximum Encroachment	Minimum Setback from property line
Arbors (maximum footprint of 80 sf and maximum height of 12')	Any yard	No restriction	--
Basketball goal	Any yard	No restriction	--
Balconies (open) at second floor or higher levels, wing walls, stoops, landings, and patios	Any yard	5 feet	--
Bird houses, dog houses	Any yard	No restriction	--
Ordinary projections of sills, belt courses, cornices, chimneys, buttresses, eaves, spouts/gutters, brackets, pilasters, grill work, trellises and similar architectural features	Any yard	2 feet	--
Canopies, Freestanding	Front	10 feet into yard	--
Canopies having a roof area up to 60 sf	Front/rear	6 feet into yard	--
Clothes line (up to 2 poles)	Rear/Side	No restriction	--
Decks, covered	Rear	30 inches into yard	--
Decks, uncovered	Rear/Side	5 feet into yard	--
Driveways	Any Yard	No restriction	--
Equipment, ancillary (Residential or Commercial / Mixed Use districts)	Interior Side/Rear	No restriction	--
Equipment, ancillary (non-residential districts)	Interior Side/Rear	No restriction	--
Fences, walls, poles, posts and other customary yard accessories, ornaments and furniture	Any yard	No restriction	--
Open fire escapes / enclosed outside stairways / handicap ramps required by the building code	Any	3½ feet	--
	Rear:	5 feet into rear yard	--
Flag Pole	Any yard	No restriction	--
Garages, attached or detached and loaded from an alley	Rear	No restriction	--
Gates	Any yard	No restriction	--
Pool equipment, generators, HVAC units	Side/Rear	No restriction	Per currently adopted ICC codes
Landscaping, lawns, berms, trees, shrubs	Any yard	No restriction	--
Light Poles	Any year	No restriction	--
Mailboxes	Any year	No restriction	--
Playground equipment, trampolines	Any yard	No restriction	--
Open pools, screened or enclosed pools, spas, and uncovered decks or patios, up to 20 feet from a dwelling unit on an abutting lot ¹	Rear/Side	No restriction	--
Overhanging roof, pier, awnings, marquees, and second-story balconies, steps, structural overhangs or projections enclosing habitable living space, or similar architectural features	Any	Shall not extend within a planting strip or tree well area	--
Parking areas, subject to zoning district regulations and this Article	Any	No restriction	--
Porches, residential unenclosed and covered ²	Front/rear	6 feet into yard	--

¹ The accessory use regulations (Chapter 18.56) currently provide: "Pool/pool areas, terraces and patios: A pool/pool area, terrace or patio shall not be considered in the determination of yard sizes or lot coverage, provided that such area is unroofed and without walls or parapets or other forms of enclosure. Such area shall not project into any yard to a point closer than five (5) feet from a property line."

Article IV Development Standards | Sec. 64-54 Yards

Feature	Yards where encroachment is permitted	Maximum Encroachment	Minimum Setback from property line
Projecting overhangs on the ground floor not listed above	Any	No restriction	Per currently adopted ICC codes
Projecting windows such as bays, bows, oriels, or dormers	Any yard	5 feet	Per currently adopted ICC codes
Ramps for citizens with impairments	Any	No restriction	--
Retaining Walls	Any	No restriction	--
Sidewalks	Any	No restriction	--
Stormwater detention or retention facilities or ditches, unless the Director finds that underground stormwater management facilities are not currently available	Rear (NC-T, D), Any yard (all other districts)	No restriction	--
Vending Machines (including ice machines, video rental machines), ATMs	Side/Rear	No restriction (prohibited in a required buffer)	--

² The accessory use regulations (Chapter 18.56) currently provides that: “Porches: A porch, open on at least one (1) side and having a roof, shall be considered a part of the building for the determination of lot coverage and zoning setbacks.”

- 3. Visibility at Intersections.** On a corner lot in any district in which a front yard is required, no fence, wall, hedge, structure, dumpster or planting creating a material impediment to visibility between the heights of 3 feet and 8 feet above the street grade at the intersection shall be erected, placed, or maintained within the triangular area (the “sight triangle”) formed by the intersecting street lines and a straight line connecting the street lines at points equidistant from the point of intersection and passing through a point which point is the intersection of lines defining the front yards.

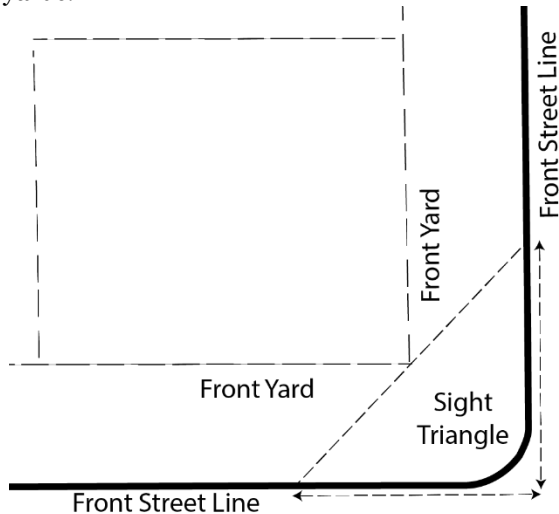


Figure 64-54-2 Sight Triangle

- 4. Side Yard Exception for Small Lots** Where side yards are required and a lot of record is less than 60 feet wide, the sum of the widths of the 2 side yards shall be at least one-third ($1/3$) the width of the lot, and neither side yard shall have a width of less than one-seventh ($1/7$) the lot width. However, each yard shall have a width of at least 5 feet.
- 5. Double-Counting Yards Prohibited.** No part of a yard or other open space required for any structure by the applicable Zoning Regulations counts as a part of the yard or other open space required for another structure.

Sec. 64-55 Building Design & Height

A. Applicability

This section applies only to the City's zoning jurisdiction.

B. Height exceptions

1. The height limits for the zoning districts do not apply to:
 - (a) church spires, belfries, cupolas, penthouses, or domes not used for human habitation, or
 - (b) chimneys, ventilators, skylights, water tanks, parapet wells, cornices, radio and television receiving antennas, or necessary mechanical appurtenances usually carried above the roof level.
2. These features are limited to that height necessary for their proper functioning.

C. Excess height

1. **Additional Setback.** The following building heights may be added above the maximum height limits for the district as provided below:

Table 64-55-1 Building Height-Setback

District	Additional Height	for each 1 foot of side yard in excess of -
RL	2 feet	10 feet
RM	2.5 feet	10 feet
NCS	5 feet	5 feet

2. **Compensating Bulk and Open Space**

Purpose: this subsection is designed to permit variety in the shape and bulk of structures.

- (a) In any NCT, NCS, DC, CT, CM, IL, or IH district, part of a main structure may be erected or altered to a height exceeding that specified for the district in which the structure is located if a volume of space at least equal to the volume of space occupied by the part of the structure exceeding the height limit is provided and kept open below the height limit. The open space below the height limit shall be provided on the same building site.
- (b) Subsection (a) does not apply to lots adjoining RL, RM or NCT/NCS districts without intervening streets or other permanent open space at least 50 feet in width. In those cases:
 - (1) a yard equal in width to the minimum side yard in the adjoining district shall be provided, and
 - (2) height exceeding that permitted in the adjoining district is governed by regulations relating height to yard width in the adjoining district.

D. Frontage Types

1. **Applicability**

- (a) The frontage is the area of a property that faces a street or other public space and an assembly of components within that area. Frontage components include:
 - (1) The building façade, and

- (2) Structures that project from the facade such as porches, terraces, stoops, awnings, canopies, and bay windows.
- (3) Where required, any front yard landscape elements between the building facade and the public street or space.
- (b) The frontage elements shown in Table 65-55-2 are required by Article II. (Frontage types for the “D” (Downtown) districts are not regulated or described by this section.)

Table 65-55-2 Frontage Types

Frontage Type	A <i>Single-Family</i>	B <i>Multi-family</i>	C <i>Mixed Use</i>	D <i>Big Box / Commercial Strip</i>	E <i>Office campus</i>	F <i>Heavy Industrial</i>
Arcade / Colonnade / Gallery	--	--	■	■	○	○
Balcony	--	■	■	○	○	○
Common Entry	--	■	○	○	■	--
Lawn	■	■	--	--	--	--
Pedestrian Courtyard	--	■	■	■	○	○
Recessed Or Projected Entry	--	--	--	○	■	○
Stoop	■	■	○	○	○	○
Storefront	--	--	■	■	○	--
Terrace	--	--	■	--	--	--
Tower / Raised Parapet / Pitched Roof Elements	--	○	○	■	○	○
Vehicular Courtyard	--	○	■	■	○	○

Notes:

- One of these elements is required.
- Element is allowed but not required.
- Element is prohibited.

- (c) This subsection applies to any application for a rezoning, conditional use permit, building permit or certificate of occupancy where building design is regulated by Article II and the applicable zoning district.
- (d) The application for approval shall designate the frontage type for all proposed buildings.
- (e) Each building shall comply with the standards for the required frontage type when new construction or substantial improvement is proposed, when the frontage type is changed, or when the primary frontage of the property is re-designated to another street on a corner lot.
- (f) New additions to existing buildings are not required to designate frontage types.

2. General Requirements

(a) Street Designation

- (1) For purposes of applying the standards for Building Type “C” (see Article II), the Zoning Map may designate streets as either “A” Streets and “B” Streets. “A” and “B” Streets have different setback and building design standards depending on their urban or utilitarian character.
- (2) A building façade that faces an “A” Street is the “primary frontage,” and a building façade that faces a “B” Street is the “secondary frontage.”

- (3) Buildings that face “A” streets are held to the highest standard of the Building Type “C” regulations, in support of pedestrian activity. These standards are further described below. If this subsection does not indicate whether it applies to the “A” or “B” Street frontage, the standard applies to all building frontages. If the zoning map does not designate “A” and “B” streets, all building facades that face a street are considered primary frontages.

☞ *Commentary: “A” and “B” Streets are designated in the Downtown District (§ 64-30), and may be designated in other districts as well.*

- (b) **Primary entrance.** A primary entrance of every building must directly face a street or a civic space. A second door may be provided at the rear, convenient to parking.

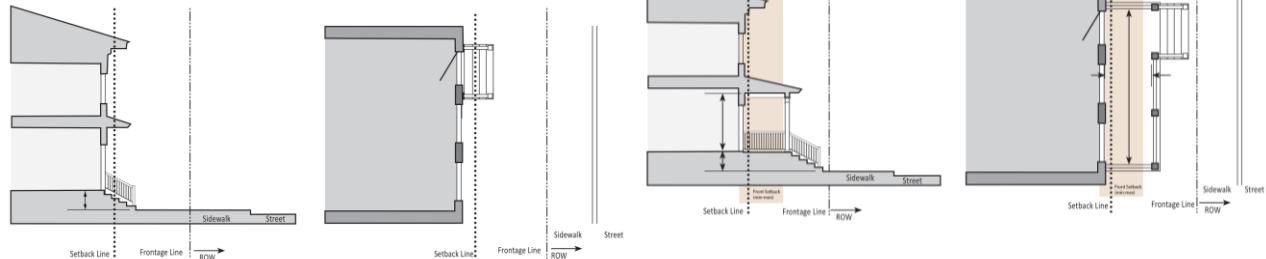
[Frontage Type Requirements begin on next page]

3. Frontage Type Requirements. Frontage types are defined and regulated as follows:

(a) Lawn

Definition. A lawn frontage type includes a building where the entry is separated from the right-of-way by an area covered with turf.

Figure 64-55-1 Lawn Frontage Type



Lawn with yard (cutaway & plan view)

Lawn with porch (cutaway & plan view)

Requirements:

Encroachments into the front setback are permitted as follows:

- Porches, stairs, and ramps may encroach into the front setback up to 50% of their depth in all districts.
- Bay windows, roof overhangs, cornices, window and door surrounds and other facade decorations may encroach into the front setback up to 2 feet.
- Stoops may encroach into the front setback up to 4 feet.
- Stoops may be covered by a roof structure supported by columns or wall brackets.

Fences and walls shall be made of the following materials: wood picket, wood slat, wood lattice, iron or steel, brick, stone, stucco over masonry, aluminum that appears to be iron.

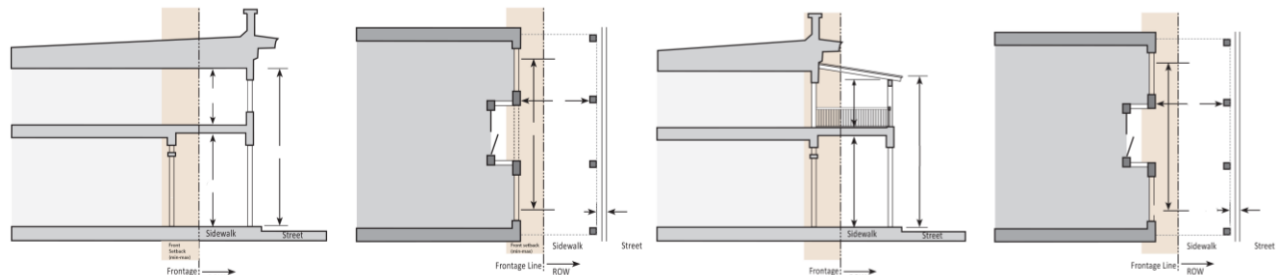
Walkways providing access to the primary entrance and secondary entrances are limited to one per frontage no wider than 5 feet each.

(b) Arcade / Colonnade / Gallery

Definitions

Arcade	A permanent roof supported by an arched colonnade that overlaps the sidewalk.
Colonnade	A roofed structure, extending over the sidewalk and open to the street except for supporting columns or piers.
Gallery	A frontage type where the facade is aligned close to the frontage line with an attached cantilevered balcony or lightweight colonnade overlapping the sidewalk.

Figure 64-55-2 Arcade / Colonnade / Gallery Frontage Type



Arcade (cutaway & plan view)

Gallery (cutaway & plan view)

Requirements:

Colonnades, galleries, and arcades may include all elements of a storefront frontage.

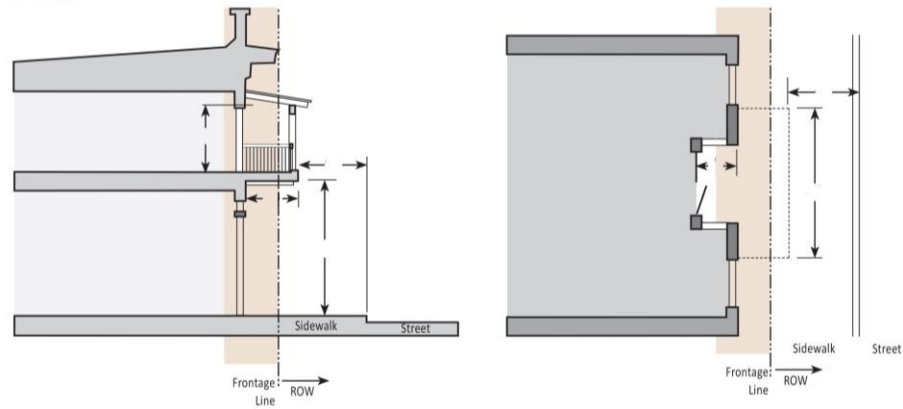
Colonnades, galleries, and arcades shall conform to the following minimum specifications:

- Minimum clear width from the interior face of the support columns to the building's primary façade: 10 feet
- Minimum clear height above the sidewalk: 10 feet
- Maximum spacing: no further than column's height (measured from finished surface to the top of the column)
- Minimum horizontal extension over the façade width (measured from the edge of the furthest columns): 75%
- Maximum encroachment into maximum setback and/or into the public right-of-way: must maintain 24 inches of horizontal clearance from a parking lane or travel lane.

(c) Balcony

Definition. 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.

Figure 64-55-3 Balcony Frontage Type



Balcony (cutaway & plan view)

Requirements:

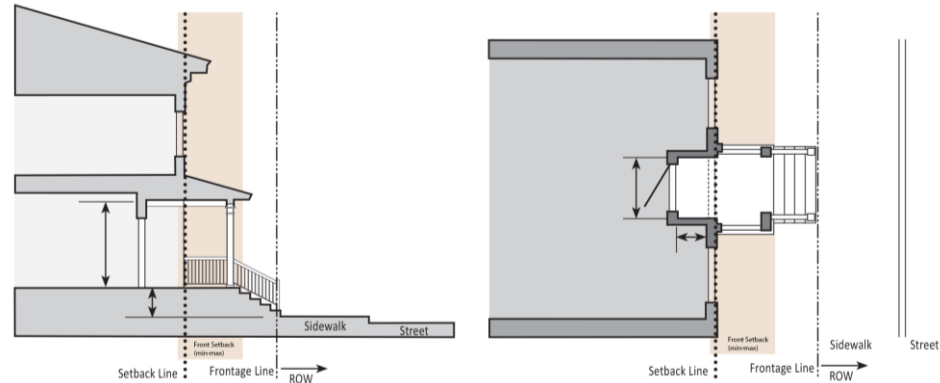
Balconies may project from the facade three feet and may extend into the right-of-way with a Right of Way Non-Utility Use Agreement and Right-of-Way Permit from the City Engineer.

Balconies shall have a depth of at least six (6) feet and a clear height below of at least ten (10) feet above the sidewalk. These balconies shall extend over at least twenty-five (25) percent of the width of each primary facade. These balconies may have roofs but must be open toward the street.

(d) **Common Entry**

Definition. A common entry is a building façade with a single point of entry provided for multiple units or uses in the building.

Figure 64-55-4 Common Entry Frontage Type



Common Entry (cutaway & plan view)

Requirements:

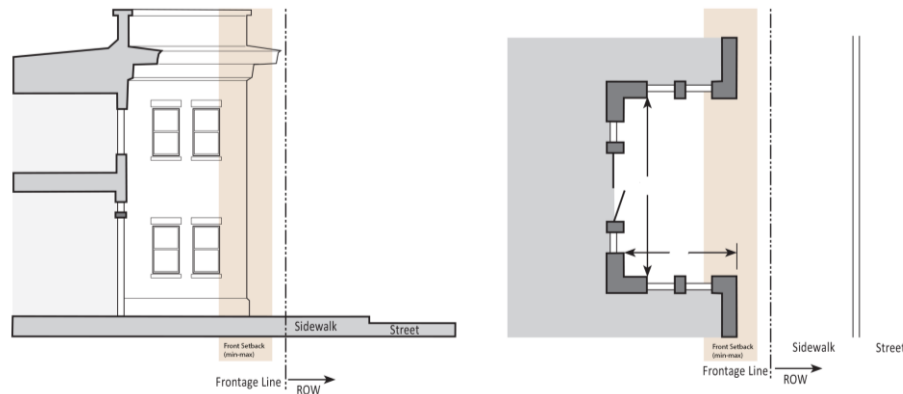
Awnings and canopies are permitted, subject to the requirements of this Section.

Frontages may be paved up to 100% of their area. Paving shall consist of unit masonry or concrete.

(e) **Pedestrian Courtyard**

Definition. A courtyard that includes a building entrance on at least one building wall, and admits only pedestrians, and includes no driveways, streets or other spaces that allow access by motor vehicles. A portion of the facade is close to the front property line and remaining facade is set back from the front property line to create an entry courtyard.

Figure 64-55-5 Pedestrian Courtyard Frontage Type



Pedestrian Courtyard (cutaway & plan view)

Requirements:

Awnings and canopies are permitted, subject to the requirements of this Section.

An entry courtyard is required as follows:

- The entry courtyard shall be located at the primary entrance.
- The width of the entry courtyard counts toward frontage build out.

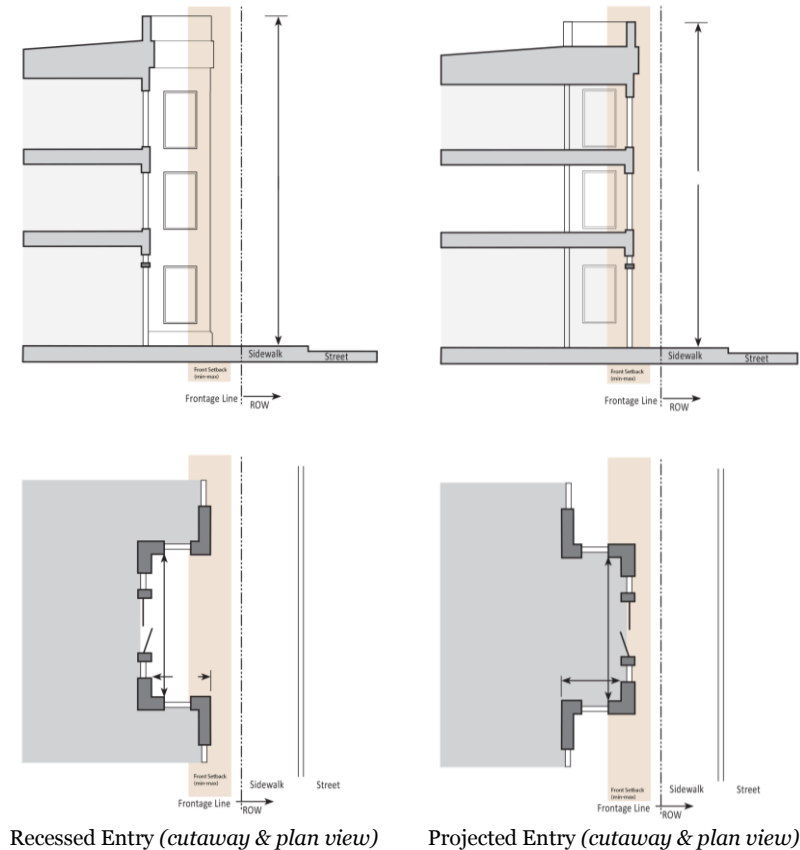
Pedestrian courtyard frontages may include all elements of a storefront along front property lines and within the entry courtyard.

Pedestrian courtyard frontages may include all elements of a gallery frontage except within the entry courtyard.

(f) Recessed or Projected Entry

Definition. Any entry that extends from or recesses into the front wall plane.

Figure 64-55-6 Recessed or Projected Entry Frontage Type



Requirements:

The entry shall extend vertically at least 15 feet or to the top of the front elevation and with a continuous width of at least 12 feet at all points along the required vertical dimension.

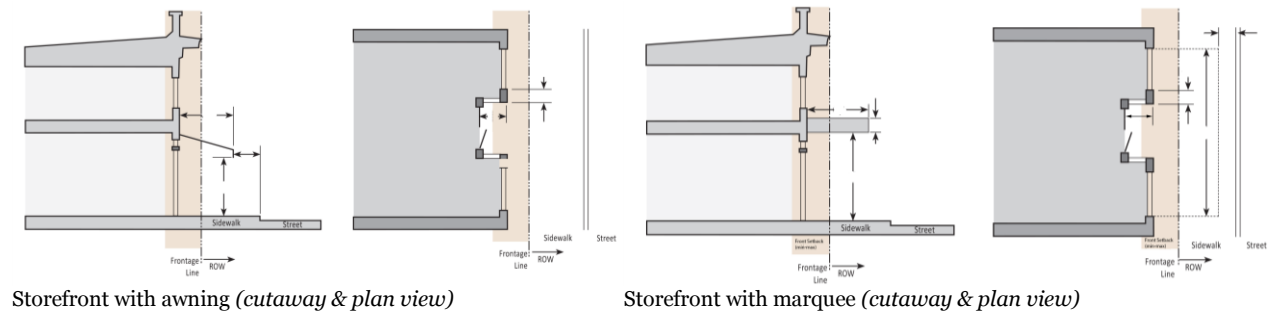
The finished floor elevation of the first floor shall be no more than 30 inches above average grade along the facade. [Note: this is subject to any finished floor elevation requirements in the special flood hazard area (SFHA) required by Chapter 17, Art. 1 of the City Code (Stormwater Management and Flood Control).]

Awnings, canopies and marquees are permitted, subject to the requirements of this Section.

(g) Storefront

Definition. A private frontage for retail and office uses with substantial glazing where the facade is aligned close to the frontage line with the building entrance at sidewalk grade. The building facade at the ground floor is substantially glazed to provide visibility into interior spaces. Storefronts may include display cases that project forward and recessed entries. Storefront frontages may be used alone as a frontage type or in combination with other frontage types.

Figure 64-55-7 Storefront Frontage Type



Requirements:

Awnings, canopies and marquees are permitted, subject to the requirements of this Section.

Storefronts are subject to the following glazing and coverage requirements:

- To provide visibility into interior spaces, Storefronts shall provide transparent windows for at least 50% of the storefront facade, calculated separately for each building frontage.
- The storefront area is calculated by multiplying the width of the building frontage by the ground floor height.

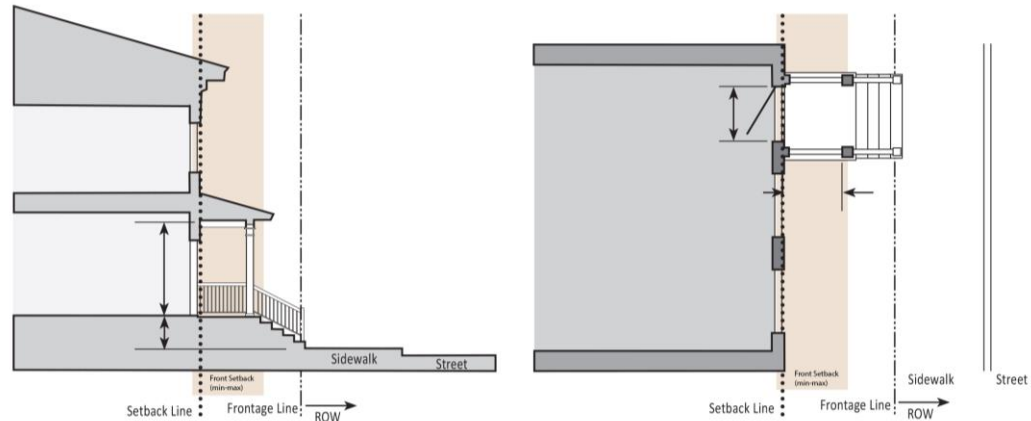
Entries may be recessed from the facade up to 8 feet in depth.

Ground floor movable commercial uses may use the public sidewalk for seating, serving, displays of merchandise and other business related activities as long as a 5 foot minimum clear sidewalk passage is maintained.

(h) Stoop

Definition. A stoop is a building where the facade is aligned close to the front property line with the first story elevated from the sidewalk for privacy, and an exterior stair and landing at the building entrance. Stoops may be covered by a roof structure supported by columns or wall brackets.

Figure 64-55-8 Stoop Frontage Type



Stoop (cutaway & plan view)

Requirements:

Awnings and canopies are permitted, subject to the requirements of this Section.

Stoops may extend into the right-of-way, if a minimum five (5) feet clear sidewalk access is maintained for pedestrians, and a right-of-way permit is obtained.

Stoops shall be between 4 and 6 feet deep.

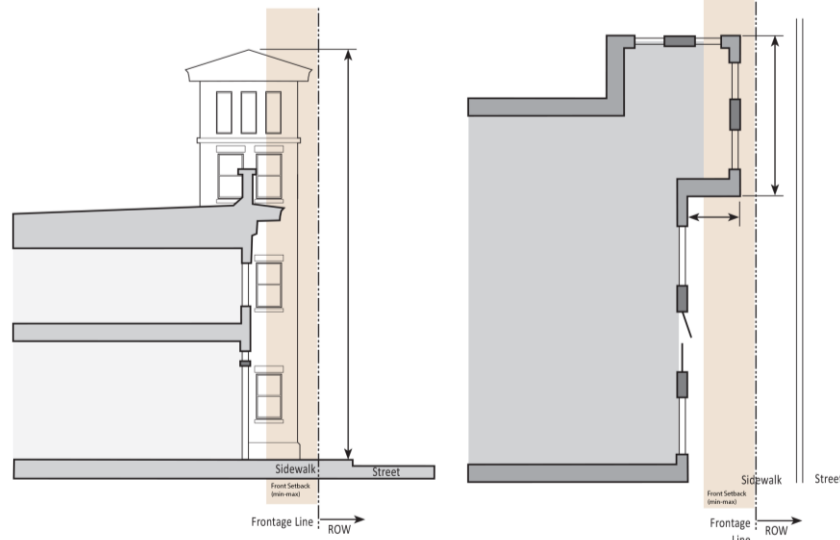
Partial walls and railings may be no higher than forty-two (42) inches.

Stoops may be covered by a roof structure supported by columns or wall brackets.

(i) Tower / Raised Parapet / Pitched Roof Element

Definition. Towers, raised parapets or pitched roof elements that are attached to the building. A “tower” is a distinctly vertical projection in the facade. A “parapet” is a low wall or railing extending above and in the front of a roof. A pitched roof is a break in the roof plane with a minimum pitch of 3:12 and that extends at least 8 feet in its vertical dimension.

Figure 64-55-9 Tower/Raised Parapet/Pitch Roof Element Frontage Type



Tower / Raised Parapet / Pitched Roof Element (cutaway & plan view)

Requirements:

Towers, raised parapets or pitched roof elements shall:

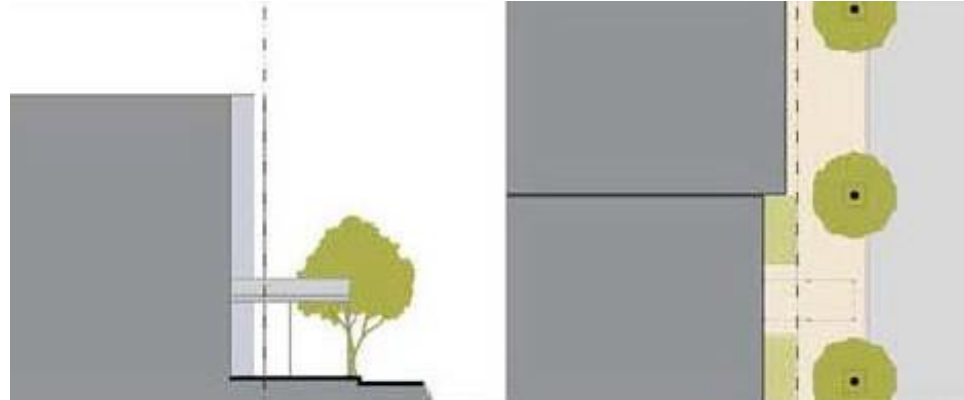
- produce variations in building height of at least 4 feet, and
- project at least 1 foot from the front and rear of the primary façade plane for the full vertical dimension of the plane.

Awnings and canopies are permitted, subject to the requirements of this Section.

(j) Terrace

Definition. A paved or landscaped patio elevated above the grade of the sidewalk. The facade is set back from the front property line by an elevated patio.

Figure 64-55-10 Terrace Frontage Type



Terrace (cutaway & plan view)

Requirements:

Awnings, canopies and marquees are permitted, subject to the requirements of this Section.

Terrace frontages may include all elements of a storefront frontage located at the level of the terrace.

The terrace shall be a minimum of 8 feet deep and may extend to the front property line.

Terrace surfaces may be paved or landscaped.

In D-4, walkways providing access to secondary entrances are limited to one per entrance no wider than 5 feet each.

In D-2, D-3 and D-6, frontages may be paved up to 100% of their area. Paving shall consist of unit masonry or concrete

(k) Vehicular Courtyard

Definition. A courtyard that includes a driveway or similar access for motor vehicles not leading to a garage or parking area (such as a circular driveway), and that also includes sidewalks or pedestrian paths and a building entrance on at least one building wall. A portion of the facade is close to the front property line and remaining facade is set back from the front property line to create an entry courtyard for vehicular access.

Figure 64-55-11 Vehicular Courtyard



Vehicular Courtyard (*cutaway & plan view*)

Requirements:

Courtyards shall recess no more than 50% of the building facade.

Awnings, canopies and marquees are permitted, subject to the requirements of this Section.

E. Architectural Features

1. Generally

- (a) **Applicability.** The following requirements apply to architectural features that are used as part of required frontage type.
- (b) **Encroachments.** Awnings, marquees, and balconies may extend forward of the maximum setback and/ or into the public right-of-way if they do not extend within the planting strip or tree well areas. A Right-of-Way permit and a Right-of-Way Non-Utility Use Agreement may be required for encroachments.

2. Awnings

- (a) **Applicability.** This subsection applies to awnings. An “awning” means 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. Awnings are combined with other frontage types, such as terrace, common entry, pedestrian courtyard, vehicular forecourt, or storefront. If an awning is not combined with a storefront, the front facing façade shall include a public or common entryway with a minimum width of 5 feet and minimum height of 8 feet.
- (b) **Requirements by Frontage Type.** Requirements for awnings include the following:
 - (1) Awnings over ground-story doors or windows shall have a depth of at least five (5) feet and a clear height of at least eight (8) feet above the sidewalk.
 - (2) Awnings must extend over at least 25% of the width of each primary facade. Back-lit, high-gloss, or plasticized fabrics are prohibited.

3. Canopies

- (a) **Applicability.** This subsection applies to canopies. A “canopy” is an extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.
- (b) **Requirements.** Canopies combine with only the following frontage types: pedestrian courtyard, vehicular forecourt, or storefront.

4. Marquees

- (a) **Definition.** 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.
- (b) **Requirements.** Marquees shall have a depth of at least five (5) feet and a clear height of at least ten (10) feet above the sidewalk. Marquees shall extend over at least twenty five (25) percent of the width of each primary facade.

5. Porch

- (a) **Definition.** 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) **Requirements.** In all districts, front porches shall be a minimum eight (8) feet deep and may extend up to ten (10) feet forward of the build-to zone. Front porches are required to be open and un-air-conditioned. No more than twenty-five (25) percent of the floor area of a porch may be screened if the porch extends forward of the maximum front

setback. Partial walls and railings on porches may be no higher than forty-two (42) inches. Porches may not extend into the right-of-way.

F. Liner buildings

1. **Applicability.** This subsection applies to any zoning district that requires building design type “C.”
2. **Standards.** The character of some uses of land, such as theaters, grocery stores, parking structures, and other large-footprint uses would preclude their buildings from complying with the fenestration requirements for Type C buildings. Those buildings shall be separated from primary frontages by liner buildings as follows:
 - (a) Liner buildings shall be at least as tall as the building they are screening, and must comply with the height requirements of the district in which they are located.
 - (b) Liner buildings shall be no less than twenty (20) feet in depth.
 - (c) Liner buildings may be detached from or attached to the buildings they are concealing.
 - (d) Liner buildings may be used for any purpose allowed on the lot on which they are located except for parking.
 - (e) Liner buildings shall meet the orientation, frontage type, modulation, and transparency requirements for the applicable zoning district.

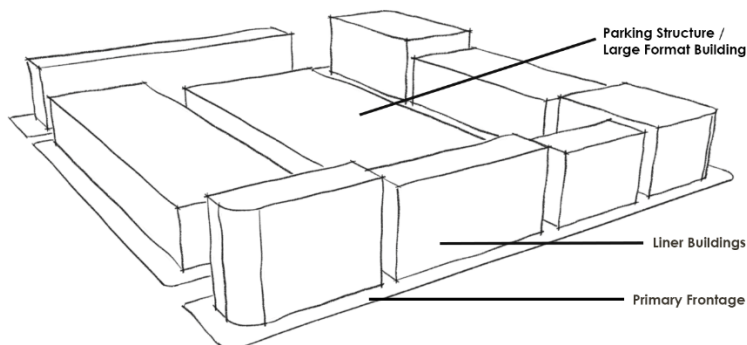


Figure 64-55-1 Liner Building Example

Sec. 64-56 Landscaping & Tree Preservation



Findings: The City finds that this section protects and enhances the ecological and aesthetic environments of the City of Mobile. Existing native trees, street trees, and landscaped areas serve to protect the public health, safety and general welfare by:

- Protecting the public health, safety and welfare;
- Minimizing soil erosion;
- Reducing flood hazards and managing stormwater by providing leaf canopies that help reduce erosion caused by falling rain, porous surface areas where rain water lands and evaporates, and roots that take up water and create soil conditions that promote infiltration;
- Promoting ground and surface water stabilization and decreasing the adverse impact of the water table fluctuations caused by imprudent removal of vegetation;
- Protecting air quality which is significantly affected by the natural clearing of the atmosphere by the trees through particulate matter interception and the release of oxygen into the atmosphere as a byproduct of photosynthesis, and by absorbing carbon dioxide and supplying oxygen;
- Reducing the effects of noise, glare, dust, and other objectionable activities generated by some land uses, including avoiding the increase in noise pollution created by the imprudent removal of buffer trees;
- Protecting existing vegetation from greater wind velocities by planting trees or avoiding the imprudent removal of buffer trees;
- Safeguarding and enhancing property values by promoting compatibility and avoiding the adverse aesthetic and ecological effects of imprudent tree removal;
- Stabilize the urban wildlife habitat and ecosystem balance;
- Buffering and screening adjacent properties;
- Promoting and improving the City's image, charm and beauty, including the character of its neighborhoods and commercial areas;
- Providing shade and reducing urban heat islands;
- Preserving the economic base attracted to the city by its natural beauty; and
- Facilitating the safe movement of traffic in vehicular use areas.

Purpose: This section establishes minimum landscaping, buffer and tree protection requirements to improve the appearance, quality, and quantity of landscaped areas throughout the City of Mobile, with emphasis on vehicular use areas, as follows:

- **Conservation.** To conserve and protect, insofar as possible, healthy, existing plant material.
- **Reforestation.** To replenish the local stock of plant material suitable for growing in the City of Mobile.
- **Protection.** To protect and preserve the unique identity of neighborhoods as well as the City of Mobile.
- **Flexibility.** To allow flexibility in landscape development in order to encourage innovative and diversified design.
- **Environment.** To off-set the effects of large impervious surfaces.
- **Attractiveness.** To provide an attractive appearance to streets.
- **Tree preservation.** To encourage the preservation of existing native trees, with an emphasis on heritage trees.

A. Landscaping

1. Applicability

- (a) This subsection A applies to each building site subject to an application for a building permit. This subsection does not apply to property zoned RL.

- (b) To encourage the renovation, upgrading and maintenance of existing structures, this section applies to sites with an existing structure(s) if the total gross floor area of the presently existing structure(s) is increased or decreased by fifty (50) percent. Increases or decreases can occur by either additions or deletions to existing structure(s), or the placement or removal of structures on the site.
- (c) Development in the Downtown (“D”) and Neighborhood Center-Traditional (NCT) districts are subject only to subsections 5. (installation) and 11. (landscape plans) below. Where landscaping is required by the Architectural Review Board and/or the Community Development Block Grant Program/Mobile Housing Board that exceeds the standards within this subsection, if the provisions are in conflict, the higher standard shall prevail.
- (d) Existing landscaping on sites with existing structures or areas suitable for landscaping shall not be reduced below the landscape requirements established in this subsection.
- (e) These requirements remain with any subsequent owner.

2. Building Site

(a) Landscaping Percentage Requirements

- (1) **Building Site Landscape Area.**
The zoning district regulations indicate the minimum percentage of the total building site that shall be landscaped.
- (2) **Front Lot Landscape Area.** At least 60% of the landscaping percentage required shall be located on the building site between the street line(s) and the building wall(s) facing the street, as illustrated in Figure 64-56-1 Landscape Percentage Requirements.
- (3) Trees and landscape plantings are not permitted in detention ponds, except where provided by Chapter 17 of the City Code.

(b) Frontage Plant Unit Requirements

- (1) Where a front lot landscape area is required, the front setback must contain at least 1 plant unit for every 30 feet of road frontage, with at least one large tree per 50 feet of road frontage.
- (2) Plantings within the right-of-way between the back of curb and sidewalk satisfy the frontage tree planting requirements if:
 - a. The plantings exist when a landscape plan is filed, complies with the requirements of this section, and the applicant agrees to maintain the trees pursuant to the landscape plan, or
 - b. The plantings are authorized by a Right-of-Way Permit.

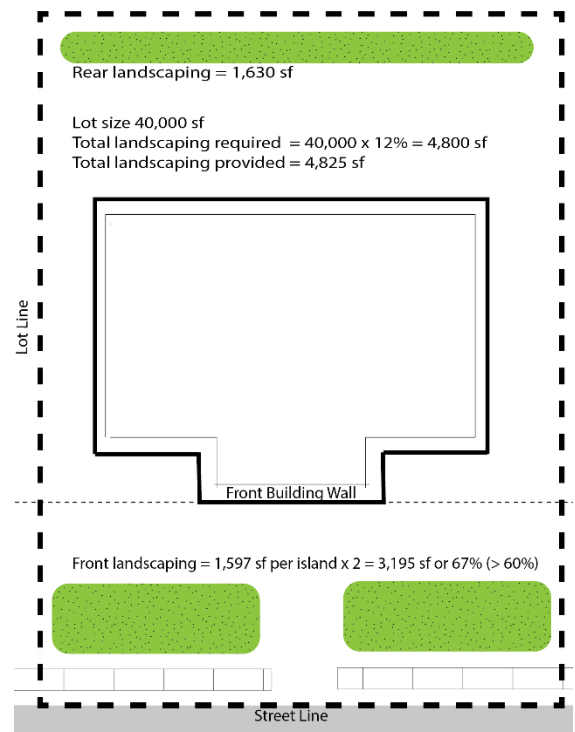


Figure 64-56-1 Landscape Percentage Requirements

- (c) **Perimeter Plant Unit Requirements.** Where a building site is required to provide landscape area, the building site must contain 1 plant unit for every 50 feet of the outside lot perimeter, less those plant units required in the front setback. The plant unit mix for perimeter plants shall be at minimum 1/3 overstory trees and 1/3 understory trees. Building sites located within D, ML, MH, IL or IH zoning districts are exempt from the requirements of this subsection.
- (d) **Frontage/Perimeter Exclusion.** The frontage (subsection (b) above and outside lot perimeter (subsection (c) above) used to calculate required plant units excludes:
- (1) those areas underneath an overhead power easement; and
 - (2) that portion of a lot line occupied by a driveway.
 - (3) that portion of the frontage that is underneath the canopy of an existing tree planted in the right-of-way.

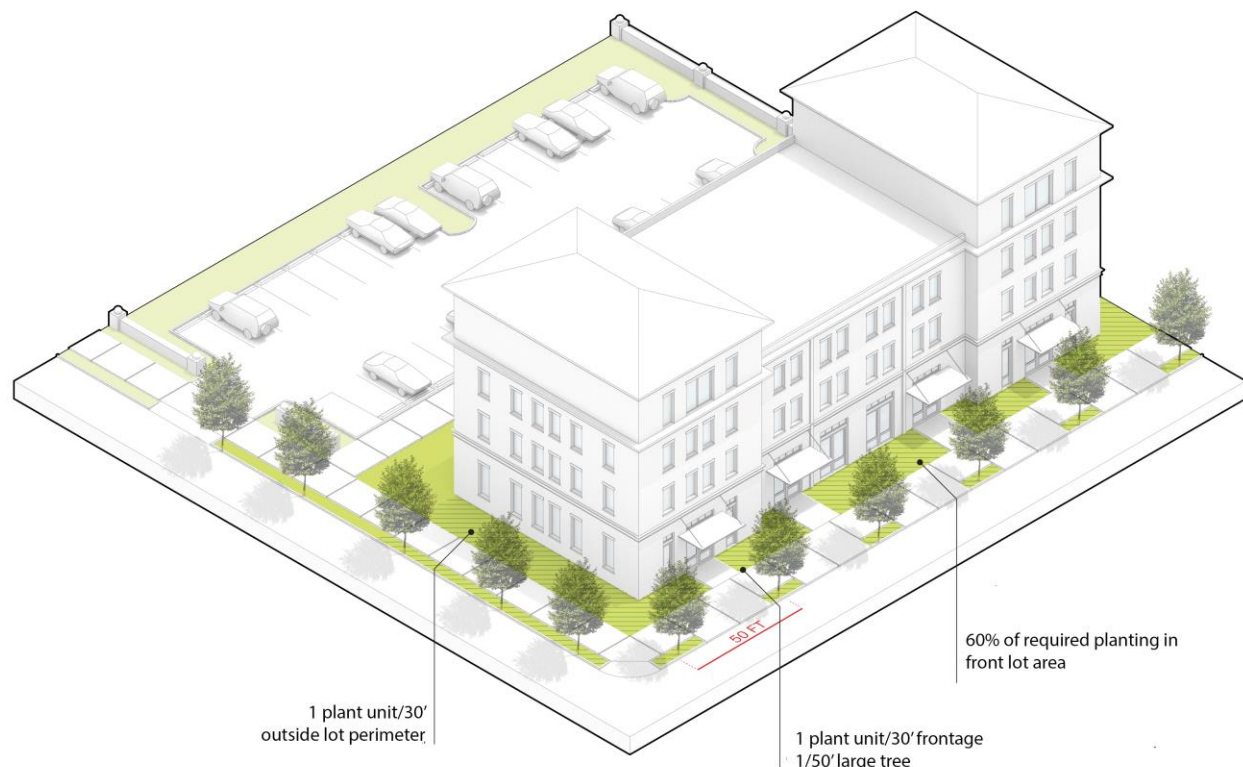


Figure 64-56-2 Summary of Building Site Planting Requirements

3. Parking lots

- (a) **Applicability.** Parking lot landscaping shall be provided in parking lot use areas having uncovered parking at street level. Parking lots located within ML, MH, IL or IH zoning districts are exempt from this subsection.
- (b) **Generally.** The landscaping shall be provided in a way that breaks up the expanse of paving, facilitates the safe circulation of pedestrian and vehicular traffic, and provides shade valuable for pedestrians and/or vehicles.
- (c) **Parking with 10 or More Spaces.** Self-parking that provides more than 10 uncovered parking spaces at street level shall include landscaping as follows:

- (1) The parking surface shall be permanently screened from adjacent RL and RM districts in accordance with the requirements of subsection B of this section.
- (2) A parking area separated from an RL or RM district by a minor street shall have a masonry wall (with a finish such as brick, stucco, split face, or evergreen vines), metal fence, wooden fence, evergreen hedge (“screen”), or other materials as determined by the Director, as follows:
 - a. The screen shall have a minimum height of 3 feet and a maximum of 8 feet.
 - b. The screen shall be placed within 5 feet from the edge of the parking lot.
 - c. The area between the screen and the property line shall be landscaped.
- (3) Planting strips (other than buffer planting strips required by subsection B of this section) shall have trees planted on maximum 75-foot centers.
- (4) Any part of the parking lot not used for parking stalls, roadways or pedestrian walks shall be landscaped with a living groundcover (grass, vines, annuals, perennials), shrubs and trees.
- (d) **Interior Landscaping.** Parking lots must be landscaped in the interior of the lot to break up the expanse of paving. The following minimum plantings are required:
 - (1) One (1) understory tree for every 20 parking spaces, with a minimum of 1/3 of the trees to be overstory trees and the remainder to be understory trees; and
 - (2) One (1) landscaped island of at least 9 by 18 feet (162 square feet) for every 12 contiguous spaces.

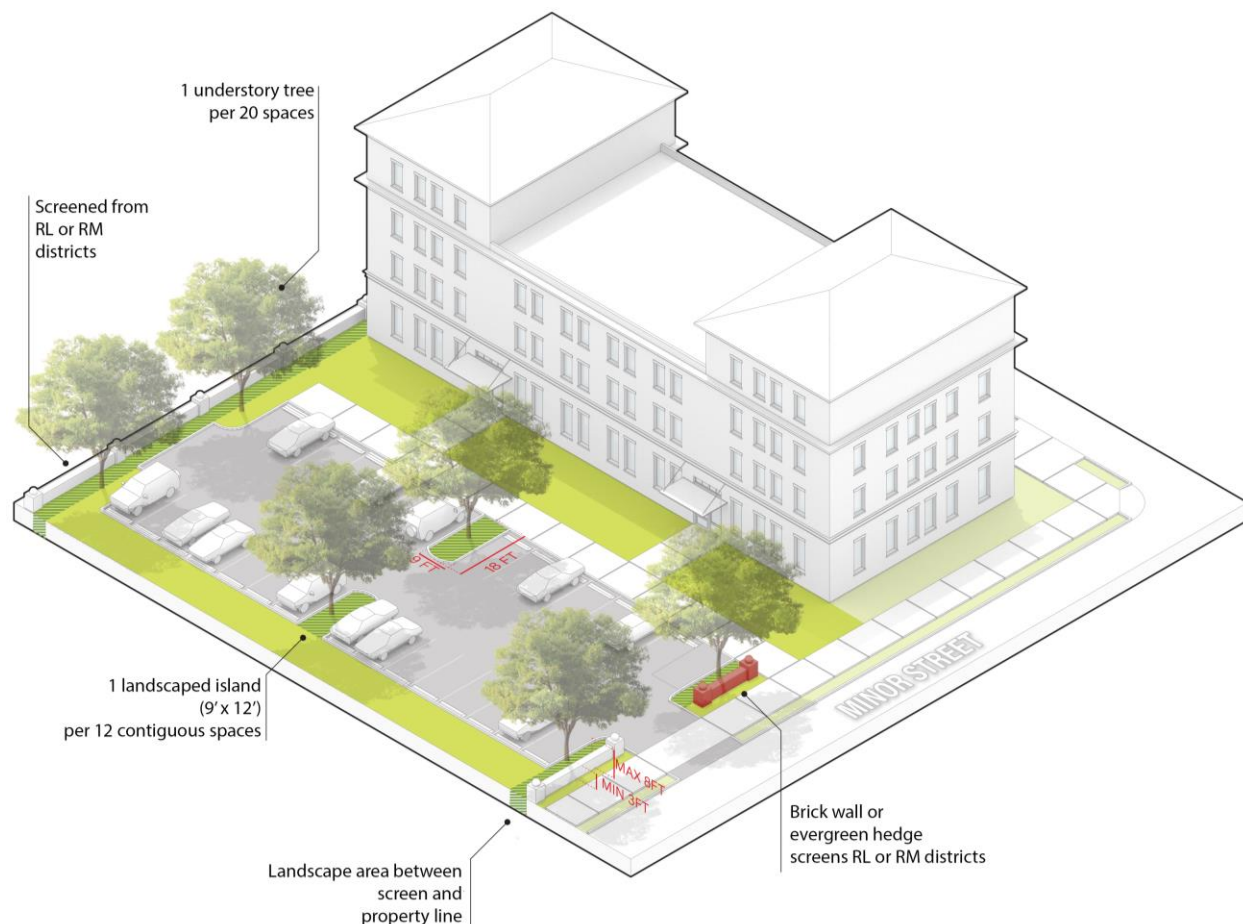


Figure 64-56-3 Summary of Parking Lot Landscaping Requirements

4. Credits Toward Landscaping Requirements

(a) Generally

- (1) Credits toward overall landscaping requirements are available as provided below.
- (2) Total on-site landscaping requirements will not be reduced below five (5) percent except:
 - a. in cases of hardship, developments in historic districts, or professional buildings with specific site criteria, or
 - b. on sites subject to Site Design Type 3 [*⇔ refer to Article II and zoning district standards in Article III*]

(b) Preservation Credit

- (1) If natural features and amenities such as trees, water courses, historic sites, and similarly irreplaceable assets exist on a building site prior to development and the applicant provides a legally enforceable commitment to permanently preserve those natural features and amenities, up to 100% may be credited toward the landscaping percentage requirement for the total building site [*⇔ refer to subsection 2(a)(1) above*] if the Director determines that the credit satisfies all purposes, objectives and requirements of this section.

- (2) If at least 75% of the Front Lot Area includes an existing continuous tree canopy that is preserved, no additional frontage tree plantings [*⇔ refer to subsection 2(b) above*] are required.

(c) Tree credit

- (1) Preservation of existing trees included on the plant list can be credited toward the tree planting requirements of this Section according to the following ratio:

the number of credited trees is determined by measuring the DBH of each preserved tree (PT) and dividing the sum by 6:

$$\text{Preservation Credit} = (\text{SUM PT}) \div 6$$

- (2) To be included in the computation for credit for preserved trees, each preserved tree must be:
 - a. at least 3 inches DBH, or
 - b. a tree meeting the minimum tree planting size requirements of this section and included on the approved Plant List (these may be credited for 1 required tree).
- (3) Credited trees shall be uniformly encircled by a protected ground area of sufficient size to ensure the health of the tree. During any construction on the site, the protected ground area shall be clearly marked in the field.
- (4) No credit will be allowed for any tree proposed to be retained if there is any encroachment within the "protected ground area" defined by a circle which has as its center the trunk of the tree, or if the tree is unhealthy or dead.
- (5) If any preserved tree being used for credit dies or fails to thrive, the owner shall plant new trees equal to the number of credited trees and the replacement trees will be of the same species or variety as the credited tree(s) lost.
- (6) Credits for preserved trees shall not eliminate the frontage tree planting requirements [*⇔ refer to subsection 2(b) above*].

5. Installation. All landscape material shall be installed in accordance with horticulturally sound principles and best practices and with the landscape plan, as finally approved. In addition, the planting, installation and maintenance of planting material shall conform to the specifications below.

6. Plant Selection

- (a) New trees planted to meet this section must be selected from the plant list established in subsection D. below. Size specifications and landscape materials shall conform to the American Standard for Nursery Stock.
- (b) The Director may permit substitutions if:
 - (1) the applicant submits a recommendation for the substitution from an Alabama registered landscape architect, or
 - (2) if a listed species is infested by fungi, disease or pests, a substitution may be recommended.
 - (3) Monocultures are not permitted. Plant materials shall show a variety of texture, color, shape and other characteristics.

7. **Dimensions.** New trees planted to meet this section must have a caliper and height at the time of planting as follows:

Table 64-56-1 Tree Planting Specifications

Tree Category	Caliper	Height (<i>minimum</i>)
Large	3 inches	--
Small-Medium	2 inches	--
Palm	--	6 feet (<i>clear trunk</i>)
Multi-stemmed	1 inch per stem (<i>minimum 3 stems</i>)	10 feet

8. **Warranty.** New landscape materials planted to meet this section must have a warranty of at least one (1) year.

9. **Minimum Planting Area**

- (a) The minimum planting area for each tree is required to protect the tree's critical root zone, and is designated in the Plant List.
- (b) The minimum planting area is defined by a circle whose radius starts at the center of the tree's trunk and terminates in any direction at the outer boundary of the area that must be left undisturbed to ensure tree survival. The trunk diameter is measured at 4.5 feet from the ground.
- (c) A planting area may vary from a concentric shape if:
 - (1) trees are planted between the back of curb and a sidewalk (subject to a Right-of-Way Permit), or the Director determines that site or topographical conditions require a plant area configuration different than a circle, and
 - (2) the planting area has the minimum dimension defined in the Plant List.

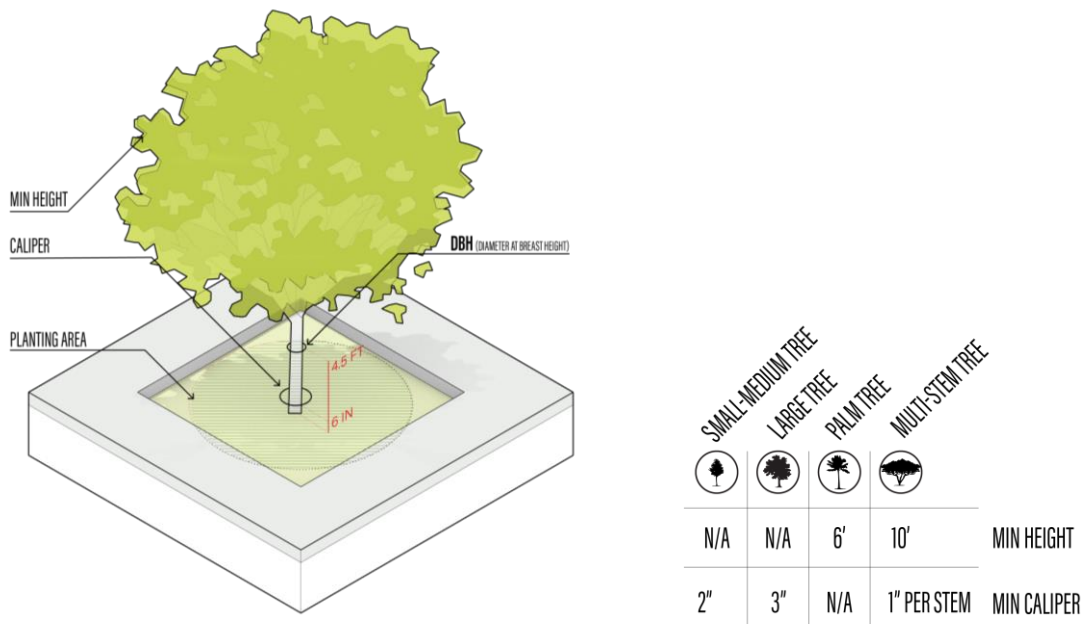


Figure 64-56-4 Minimum Planting Dimensions and Planting Area

10. Maintenance

(a) Generally

- (1) All landscaped areas shall be maintained by the property owner at all times.
- (2) Maintenance includes the prompt replacement of all dead or damaged landscaped material to ensure continued compliance with the landscaping requirements of this section.

(b) **Right-of-Way / Median.** Required maintenance applies to right-of-way and median maintenance for developers who elect to take credits toward landscaping requirements. Any property owner whose predecessor in interest took credits for right-of-way and median maintenance must continue to maintain that right-of-way or median in compliance with these landscape provisions.

(c) **Irrigation.** All landscaped areas shall be provided with an adequate water supply through the use of appropriate methods of irrigation, including hose bibs and/or automatic or manual irrigation systems and/or any other appropriate methods.

(d) **Sight Visibility.** Landscape material shall not create an obstruction to visibility at intersections as required in Sec. 64-54A.3.

(e) Protection of Landscaped Areas

- (1) All landscaped areas shall be protected by the use of barriers along the minimum planting area.
- (2) A barrier in the right-of-way requires a Non-Utility Use Agreement from the Engineering Department.
- (3) Barriers may include protective tree grates, concrete curbs, wheel stops, continuous border plants of hedgerows, landscape timbers, or other suitable barriers to allow sufficient percolation of water and air to the root system of living

landscape material and to protect from damage due to heavy foot traffic or vehicular encroachment, subject to provisions of the approved Right of Way Non-Utility Use Agreement and right-of-way permit from the Engineering Department.

- (f) **Trees under power lines.** Trees shall not be planted underneath overhead power lines except where allowed in the Plant List.

11. Landscape Plans

- (a) A landscape plan shall be submitted for approval at the time that an application for a building permit is made.
- (b) The Director shall approve or deny allocations of credits, if any (see subsection 4 above) and landscape plans. Any disagreement with the Director's determination shall be resolved by the Board of Zoning Adjustment.
- (c) After the landscape plan is approved, the Director may approve a minor modification to the landscape plan that involves a change in the species, location, number, size, and name of proposed landscape material, if:
- (1) there is no reduction in the number of required plant units, and
- (2) the modification does not cause the landscape plan to violate any provision of this subsection (1).

B. Tree Protection Requirements



Purpose and Findings. *In addition to the purpose and findings listed above, this subsection:*

- *Supports the provisions of the Mobile Tree Act.*
- *Provides uniform standards in the removal and replacement of trees on public and private property within the corporate limits of the City of Mobile, including the rights-of-way of public streets and areas designated as rights-of-way on approved subdivision plats in accordance with both municipal and state laws which are governed by the Mobile Tree Act and the Mobile Tree Commission.*

1. Applicability

(a) Generally

- (1) This subsection applies to all land, other than the public rights-of-way, and areas designated as rights-of-way, located within the corporate limits of the City of Mobile. The right-of-way exemption does not apply where specifically noted in subsection 4(b)(Removal of public trees) below.
- (2) This subsection applies to all tree removal construction companies or persons in the business of removing trees or constructing. It is unlawful for any person or company to remove or cause to be removed any tree or undertake any work for which a tree removal permit, unless a valid permit for the removal or work is in effect and is displayed in accordance with subsection 5 below.

(b) Exemptions

- (1) **Agriculture/Nursery.** This section does not apply to any land recognized by the city upon which bona fide agricultural uses or commercial nursery or tree farm are being conducted, which land exceeds 10 acres, as defined below:

- a. **Bona fide agriculture:** land used to derive income from growing plants or trees on land, including but not limited to, land used principally for timber production, and not including land used principally for another use and incidentally for growing trees or plants for income.
 - b. **Commercial nursery or tree farm:** A licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and growing for sale or intended sale to the general public in the ordinary course of the licensee's business. This exception does not include timber harvesting incidental to imminent development of the land.
- (2) **RL Districts.** This subsection does not apply to RL zoned lots with an existing habitable structure. However, RL lots which are under the purview of the rules and regulations of the Architectural Review Board are subject to the requirements of this section.
- (3) **Emergencies.** In case of emergencies, such as hurricane, windstorm, flood, freeze, or other disasters, the Director may waive these regulations if necessary so that public or private work to restore order in the city will not be impeded.

2. Generally

- (a) Because of their value in soil conservation, health, and community appearance, large trees shall be preserved wherever possible.
- (b) Street trees placed within the public right-of-way require a Right-of-Way Permit, and shall not be of a low, bushy, species that might obstruct vision.
- (c) No tree shall be planted in the sight triangle required by Sec. 64-54A.3.

3. Mobile Tree Commission

- (a) The Mobile Tree Commission shall act in an advisory, research and consultation capacity to the City of Mobile and the general public, in coordination with the Director.
- (b) This subsection does not limit the Mobile Tree Commission's regulatory authority pursuant to the Mobile Tree Act of 1961, (Act. No. 929, Acts of Alabama, 1961 Regular Session, as amended, 1981) with regard to monitoring trees in public rights-of-way.
- (c) The Mobile Tree Commission shall take active steps to:
 - (1) Conduct regular meetings in a public place in a manner conducive to public comment and participation;
 - (2) Educate the public as to provisions of this subsection E.4 and the State Tree Act, and the economic, aesthetic and historic benefits of trees to the city and its citizens, both on publicly and privately owned property protected by this section;
 - (3) Promote the planting and replacement of trees in the city;
 - (4) Promote the health, care, watering, fertilization and other desirable measures which promote the maintenance and growth of existing trees in street rights-of-way and public parks in the city; and
 - (5) Protect trees located in the city's street rights-of-way and public parks from damage, removal, lack of sustenance or any other act or condition which might threaten the health and growth of such trees.

4. Tree Removal or Damage

(a) Heritage Trees

- (1) No person shall:
 - a. damage, cut, carve, transplant, mutilate, abuse or remove any public tree, heritage tree, or heritage live oak tree, except pursuant to a properly filed and approved landscape plan;
 - b. attach any rope, wire, nails, advertising posters, straps (to support hammocks, tight wires, or similar items), or other contrivance to any public tree, heritage tree, or heritage live oak tree; or
 - c. allow any gaseous liquid, or solid substance which is harmful to those trees to come in contact with the tree, including roots damaged during curb cuts, sidewalk and driveway installation and repair.
- (2) Utility line clearing in conformance with International Society of Arboriculture, National Arborist Association Standards and the National Electrical Safety Code clearances does not constitute tree abuse.
- (3) No curb cuts which involve public trees, heritage trees, or heritage live oak trees are allowed without prior coordination with the City's Urban Forester.
- (4) No action in removing trees due to lightning, hurricanes, or other natural disasters is considered a violation of subsection (1) above.

(b) Public Trees

- (1) No trees shall be removed from public rights-of-way except as provided by the Mobile Tree Act of 1961, as amended, in accordance with the rules and regulations of the Mobile Tree Commission.
- (2) No public tree located in any city property shall be removed without first filing a notice of intent with the tree commission at least 2 weeks prior to obtaining a resolution of authority from the City Council. The resolution and notice of intent requirements are in lieu of obtaining a permit from the Director. This provision does not apply to public trees whose removal is authorized by the Director.

(c) Historic Areas

- (1) Despite any other provision of this subsection, no heritage tree can be removed in any historic district, area, or property within the jurisdiction of the Architectural Review Board, except pursuant to a tree removal permit issued by the Director. [↔ See also Chapter 17, which may require a land disturbance permit.]
- (2) A tree removal permit shall be granted only upon a showing that the heritage tree is:
 - a. Diseased or injured, in danger of falling too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance or conflicts with other federal, state or local laws and regulations;
 - b. Certified by the Architectural Review Board to be removed for the purpose of renovating an historic structure or enhancement of the aesthetic quality of the property; or

- c. The owner of the property on which the heritage tree is located has demonstrated by clear and convincing evidence that the owner will suffer extreme and extraordinary hardship unless the permit is granted.
- (3) Where removal is permitted, the tree shall be relocated if deemed feasible by the Director and the cost does not exceed \$500. Otherwise, the tree shall be replaced on a 2 for 1 basis, with replacement trees. For purposes of this subsection, a “replacement tree” means a tree that is of the same species as a heritage tree with at least 8 inches DBH.

5. Tree Removal Permit

- (a) **Generally.** Any person wishing to remove or relocate a heritage live oak tree shall file a written application for a tree removal permit with the Director, which shall include a landscape plan as provided in subsection 2.d above.
- (b) **Time of permit.** Permits issued pursuant to this subsection shall be declared null and void if commencement of work permitted is not started within a reasonable time, not to exceed 6 months. The permit is valid for up to 12 months. Permits not used within this period are null and void, and future work requires a new application.
- (c) **Permit procedure.** An application may be field checked prior to issuance of a permit, and at any time up to 10 working days after the date of receipt of the application. Failure to timely deny the application results in the automatic issuance of the permit as requested in the application. The Director may request a recommendation concerning the application from any or all appropriate city departments, and/or the tree commission.
- (d) **Pre-application inspection service.** In connection with applications involving extremely large tracts of property, the Director may arrange and coordinate a pre-application inspection of the site involved.
- (e) **Issuance and denial of permit.** Upon receiving the field inspection report and any requested recommendations concerning the application, the Director shall issue a permit for the removal or relocation of trees if one (1) or more of the criteria in paragraph (5) is met.
- (f) **Criteria for issuance of tree removal permit**
 - (1) The tree is located in an area where a structure or improvement will be placed according to an approved plan.
 - (2) In addition to subsection (1) above, as to RL properties only, the tree is located where a swimming pool or detached carport or garage will be located.
 - (3) The tree is diseased, injured, in danger of falling too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance or conflicts with other ordinances or regulations.
 - (4) The tree is, or will be after construction, in violation of federal, state, or local laws or regulations, or cause the construction to violate federal, state, or local laws or regulations including, but not limited to, laws and regulations pertaining to government programs for financing the construction.
- (g) **Basis for denial of permit.** The Director, upon a determination that an application for tree removal does not meet the criteria of subsection (f) above, may, within his discretion, deny the permit and notify the applicant of the reason(s) for denial within 5 working days of the decision.

- (h) **Appeal of grant or denial of permit.** Appeals of either a grant or denial of permits pursuant to this subsection 5 are to the Board of Adjustment [*⇔ refer to Article V*].

6. Construction

(a) Tree Protection

- (1) It is unlawful for any person in the construction of any structures or other improvements to place solvents, material, construction machinery, or temporary soil deposits within 10 feet of any protected tree trunk having a 24-inch or greater DBH above grade.
- (2) Before development, land clearing, filling or any land alteration, a permit is required. The developer shall erect suitable protective barriers, and this protection, where required, shall remain until permanent barriers are erected. Also, during construction, no attachments or wires shall be attached to any of the protected trees. Variations of these methods may be permitted by the Director upon written request if they satisfy the intent of this Section.
- (3) Except for sidewalks, driveways, and streets, no person shall pave with concrete, asphalt or other impervious material within 8 inches per 1 inch of DBH of any remaining heritage tree or heritage live oak tree, not to exceed 5 feet. The Director may waive this requirement if the applicant demonstrates that the pavement will not materially impair the growth and survivability of the affected trees, or provides equivalent mitigation of the threatened trees.

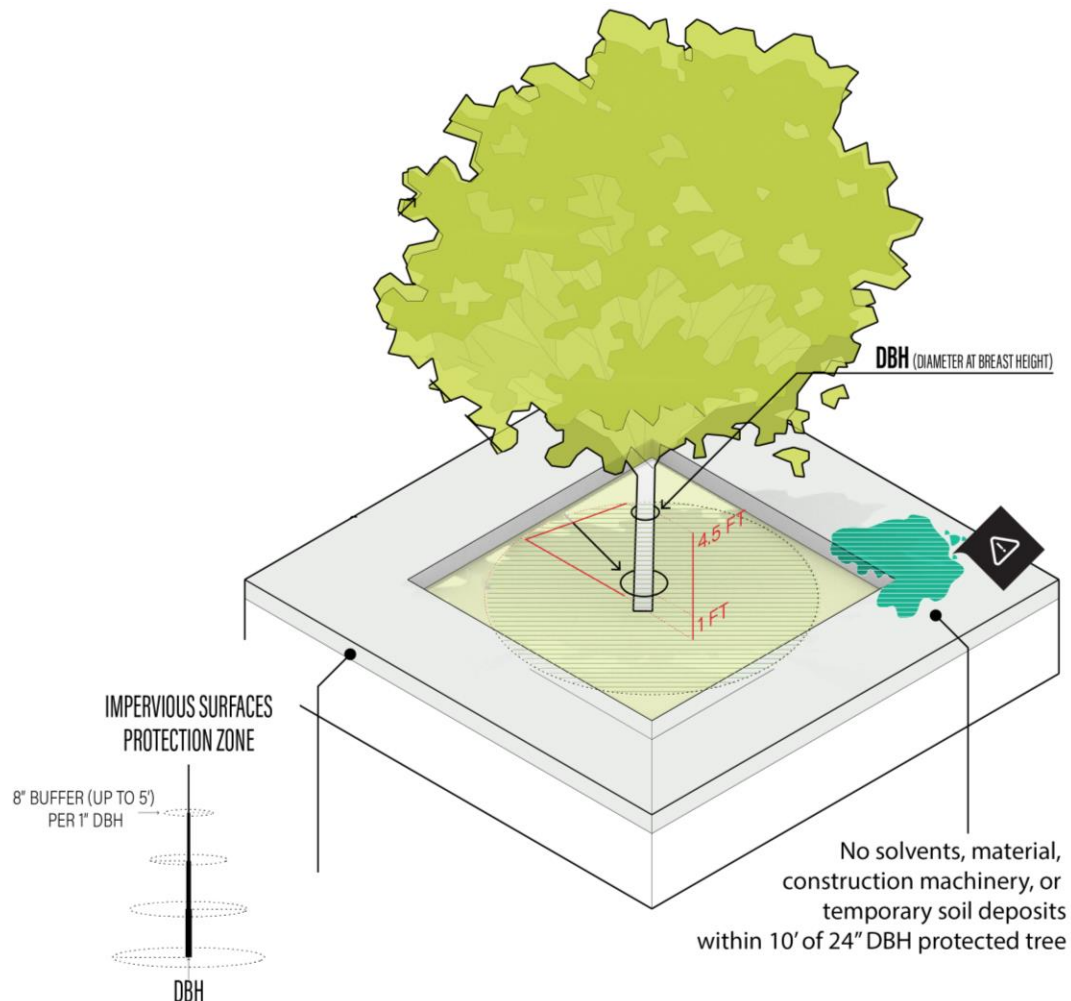


Figure 64-56-6 Tree Protection Requirements

- (b) **Display of permit.** The applicant shall prominently display on the site the permit issued. The permit shall be displayed continuously while trees are being removed or replaced or work is being done as authorized on the permit, and for 10 days after the removal or work is completed.
- (c) **Inspection.** As a condition for the issuance of the permit, the applicant shall agree in writing to entry onto his premises by representatives of the city and all law enforcement officers to inspect the permit at any time, and the entry is lawful. Failure to allow the entry is unlawful, violates this ordinance and constitutes a failure to display the permit as required under this subsection.
- (d) **Arborists' License and Bond.** It is unlawful for any person, individual, corporation, or institution, or their agent, to engage principally in the business or occupation of pruning, fertilizing, or removing trees within the corporation limits of the City of Mobile, without first applying for and procuring the appropriate business license from the city. All local arborists must abide by all relevant state laws.
- (1) City employees and public service workers who perform arboricultural duties within the street right-of-way and public parks of the city in protection of the

public health, safety and welfare are not required to apply for a city business license. However, if the arboricultural work is subcontracted, the city department(s) and/or public service organization(s) which subcontract the work shall insure that their contractors are properly licensed arborists.

- (2) Where federal, state, and local laws require the certification of any person, individual, corporation, or institution, or their agent, to use the services of workers certified to practice arboriculture, that certification applies in addition to having a business license from the city.
- (3) Before any permit is issued to a subcontractor for work within the street right-of-way and public parks of the city, the applicant shall file with the executive director of public works evidence of possession of a performance bond, as follows:
 - a. The bond shall provide the greater of:
 - 1. minimum amount of \$10,000, or
 - 2. the minimum amount specified by the City for the type of development activity being performed.
 - b. All other insurance coverage, such as bodily injury, damages and related coverages, shall comply with the requirements mandated by the city's legal department. The developer or primary contractor can agree by notarized letter to be the responsible party for the subcontractor's damages.

(e) Tree Planting and Preservation Trust Fund

- (1) The Mobile Tree Commission shall establish a trust fund, known as the Tree Planting and Preservation Trust Fund, to replenish the urban forest. Endowments for the fund shall be received from private contributions for that purpose.
- (2) In addition to the uses authorized above, tree planting and preservation trust fund funds may be expended to design, purchase, construct and/or implement techniques and materials for sidewalk and/or roadway construction, and improvements or repairs performed by or at the direction of the Department of Public Works. These expenditures shall prevent the destruction of existing healthy trees, including alternative sidewalk materials, root bridging, and hand digging.
- (3) The Mobile Tree Commission, using nationally accepted accounting methods, shall deliver an annual report to the City Council regarding the status of the Tree Planting and Preservation Trust Fund.

(f) Enforcement

- (1) **Director.** The Director, in coordination with the Parks Department, Traffic Engineering Department, Inspection Services Department, Engineering Department and any other affected city department, shall perform the following duties and/or activities:
 - a. Direct the enforcement of this subsection 4 plus coordinate and educate the various departments of the city and the general public which are affected by the provisions of this subsection 4.

- b. Develop and maintain a tree disease and injury list for the purpose of establishing the most common problems which afflict trees in Mobile's urban environment.
- (2) **Interference with the Director.** No person shall hinder, prevent, delay, or interfere with the Director, the tree commission or any other duly authorized individual, while engaged in carrying out the execution or enforcement of this ordinance. This does not prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City.
- (3) **Civil penalty.** Despite any other provision of the zoning ordinance, any person, firm, or corporation violating or failing to comply with the requirements of this subsection C is subject to a civil fine, to be assessed by the City's Environmental Judge, not to exceed \$500 per violation. The Environmental Judge may instead require mitigation actions or the payment of the cost of the damage caused to the tree. The proceeds of all fines and damages shall be earmarked for the use of the Director in his official duties. Each violation of this subsection C, including each unpermitted removal or mutilation of a heritage tree, public tree, or heritage live oak tree, is a separate and distinct civil offense.
- (4) **Civil appeals.** Appeals of municipal court judgments issued pursuant to violations of this subsection C shall be to the Circuit Court of Mobile County, as mandated by state law.

C. Alternative Compliance



Purpose: The landscape requirements are intended to encourage development which is economically viable and environmentally sensitive. The standards are not intended to be so specific as to inhibit creative development. Project conditions associated with individual sites may justify approval of alternative methods of compliance. Conditions may arise where normal compliance is impractical or impossible, or where maximum achievement of the purpose and intent of this ordinance can only be obtained through alternative compliance.

- (a) Request for Alternative Compliance Review.** Requests for alternative compliance may be granted for any permit application to which the landscape requirements apply, when one or more of the following conditions are met:
- (1)** Improved environmental quality would result from alternative compliance.
 - (2)** Topography, soil, vegetation, drainage or other site conditions are such that full compliance is impractical.
 - (3)** Spatial limitations, unusually shaped pieces of land, unusual servitude requirements, or prevailing practices in the surrounding neighborhood may justify alternative compliance.
 - (4)** Public safety considerations make alternative compliance appropriate.
 - (5)** Public improvement projects make alternative compliance appropriate.
 - (6)** The site is part of a development for which a site plan or master plan has been submitted which makes adequate provision for landscaping.

- (b) Approval**

- (1)** Requests for alternative compliance shall be submitted with the landscape plan and accompanied by written explanation and landscape plan drawings. Depending on the size of the site, and at the discretion of the department, documentation shall be prepared and stamped by a State of Alabama Registered Landscape Architect.
- (2)** If the alternative compliance modifies a provision of subsection A (Landscaping) or B (Buffers) above, the request may be approved by the Director and is appealable to the Board of Adjustment.
- (3)** If the alternative compliance modifies a provision of subsection C (Tree Protection) above, the Director shall submit a recommendation on the request, and the request shall be approved, approved with conditions, or denied by the Mobile Tree Commission.
- (4)** If the Director determines that the number of trees required by this Section, after the application of credits, is inappropriate for the site involved, the Director may:
 - a.** waive any number of trees required, and
 - b.** require the applicant to donate the trees waived to the Mobile Tree Commission to be planted as public trees.

(c) Criteria for Approval

- (1)** The proposed landscape plan is at least equivalent to one that complies with this section in terms of aesthetics, innovation, and creativity.
- (2)** The proposed landscape plan shall achieve significant anticipated mature canopy coverage of the site's vehicular use area.
- (3)** The landscape design may incorporate existing vegetation and topographical conditions.
- (4)** The landscape plan shall buffer different uses of adjacent properties where appropriate.
- (5)** The landscape plan shall use a variety of complementary species of trees and shrubbery where possible.
- (6)** Alternative compliance is not allowed as a way to provide less landscape material than is otherwise required.

D. Plant List

The Planning Commission shall adopt, by resolution, a Plant List for use in the selection of plants for landscaping, replacement trees, and buffers as required by this Section. The adopted Plant List is incorporated by reference and made a part of this Section. All plantings shall comply with any applicable qualifications or conditions for the species as indicated in the Plant List.

Sec. 64-57 Buffers

1. **Applicability.** Except as provided below, wherever the boundary of a building site in an NCT, NCS, DC, CT, CM, IL or IH district, or a commercially used building site, adjoins an RL or RM district, the building site shall include a protection buffer strip at least 10 feet wide. Any required yard is counted as part of the protection buffer strip.
2. **Composition of Buffer.** The buffer may be a wall, fence, landscape feature (such as an arbor or trellis), vegetated earthen berm, or a screen planting strip that complies with the following regulations:
 - (a) **Wall or fence.** A wall or fence provided as a protection buffer shall comply with the following:
 - (1) Within any required front yard, the wall or fence shall not exceed 3 feet in height, and shall comply the any applicable requirements of Article VI (Use Regulations).
 - (2) Within all other yards, at least 6 feet high.
 - (b) **Screen Planting Strip.** A screen planting strip provided as a buffer shall:
 - (1) be at least 10 feet in width;
 - (2) planted with materials in sufficient density to afford protection to the residential district or residentially used building site from the glare of lights, from blowing papers, dust and debris, and visual encroachment, and to effectively reduce the transmission of noise;
 - (3) be at least 6 feet high after the first year of planting, except within any required front yard where the height shall not exceed 3 feet after the first year of planting;
 - (4) composed of evergreen plants; and
 - (5) maintained in a clean and neat condition and in a manner that accomplishes its purpose continuously.
 - (c) **Landscape features.** Landscape features may be incorporated into any wall, fence, screen planting strip, or vegetated earthen berm, if the buffer meets the minimum height and width required by subsections (a) and (b) above.
 - (d) **Use of land in protection buffer strip.** That part of the protection buffer strip not used for compliance with subsection b above may be used only for parking or other open space uses that protect the adjacent residence district or residentially used building site.
3. **Waiver.** The City Council may substitute a building wall in lieu of this subsection B as a condition of rezoning to create or expand NCT, NCS, DC, CT, CM, IL or IH district upon a report from the Planning Commission finding that the proposed building wall will present an acceptable appearance to the adjacent RL or RM district. This requirement does not waive any side yard requirement.
4. **Maintenance.** The property owners shall maintain the protection buffers required by this subsection in good repair.

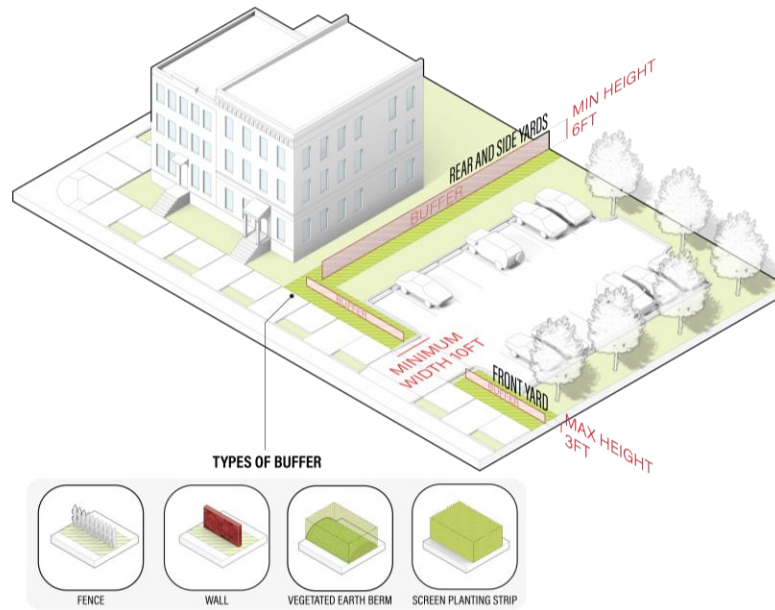


Figure 64-56-5 Buffer Requirements

Sec. 64-58 Lighting



Purpose: This section establishes lighting standards to:

- Avoid light trespass, including unwanted light received in adjacent properties (high illuminance levels), and excessive brightness occurring in the normal field of vision (nuisance glare);
- Limit direct upward flux emissions through the use of full cutoff luminaires that do not emit light above the horizontal plane;
- Minimize light that does not illuminate the target area;
- Minimize outdoor lighting during times of low use; and
- Accommodate lighting levels needed for safety, security, visibility, and functionality of business and assemblies such as sporting events.

⇒ Refer to Sec. 64-62 (Streets) for street lighting standards.

A. Applicability

1. This section applies only to the City's zoning jurisdiction.
2. This section does not apply to light fixtures lawfully erected prior to the effective date of this Section.

B. Plan and Certification

1. **Applicability.** This subsection applies to developments subject to site lighting, athletic fields, and parking lots that are regulated by this Section.
2. **Lighting Plan.** Lighting shall be according to an approved lighting plan. The information required in a lighting plan is established in Article XII.
3. **Certification.** All required lighting shall be installed and approved prior to issuance of a certificate of occupancy. The registered professional who stamped the plans shall certify by letter that the installation complies with the approved plans. The letter shall specify fixtures, wattages, pole heights, and any special requirements such as rotation, angle, shielding or positioning of critical poles at property lines.

C. Site Lighting

1. Applicability

- (a) This section applies to vehicle parking lots or athletic fields subject to subsections D or E below, and
- (b) The following uses:
 - (1) Convenience stores, and
 - (2) Other Commercial/Mixed Uses in the Retail sales and Automotive Categories that are adjacent to RL or RM zoning districts, or residential uses in a PD district.

2. Light Fixtures

- (a) The height of light poles is measured from the finished grade to the bottom of the fixture. Except as provide in subsections D or E below, light poles shall not exceed 30 feet in height where the lot or parcel is adjacent to a residential area.

- (b) Lighting shall have underground electric service, except where the lights, service poles and wires are not visible from the public right-of-way.
- (c) Light fixtures shall be designed to cast light downward.
- (d) Where necessary, cut-off devices shall be used to minimize glare off premises.
- (e) All outdoor lighting fixtures shall be aimed, located and maintained to avoid Disability Glare.
- (f) High intensity light beams (i.e. outdoor search lights, lasers or strobe lights) are prohibited.
- (g) Public utility poles shall not be used to provide on-site lighting.

3. Illumination Requirements

- (a) Intensity Standards
 - (1) Lighting intensity and Uniformity Ratios shall be consistent with the lighting standards of *The Lighting Handbook* (10th ed. 2011) published by the Illuminating Engineering Society of North America (IESNA).
 - (2) Foot candle measurements are taken horizontally 3 feet above grade level and shall represent maintained lighting levels.
- (b) **Maximum Illumination.** The intensity, location and design (including cutoffs,) of lighting shall be such that no more than the following illumination level is cast upon adjacent residential areas or the public right-of-way:
 - (1) Parking Lots subject to subsection D: 0.2 foot candle.
 - (2) All other uses: 0.2 foot candle.
- (c) Convenience Store Canopies
 - (1) For Convenience stores (with or without gasoline sales) or Automotive uses, lighting attached to a canopy shall not exceed 30 foot candles under the Canopy measured horizontally at grade.
 - (2) A higher or lower level, up to 50 foot candles, may be approved as a condition of rezoning or conditional use permit approval.
 - (3) All underside Canopy lighting shall be Full Cut-off Fixtures.

D. Parking Lot Lighting

1. Applicability

- (a) This subsection D applies to vehicle parking lots containing 25 or more vehicle parking spaces. Subsection 2(a) also applies to parking lots with 10 or more vehicle spaces.
- (b) Vehicle parking lots in existence prior to May 1, 2012, may continue to operate with their current lighting until they are expanded by twenty-five (25) percent or redevelopment of the site occurs.

2. Generally

- (a) Parking lot lighting shall be provided and maintained while parking lots are in operation. Parking lots shall be arranged so that the source of light does not shine directly into adjacent residential areas or into traffic.
- (b) Parking lots shall provide uniform parking lot lighting during all hours of operation from dusk until dawn.

3. Exterior Lighting Fixtures. Exterior lighting fixtures shall be:

- (a) Protected by a weather and vandal resistant covering.
- (b) Aimed so that they do not exceed an angle of 45 degrees out from the base of the pole when using flood lights.
- (c) Installed on poles 30 feet or less in height. However, if the vehicle parking area exceeds 25,000 square feet poles exceeding 30 feet may be used if it is determined that all other requirements of this section are met.
- (d) Shielded so as to prevent glare on adjacent properties and rights-of way.

4. Illumination. Illumination shall meet the following standards:

Figure 64-58-1 Illumination Levels

Type of Parking Area	Required Minimum Light Level	Maximum / Minimum Uniformity Ratio
Surface parking lot	1 foot candle average 0.5 foot candle minimum	10:1
Parking garage / underground parking	5 foot candles	4:1
Parking garage rooftops	1 foot candle	10:1

- (a) For parking lots, the uniformity ratio is calculated only for lighting within the parking area, and not the calculations shown on adjacent properties or rights-of-way.

5. Light Loss Factors

Figure 64-58-3 Light Loss Factors

	Metal Halide	High Pressure Sodium	Mercury Vapor	Light Emitting Diode
Light loss factor	0.6–0.8	0.8–0.9	0.7–0.8	0.7–0.8

E. Outdoor Recreation

1. Applicability. This section applies to Outdoor or Major Recreational Facilities that:

- (a) Are located within, adjacent to or within 200 feet of a residential area, and
- (b) Include outdoor illuminated playing fields or courts that exceed 10,000 sf in area (individually or cumulatively), or associated light poles that exceed 20 feet in height. Parking lots, restrooms, concession stands, spectator viewing areas, and similar areas are not subject to this subsection, but are subject to subsection D.

2. Illumination. Outdoor recreation facilities shall comply with the following maximum illumination levels:

Table 64-58-3 Maximum Illumination for Outdoor Recreation Facilities

Outdoor Recreation Use	Specific Lighted Area	Maximum Foot candles
Archery Ranges		10
Baseball/Softball	Infield	60
Baseball/Softball	Outfield	40
Baseball hitting ranges		50
Basketball/Volleyball		30
Field Hockey, Football, Soccer, Lacrosse, Track and Field		50
Go-cart Tracks		30
Golf Courses	Tee boxes, greens	5
	Greens	3
Golf Driving Ranges	Tee boxes	20
	Fairways	3
	Greens	5
Golf (Miniature)		20
Horse Riding Rings/Show Area		30
Ice Skating, Ice Hockey, Roller Skating Rinks		50
	Pool surface	10
Swimming Pools	Pool deck	30
Tennis Courts (College/High School)		60
Tennis Courts (Recreational)		40

3. **Fixtures.** All playing field and court light fixtures shall use full cut-off or shielded lighting fixtures, aimed toward the playing field or court and shielded to minimize glare and light trespass onto adjacent residential areas and public right-of-ways.
4. **Hours of Operation.** The use of outdoor playing field or court lighting is not permitted between the hours of 11:00 PM and 7:00 AM, unless other hours are specifically approved as a condition of rezoning or conditional use permit approval.

Sec. 64-59 Natural Resource Protection

A. Applicability

This section applies to applications for development or redevelopment activities within the City's zoning jurisdiction.

B. Generally

1. Site Plans. Site plans for development and redevelopment projects should, to the extent practicable:
 - (a) preserve or minimize the disturbance of natural scenic features, such as streams, creeks, rivers, Mobile Bay, wetlands and undeveloped floodplains;
 - (b) protect natural scenic features and resources or use them as amenities; and
 - (c) utilize appropriate measures to protect water quality within on-site or adjacent waterways.
2. The geographic area defined by the City of Mobile may contain Federally- listed threatened or endangered species as well as protected non-game species. Development must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.
3. All development projects shall use water quality protection measures which comply with regulations of Chapter 17 of the City Code, as well as all applicable federal, state, and local regulations.

C. Riparian Buffers



Purpose: The purpose of this section is to describe additional measures for protection of existing natural resources or features occurring within the City of Mobile. Such measures are intended to enhance resource protection through site design techniques to control potential negative impacts from development and redevelopment on the existing resources. As addressed herein, Riparian Buffers are expected to:

- Maintain stream water quality, protect aquatic and riparian resources, and minimize flooding by protecting areas along the City's creeks, streams, rivers, and wetlands;
- Minimize development within applicable buffer zones;
- Provide additional protection for creeks, streams, rivers, and wetlands within the City above and beyond those measures mandated by the State of Alabama;
- Minimize the risk of damage to structures from flooding; and
- Promote the safety, health, peace, and general welfare of the City and its inhabitants.

Findings: The City of Mobile finds that riparian buffers (RBs) benefit water quality because they:

- Protect, restore, and maintain the chemical, physical and biological integrity of creeks, streams, and water bodies and their associated functions and resources;
- Improve surface water, urban stormwater runoff, and groundwater quality by filtering pollutants, nutrients, sediment, and other contaminants;
- Reduce erosion and sedimentation;
- Protect and stabilize creek, stream, and river banks and drainage channels;
- Maintain base flow of streams, creeks, and drainage channels by aiding in groundwater recharge, and thereby protect dry weather low flows in streams;
- Contribute organic matter that is a source of food, energy, and habitat for the aquatic ecosystem;

- *Provide tree canopy to shade streams and promote desirable aquatic habitat including but not limited to the moderation of water temperature in streams; and*
- *Protect greenspace.*

1. Applicability

(a) Jurisdiction. This section applies to:

- (1)** Parcels of five acres or greater with proposed subdivision of land containing or abutting water bodies subject to the protection standards of this section;
- (2)** to new commercial or residential developments on parcels of five acres or greater containing water bodies subject to the protection standards of this section; and
- (3)** to certain redevelopment sites within the City's zoning jurisdiction.

(b) Exemptions. Although the activities may require other permits, subject to protection of the buffer to the maximum extent practicable and in compliance with stream crossing requirements set out in subsection 6, the construction, operation, and maintenance of the following are exempt from this section:

- (1)** Existing public streets, utilities, and related appurtenances;
- (2)** Stream crossings for public or private utility lines, and for streets and stormwater infrastructure and related appurtenances required to be dedicated to the City;
- (3)** Public drinking water, public wastewater, and public stormwater infrastructure and related appurtenances and treatment facilities;
- (4)** Public multi-use trails, boardwalks and facilities for public access to designated waterways, pedestrian bridges, and associated appurtenances. Associated impacts within the buffer shall be limited to the maximum extent practicable to provide for the described facilities;
- (5)** A single driveway necessary to provide vehicular access to an existing lot of record;
- (6)** To prevent the potential loss of all reasonable and beneficial use of property due to riparian buffer standards, development necessary for the construction of one residential dwelling unit and customary accessory structure(s) and appurtenances on an existing lot of record, within a Residential Low Density (RL) zoning district, located in an area otherwise subject to the standards of this section;
- (7)** Development within a Downtown ("D"), Neighborhood Center-Traditional ("NCT") or Corridor-Traditional ("CT") district, which would otherwise be subject to full conformance with standards of this section, is subject only to the stream crossing requirements (subsection 7);
- (8)** Environmental monitoring and remediation activities such as water quality monitoring, stream gauging activities, and soil and groundwater monitoring or remediation;
- (9)** Removal of dead, dying, diseased, or hazardous trees, provided, however, no grubbing, grading, or stump removal shall be conducted, and removal shall be authorized by the Director pursuant to Sec. 64-56B;

- (10) Removal without replacement of existing impervious cover from the buffer when adequate measures are in place to prevent erosion and sedimentation;
- (11) Activities on owner-occupied, single-family, residential lots to protect, restore, or enhance stream bank stability, vegetation, water quality, or aquatic habitat. Minor land disturbing activities such as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minimal soil erosion. However, no clearing and grubbing or grading shall be conducted without prior issuance of a land disturbance permit;
- (12) Routine access to, maintenance, repair, improvements, or cleaning of publicly maintained creek segments, drainage channels, conveyances, or other water body, by the City or its designee; and
- (13) Permitted activities associated with restoring or enhancing the water body, banks of the water body, or adjacent riparian areas, by creating, enhancing, or restoring the RB, or when removing/eradicating invasive vegetation or replanting with native vegetation.

2. Definitions. In addition to the definitions set forth in Article X of this Chapter, the following definitions apply to this subsection D. To extent that a definition in Article X conflicts with a definition in this subsection, the definition in this subsection applies.

Channel	A natural or artificial open watercourse with a definite bed and banks that conducts continuously or periodically flowing water.
Hardened Shoreline	A bank along a waterbody that is stabilized through impervious cover, armoring, gabions, riprap, vertical bulkhead, retaining wall, or other hardened structures.
Mitigation	Measures that protect, restore, or enhance a stream, water body, or buffer to compensate for or reduce the adverse impacts of development or redevelopment adjacent to a stream, creek, river, water body, or buffer (refer to subsection 8, below).
Point of Origin of the RB	The location of the mean or ordinary high water line as characterized in subsection 3., below.
Regulatory Floodway	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation.
Riparian Buffer ("RB")	The area defined and established in subsections 3. and 4., below.
Special Flood Hazard Area	An area having special flood, mudflow, or flood-related erosion hazards and shown on a flood hazard boundary map (FHBM) or a flood insurance rate map (FIRM).
Stream	A course of running water flowing in a definite channel. [↔ <i>Source: Ala. Admin. Code r. 335-7-6-.01</i>] A stream includes, without limitation, any of the following water bodies: the Mobile River, Dog River and its tributaries, any stream defined as "waters of the state" by the Alabama Water Resources Act [↔ <i>Code of Ala. § 9-10B-3</i>], any stream (blue-line) shown on the 7.5 min USGS Quad map, or any river, creek, or stream that is subject to an approved total maximum daily load (TMDL) pursuant to section 303(d) of the federal Clean Water Act.
Water Body	Any watercourse that gathers or carries surface water, or exhibits tidal exchange. The Director may publish a list of water bodies or portions of water bodies that are subject to the RB as provided and defined in this subsection.

3. Determining the Waterward Origin of the Riparian Buffer

- (a) The point of origin of the RB occurs at the mean or ordinary high water line along the bank or shoreline. Measurement for the RB begins at this location and extends landward from this location, parallel to the mean or ordinary high water line along each bank or shoreline for the length of the water body within or abutting the development site. The

observed location of the mean or ordinary high water line may typically be characterized by:

- (1) a change in bank slope from steep to gentle slope, or
 - (2) if a change in slope is not discernable, the point of wrested vegetation. This refers to the point at the edge of a stream, creek, river, or other water body where vegetation has moved or wrested as a result of normal stream flow, wave or tidal action, or
 - (3) the waterward face of any vertical bulkhead or retaining wall along a hardened shoreline occurring at the location of the mean or ordinary high water line of a stream, creek, river, or water body.
- (b) If the location of the mean or ordinary high water line cannot be determined from the above indicator or if there is a dispute in the determination, the location may be determined by submitting approved engineering data/analysis that determine the width of the stream, creek, river, or water body resulting from the two-year frequency storm (as defined in City Code sec. 17-2).
 - (c) The location of the mean or ordinary high water line of a water body may also be located and described on a boundary and topographic survey, or special purpose survey, prepared by a Professional Land Surveyor licensed by the State of Alabama.
 - (d) It shall be the responsibility of an applicant to submit all documentation, exhibits, data, analysis, studies, surveys, etc., for the purpose of establishing or verifying the location of the mean or ordinary high water line, and the extent of the RB on their site.

4. Riparian Buffer (RB)

- (a) The RB may consist of up to 3 zones, as described below. The extent of the RB is variable, depending on the characteristics and/or location of the water body in relation to the development site. The applicable width of the RB is dependent upon the following criteria within Table 64-59-1:

Table 64-59-1 Riparian Buffer Zones and Widths

	RB Buffer Zone and Width			
	Zone 1	Zone 2	Zone 3	Maximum Applicable Width*
Water Body Characteristics or Location	<i>The area closest to the water body, which begins at the location of the mean or ordinary high water line, consisting of a mix of wetland herbaceous and woody vegetation that has floodplain and/or wetland characteristics.</i>	<i>The area between Zone 1 and Zone 3, consisting of Woody vegetation with a primary function of infiltration of runoff and filtration of pollutants.</i>	<i>The area outside of Zone 2, consisting of native vegetation that create diffuse flow.</i>	<i>* Does not supersede requirements of the FEMA National Flood Insurance Program, or regulations administered by City Engineering.</i>
Within a FEMA Regulatory Floodway, as shown on the adopted Flood Insurance Rate Map (FIRM)	30' width	50' width	25' width	105' width
Water body occurring within a designated Special Flood Hazard Area (A or AE)	25' width	40' width	20' width	85' width
Tributary upstream of, but not within, a Special Flood Hazard Area	25' width	25' width	N.A.	50' width

- (b) Where interpretation is needed as to the exact location of the areas of Special Flood Hazard, or location of the Regulatory Floodway, (for example, where there appears to be a conflict between a mapped boundary and field conditions) the City Engineer shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation, as defined in City Code Chapter 17.
- (c) The riparian buffer width may be established on an average width basis, with a minimum width of at least 80% of the width of each zone required by Table 64-59-1 at any measured location.

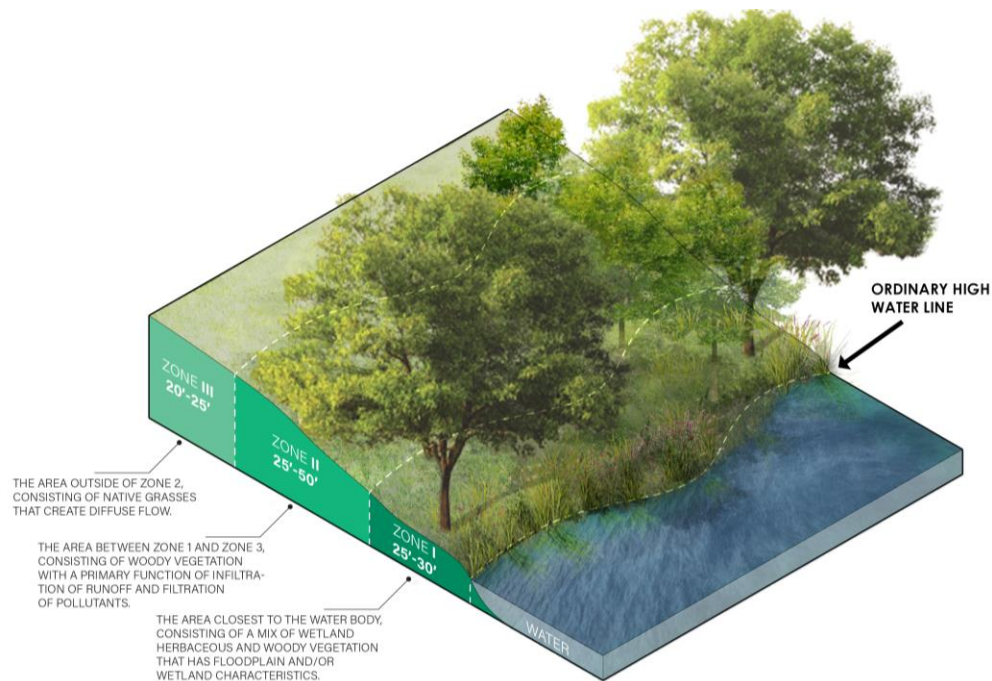


Figure 64-59-1 Riparian Buffers

5. **Uses and Activities within Applicable RB Zones.** Permitted and prohibited uses within Riparian Buffers are established in Table 64-59-2 below, subject to compliance with the FEMA National Flood Insurance Program. Uses not expressly listed in Table 64-59-2 are not permitted in the RB.

Table 64-59-2 Uses and Activities Permitted in Riparian Buffer Zones

Use or Activity	Zone 1	RB Zone Zone 2	Zone 3
Building or structure	--	--	10%*
Yards	--	20%	P
Picnic areas	--	P	P
Walking trails	--	P	P
Greenways	P	P	P
Landscaped areas	--	P	P
Wildlife habitat	P	P	P
Roadway and sidewalk stream crossings	P	P	P
Riprap / Hard Armor	C	--	--
Parking spaces (encouraged to be LID or permeable pavement)	--	--	10%

*P = permitted by right, C = conditional use permit, “--” = prohibited, % = encroachment allowed within the applicable RB zone, *encroachment shall not block access to the waterbody as necessary for routine maintenance.*

6. Standards for Riparian Buffer Application

- (a) **Residential Developments.** Within new residential developments or subdivisions containing two or more dwelling units, the applicable Riparian Buffer shall be located entirely within common open space areas on the site, and defined as such within a recorded subdivision plat. The General Notes section of the plat, or approved site plan when platting is not required, shall include a note providing that the applicable Riparian Buffer area shall remain intact, and undisturbed during and following site development, or disturbed as may be consistent with the uses, activities, or encroachments provided by this section.
- (b) **Conservation Residential Developments.** In order to encourage the location of development within the Residential Low Density (RL) zoning district landward of the boundaries of applicable Riparian Buffers in new low density residential developments or subdivisions, the transfer of allocated residential density from land areas within an RB to adjacent areas beyond the extent of the RB is permitted. All areas of a site from which density has been transferred shall be prohibited from future development through recorded restrictive covenants. When implemented, such on-site density transfer shall:
- (1) Occur within contiguous property under the same ownership or control;
 - (2) Be located within a designated Residential Low Density (RL) zoning district;
 - (3) Provide for development consistent with the RL(C) District, in the form of a Conservation Subdivision as described in Section 64-13 H; and
 - (4) Not result in development which is inconsistent with other applicable City, state, and federal regulations.
- (c) **Commercial Developments.** To offset the implementation of Riparian Buffer standards within new commercial development occurring adjacent to applicable stream segments or water bodies, the maximum coverage allowances of the zoning district designation for the development site may be increased. The resulting increased intensity of commercial developments, allowable within specific zoning districts, is shown within Table 64-59-3, as follows:

Table 64-59-3 Maximum Percent Coverage for Commercial Uses Subject to Riparian Buffer Standards

Zoning District	Standard Maximum Coverage	Maximum Coverage with Deviation
Downtown Waterfront (DW)	75%	85%
Commercial Warehouse Light	50%	65%
Commercial Warehouse Heavy	60%	75%
Maritime Light	50%	65%
Maritime Mixed Use	75%	85%
Other Districts	No allowable deviation	

- (d) **Water Dependent Maritime Uses.** The development of new sites for water dependent, maritime, shipping, or port-related activities are not subject to application of the riparian buffer standards described herein, but must provide an acceptable stormwater management plan for review and approval by City Engineering.
7. **Stream Crossings.** Construction or repair of structures that cross streams (including but not limited to those exempt under subsection b.(2)) are subject to the following:
- (a) A hydraulic analysis, along with a structural analysis and design of any structure, designed, signed, and sealed by a professional engineer licensed to practice in the State of Alabama is required to be submitted for any proposed stream crossing. The submittal will be reviewed by City Engineering for compliance with AASHTO, ADEM, FEMA, and applicable federal, state and local design standards along with City Code Chapter 17. The analyses shall demonstrate that the proposed crossing will not adversely impact upstream and downstream properties during a 100-year flood, as defined by City Code Sec. 17-2; and
 - (b) Free-span techniques shall be employed, to the extent practicable, to prevent blockage or constriction of natural drainage ways; and
 - (c) Approximately perpendicular crossing angles shall be employed, where hydraulically appropriate, and crossings shall be aligned to minimize buffer disturbance to the maximum extent practicable; and
 - (d) Best management practices shall be utilized for minimization of erosion and sedimentation, in accordance with the Alabama Handbook for Erosion and Sediment Control and Stormwater Management on Construction Sites and Urban Areas; and
 - (e) Stream banks shall be properly stabilized, and impacted buffers shall be revegetated following any stream crossing; and
 - (f) Slopes adjacent to waters shall be left in a stabilized condition upon completion of the project.
8. **Mitigation.** Consideration for approval of uses or development activities not otherwise permitted within a riparian buffer, which are deemed unavoidable because the impacts within the buffer cannot be eliminated through revised site design, clustering, setbacks, structural alternatives, or reliance on other land development practices, may be sought through a request for variance as described in Section 64-91, and subject to provision of an acceptable mitigation plan.

- (a) Mitigation is required as a condition for any variance to RB standards to ensure that post-development conditions are at least as protective of water quality as pre-development conditions. As deemed acceptable by the Director, and subject to review and approval by City Engineering, mitigation may include, at a minimum, one or more of the following options:
- (1) Implementation of stormwater quality improvement measures or stormwater quantity reduction measures as specified by the *Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas*;
 - (2) Stream or wetland restoration which shall be designed and accomplished under the guidance and supervision of a credentialed environmental professional with adequate training and experience, and subsequently maintained by the applicant;
 - (3) Buffer revegetation, which shall be designed and accomplished under the guidance and supervision of a credentialed environmental professional with adequate training and experience, and subsequently maintained by the applicant;
 - (4) Reduction of post-development run-off volume to less than the pre-development volume levels as defined by City Code Chapter 17;
 - (5) Removal of existing impervious surfaces within the site which, combined with the entire site proposed impervious surfaces results in a reduction of total impervious area; or
 - (6) Green Infrastructure or low impact development practices designed in accordance with the LID Handbook (*Low Impact Development Handbook for the State of Alabama*).
- (b) Development or redevelopment of a site having a Heavy Industrial (IH) or Maritime Heavy (MH) zoning district designation and containing an existing ripped or hardened shoreline on the effective date of this section may deviate from the buffer zone standards required by this section without a need to request a variance as described in Section 64-91, subject to provision of an acceptable mitigation plan prepared by a professional engineer licensed in the State of Alabama. The mitigation plan, reviewed for approval by City Engineering, shall:
- (1) Document the anticipated reduction in stormwater runoff volume, velocity and pollutants resulting from a revegetated and regulated RB established as described in subsection (a) (3) above, consistent with the methodology required for a land disturbance permit in Chapter 17 of this Code, or
 - (2) Establish equivalent mitigation, consistent with subsection (a) above, that achieves at the least the same level of stormwater volume, velocity and pollutant control as the RB described in subsection (1) above, or
 - (3) Provide a new management system for non-point sources of stormwater runoff from existing developed sites which have not historically provided for treatment of stormwater runoff, consistent with provisions of the City of Mobile Stormwater Management and Flood Control Ordinance.

Sec. 64-60 Open / Civic Space Standards

A. Applicability

This section only applies to sites within the City's zoning jurisdiction.

B. Amount Required

The amount of open space required depends upon the zoning district in which the property is located, as set forth in Article III.

C. Qualifying Open / Civic Space

- 1. Generally.** Where the zoning district or this section requires an open space allocation, the following areas count toward the total requirement at rate indicated by the multiplier in 64-62-1 below:

Table 64-60-1 Qualifying Open / Civic Space

Category	Description / Standards	Multiplier
Site Improvements		
Parking Lot Landscaping	Parking lot landscaping consisting of green infrastructure consistent with the <i>LID Manual</i> , or a landscaped walkway with landscaping and streetscaping of at least 10 feet in width that connects sidewalks to the front building entrance or the store aisle (as defined in Sec. 64-61).	0.4
Stormwater management	Stormwater management features that comply with the LID Handbook and designed for recreational use or as a common amenity, and that: (1) comprise at least of at least 0.5 contiguous acres; (2) cannot be inundated and unusable for their designated recreational or open space purposes, and (3) are capable of draining within 24 hours during a 10-year storm event, and (4) are constructed of natural materials with terracing, berms or contouring to naturalize and enhance the aesthetics of the features, and with maximum slopes of 3:1.	0.5
Common Open Space		
Natural Area	Areas established for the protection of natural attributes of local, regional, and statewide significance, which may be used in a sustainable manner for scientific research, education, aesthetic enjoyment, and appropriate use not detrimental to the primary purpose (other than wetlands as provided above). These areas are resource rather than user-based, but may provide some passive recreational activities such as hiking, nature study, and picnicking. Natural Areas may include Riparian Buffers, Floodplains, or natural wetlands visible from walkways provided in and through the wetland.	0.75
Greenway	A series of connected natural areas (including areas protected by state or federal law) such as ravines, creeks, streams, woodlands, floodplains, or protected tree canopy that connect buildings or gathering spaces with trail systems, or that buffer the site from streets or neighboring areas.	1
Community Garden	A site operated and maintained by a homeowners association or the public to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for personal use, consumption, donation or off-site sale of items grown on the site	1
Parks	Open space areas improved with playground equipment or other active open space improvements as described in subsection E below. These may be surrounded by street frontages and building frontages, but this is not required.	1
Recreation areas	Hard surfaced recreation areas such as tennis courts.	1.2
School sites	School sites, library sites, outside hard surface recreational areas excluding the area devoted to buildings.	0.75
Historic Buildings	An historic property (as defined in City Code Sec. 44-71) may be located in a common open space and open to the public.	1.1
Civic Space		
Plaza	An open area with seating that is adjacent to, or part of, a building. Plazas	1.1

Category	Description / Standards	Multiplier
	function as gathering places and may incorporate a variety of non-permanent activities such as vendors and display stands. A plaza requires a minimum depth and width of 10 feet and a minimum total area of 300 square feet.	
Square	Areas that are improved with a combination of lawn, landscaping and seating areas, and that are accessible to the public or the project's tenants or customers. A Square shall be: <ul style="list-style-type: none"> • bounded by streets on at least one side and pedestrian walkways on at least 2 sides, or • not bounded by streets, but accessible to the public 	1.1
Courtyard	A courtyard is a contiguous open area, open to the public, that – <ul style="list-style-type: none"> • is surrounded on at least two sides by building walls with entryways. • is at grade. 	1
Green	A common open space available for unstructured recreation, its landscaping consisting of grassy areas, trees, shrubs, and other landscaping.	1

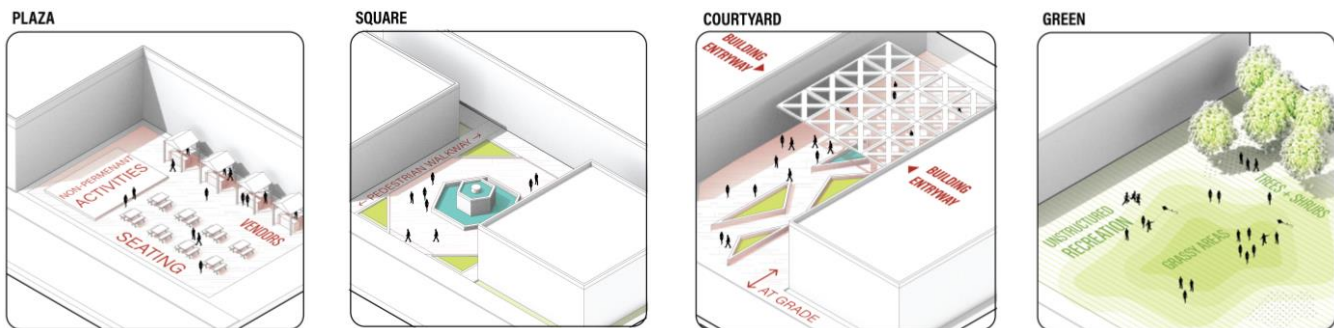


Figure 64-60-1 Civic Spaces

Example:

A 20-acre subdivision is platted with 100 residential lots. Subsection 2 requires 700 sf of open space per dwelling unit or 70,000 sf (100 x 700). The subdivider provides a 1.5 acre park (65,340 sf), which has a multiplier of 1. The subdivision has 6,300 sf within a riparian buffer. 75% of this area, or 4,725 square feet, are counted toward the open space requirement. The subdivision is credited with 70,065 sf of open space (65,340 sf for park + 4,725 sf for riparian buffer).

2. Prohibited Elements. Open space or civic space shall not include:

- building sites or areas for dwelling units, utility or storage purposes, vehicular parking, carports or garages, driveways, utilities with above ground improvements or easements, or streets (either public or private).
- any noncontiguous green area (such as a lawn, forested area, or similar natural or landscaped area) of less than 100 square feet.
- paved streams or creeks.
- structures (unless a part of a common open / civic space such as gazebos).
- areas reserved for the exclusive use and benefit of an individual tenant or owner.
- areas within required yards, except as allowed in Table 64-60-1 above.

D. Ownership and Maintenance of Common Open Space

1. Applicability

- (a) This subsection applies to the Qualifying Open Space types as designated in Table 64-60-1.
 - (b) Site Improvements or Civic Space as designated in Table 64-60-1 shall be shown on an approved site plan and recorded subdivision plat, and enforceable as a condition of development approval.
2. **Generally.** Unless otherwise open to the public, common open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the development through covenant, deed restriction, common open space easement, or similar legal instrument.
 3. **Maintenance Organization Option.** The applicant shall provide for and establish an organization for ownership and maintenance of the common open /civic space for the benefit of residences, occupants and owners of the development. The organization shall not be dissolved and shall not dispose of the common open space, by sale or otherwise, except to an organization conceived and established to own and maintain the common open space for the benefit of the development.

E. Parks, Recreation Areas, and School Sites

1. **Applicability.** The following amenities subject to the following standards qualify as Parks pursuant to Table 64-60-1 above. The amenities are credited toward qualifying Parks at the rate designated in Column (C) of Table 64-60-2 below.

Table 64-60-2 Amenity Design and Credit

(A) Amenity	(B) Design Criteria	(C) Credit Acres
Playground	<ul style="list-style-type: none"> Maximum slope for playground area: 2% Playgrounds include equipment for at least 2 distinct play abilities located in the same or in separate areas as follows: one area designed for ages 2 through 5 years old with at least 6 activities, and a second area designed for ages 5 through 12 years old with a at least 12 activities. The following items shall be provided: at least 2 park benches, 1 trash receptacle, and an open shelter. Playground equipment shall be located no closer than 25 feet from a park boundary. 	1.25
Picnic Area	<ul style="list-style-type: none"> Minimum area of 2,500 square feet At least 2 picnic units. A picnic unit is defined as a concrete, metal, or approved material picnic table, 2 benches, and a cooking grill all permanently anchored to the slab. 	0.5
Athletic Courts	<ul style="list-style-type: none"> Maximum slope: 2% Basketball court: at least 50 x 40 feet, with 2 metal goals, nets, backboards, and poles at each end. Tennis court: at least 60 x 125 feet, with net and metal posts. Volleyball court: at least 30 x 60 feet, with net and metal posts, with either sodded grass or a 12 inch course of washed masonry sand or silica sand. 	.75
Open Play Areas	<ul style="list-style-type: none"> At least 20,000 square feet unobstructed by shrubs or utilities. Maximum slope: 5% Grass shall be established in these areas. 	1
Swimming Pool	<ul style="list-style-type: none"> At least 500 square feet of water surface, with adjacent deck and 	0.3 acres

(A) Amenity	(B) Design Criteria	(C) Credit Acres
	<ul style="list-style-type: none"> lawn areas. May not count towards more than 50% of the Park land provided. 	per five hundred 500 square feet of surface area
Recreation Center Building	<ul style="list-style-type: none"> The building shall be in habitable condition with at least 1,000 square feet of gross floor area. The covenants and restrictions of the homeowners' association shall restrict the building for use as a recreational and/or meeting area. Credit is awarded for only 1 building. A recreation building may not count towards more than 50% of the Park land provided. 	.50 for 1,000—1,500 square feet; 1 for over 1,500 square feet.
Pavilion	<ul style="list-style-type: none"> At least 20 x 20 feet. Constructed with galvanized metal roofing and posts constructed of wood, metal, or stone or comparable materials as determined by the Director. 	0.25
Gazebo	<ul style="list-style-type: none"> At least 100 square feet. Constructed of either wood or metal or comparable materials as determined by the Director, 	0.25
Outdoor Gymnasium Facilities	<ul style="list-style-type: none"> At least 40 x 40 feet or 1,600 square feet. At least 6 stations constructed of metal or material of similar durability. Stations must be secured as recommended by the manufacturer. A maximum of 1.0 acres credit may be awarded. 	1
Fitness, Jogging or Walking Trails	<ul style="list-style-type: none"> Minimum length: ¼ mile. Constructed of crushed granite, concrete, or asphalt, with a minimum thickness of 4 inches, a minimum width of 8 feet, and sloped to drain. Up to 2¼ acres credit may be awarded for trails. 	1.5 for first ¼ mile length; .75 for an additional quarter ¼ mile length

- 2. Platting of Areas Designated on Comprehensive Plan.** If a subdivision embraces a park, a combination playground and elementary school site, a combination playfield and junior high school site, or a combination athletic field and senior high school site that is shown on the Comprehensive Plan, the park, recreation area, or school site shall be platted in the general location and of the size called for by the Comprehensive Plan.
- 3. Proposed Sites.** Where a proposed park, recreation area or school site shown on the Comprehensive Plan is located in whole or in part in a subdivision, the Planning Commission may require the reservation and platting of the area within the subdivision if the Planning Commission deems the requirement to be reasonable.

Sec. 64-61 Parking and Loading

A. Parking

1. Applicability

- (a) This subsection applies only to the City's zoning jurisdiction.
- (b) Parking facilities shall be provided and maintained as provide in this subsection A.
- (c) The off-street parking requirements of this subsection A do not apply to:
 - (1) The Downtown ("D") districts;
 - (2) Residential development within the Hank Aaron Loop,
 - (3) Any Adaptive Reuse development, as defined and regulated in Article VI, and
 - (4) off-street parking facilities for uses or structures existing (whether occupied or vacant) on the effective date of this ordinance. If the land, structures, or uses are enlarged, expanded or changed, off-street parking is required only for the incremental expansion of the land, structure, or use.

2. Amount of Off-Street Parking Facilities Required

- (a) **Generally.** Except for permitted uses in IH districts, at the least the amount of off-street parking facilities required by Table 64-61-1 shall be provided.
- (b) **Use Classifications.** The use classifications are as defined in Article 10.
- (c) **Calculation.** Where the parking spaces are based on square footage, "sf" means gross floor area, less any space not defined as "habitable space" by the building code.

Table 64-61-1 Minimum Parking Spaces

Use Category	Parking Spaces
Residential	
<i>Residences</i>	
Dwelling, single-family detached	2 per dwelling unit
Accessory dwelling unit	1 per dwelling unit
Apartment House	1 per 2 bedrooms
Cottage Court	1 per dwelling unit
Dwelling, two-family (duplex)	1.5 per dwelling unit
Dwelling, Multi-Family	1.5 per dwelling unit
Live/Work Dwelling	1 per dwelling unit
Manufactured home	2 per dwelling unit
Manufactured Housing Land Lease Community	1 per manufactured home space or lot
Mobile Home	1 per dwelling unit
Townhouse / Row house	1.5 per dwelling unit
Zero lot line home	1.5 per dwelling unit
<i>Group Living:</i>	
Rooming and Boarding	1 per 2 bedrooms
Community housing	1 per 600 sf + 1 per 4 bedrooms
Community residential facility	1 + 1 per 4 bedrooms
Life care or continuing care services	1 per 4 bedrooms
Retirement home or elderly housing	1 per 2 dwelling units
Residential Care Facilities	1 per 4 bedrooms
Lodging / Short-Term Rental	
Bed and breakfast	2 + 1 per bedroom
Hotel / Motel	1 per 2 rooms

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Use Category	Parking Spaces
Recreational vehicle park	1 per 4 recreational vehicle or camping spaces
Short-term rental	2 per dwelling unit
Commercial / Mixed Use	
<i>Animal Services:</i>	
Animal hospital (indoor)	1 per 1,500 sf
Animal services, generally	1 per 1,500 sf
<i>Day Care:</i>	
Adult day care	1 per 1,000 sf
Child Day Care	1 per 350 sf
<i>Financial Services:</i>	
Automated teller machine, stand alone	--
Financial institution	1 per 400 sf
Alternative Financial Service Provider	1 per 400 sf
<i>Food & Beverage Sales / Service:</i>	
Bar / Lounge	1 per 500 sf
Farmers market	--
Food preparation	1 per 400 sf
Grocer	1 per 300 sf
Mobile vendor	--
Restaurant	1 per 300 sf
Restaurant, drive-in	1 per 150 sf
Restaurant, drive-thru	1 per 300 sf
Seafood Processing	1 per 400 sf
Snack or beverage bars	1 per 300 sf
<i>Mixed Use:</i>	
Mixed use building	1 per 1,000 sf
<i>Office, Business & Professional:</i>	
Office	1 per 400 sf
<i>Personal / Business services:</i>	
Bail bond services	1 per 400 sf
Building maintenance services	1 per 1,500 sf
Business support services	1 per 400 sf
Courier, messenger and delivery services	1 per 400 sf
Day Labor Service	1 per 400 sf
Funeral & interment services	1 per 150 sf of group seating or assembly areas
Crematorium	1 per 150 sf of group seating or assembly areas
Linen/Uniform Supply	1 per 400 sf
Maintenance & repair services	1 per 400 sf
Personal services	1 per 400 sf
Dry Cleaning	1 per 400 sf
<i>Retail sales:</i>	
Convenience store	1 per 300 sf
Convenience store (with gasoline sales)	1 per 1,000 sf
Hardware / home improvement stores and building materials	1 per 400 sf
Machinery and Equipment Rental and Leasing	1 per 500 sf indoor sales, repair and maintenance
Manufactured Home Dealers	1 per 500 sf indoor sales
Nonstore retailers	1 per 400 sf
Nursery/Horticulture/Farm Supply	1 per 400 sf
Retail, general	1 per 400 sf
Package Store (Liquor)	
<i>Automotive:</i>	
Auto repair	1 per 500 sf
Truck repair	1 per 500 sf
Automobile / Light Truck / RV / Personal Water Craft / Motorcycle dealership	1 per 500 sf indoor sales, repair and maintenance
Heavy truck / farm equipment / construction equipment dealer	1 per 500 sf indoor sales, repair and maintenance
Car Wash	1 per washing stall + 1 per vacuum island
Gasoline sales	1 per 1,000 sf
Gasoline sales, without repair	1 per 1,000 sf
Truck stop	1 per 300 sf
Public/Civic/Institutional	
<i>Assembly:</i>	

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Use Category	Parking Spaces
Cemetery/mausoleum	1 per 150 sf group seating areas; 1 per 500 sf other
Religious land use	1 per 150 sf group seating areas; 1 per 500 sf other
Exhibition, convention, or conference facility	1 per 150 sf group seating areas; 1 per 500 sf other
Club or lodge (private)	1 per 150 sf group seating areas; 1 per 500 sf other
Government / Non-Profit:	
Armory	--
Correctional Facilities	1 per 400 sf
Vehicle / equipment maintenance facility	1 per 1,500 sf
Public Safety Facility	1 per 800 sf
Social assistance, welfare, and charitable services	1 per 800 sf
Postal services	1 per 800 sf
Education:	
Business college / technical school	4 per classroom or office; 1 per 150 sf of group seating area (auditorium, gymnasium, etc.)
Vocational school	4 per classroom or office; 1 per 150 sf of group seating area (auditorium, gymnasium, etc.)
School (public or private)	1 per teaching station (Elementary and Junior High School) 1 per 4 students based on design capacity (Senior High)
Personal instructional services	1 per 500 sf
Maritime:	
Kayak / Canoe Launch	1 per 2,000 sf
Marina / Port	1 per 2,000 sf
Marina / Port, Public	1 per 2,000 sf
Marine Cargo Handling and Dry Dock Services	1 per 2,000 sf
Marine Freight Transportation	1 per 2,000 sf
Marine Navigational and Other Services	1 per 2,000 sf
Marine Passenger Transportation	1 per 2,000 sf
Marine supply and chandlery	1 per 2,000 sf
Port Storage or Warehouse	1 per 2,000 sf
Public Boat Launch	1 per 2,000 sf
Medical:	
Hospital	1 per 400 sf
Clinic, dental or medical	1 per 500 sf
Arts, Entertainment, & Recreation:	
Adult entertainment enterprise	1 per 400 sf
Amphitheater	
Art Studio	1 per 400 sf
Civic Space	1 per 400 sf
Cultural facility	1 per 400 sf
Entertainment facility	1 per 400 sf
Health/fitness club	1 per 400 sf
Recreational Facility, Indoor	1 per 400 sf
Recreational Facility, Outdoor or Major	1 per 400 sf
Night club	1 per 400 sf
Theater	1 per 400 sf
Youth organization camp	--
Industrial / Production	
Manufacturing & Employment:	
Boat Building	1 per 1,500 sf
Coal Handling Operation	1 per 1,500 sf
Contractor	1 per 1,500 sf
Data Processing, Hosting, and Related Services (including data centers)	1 per 1,500 sf
Industrial Launderer	1 per 1,500 sf
Manufacturing, General	1 per 500 sf
Manufacturing, Intensive	1 per 500 sf
Manufacturing, Light	1 per 500 sf
Media Production	1 per 500 sf
Mining & quarrying	--
Oil and gas company (drilling and exploration)	1 per 500 sf
Oil and mining support activities	1 per 500 sf
Research and development	1 per 500 sf
Shipyard	

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Use Category	Parking Spaces
Stone cutting	1 per 1,500 sf
Warehousing, Storage & Distribution:	
Boat storage facility	
Building and landscaping materials supplier	1 per 1,500 sf
Float Barn	1 per 1,500 sf
Freight depot (railway and truck)	--
Fuel Distribution	1 per 1,500 sf
Petroleum Recovery / Recycling	1 per 1,500 sf
Machinery and heavy equipment sales and service	1 per 1,500 sf
Self-service storage facility	1 per 1,500 sf
Oil & gas storage	1 per 1,500 sf
Outdoor storage	1 per 1,500 sf
Vehicle towing and storage facility	1 per 1,500 sf
Wholesale distribution, warehousing and storage	1 per 1,500 sf
Wholesale distribution, warehousing and storage (less than 40,000 sf GFA)	1 per 1,500 sf
Infrastructure	
Transportation / Parking:	
Airport	1 per 1,000 sf terminal space
Ground passenger transportation (e.g. taxi, charter bus)	1 per 1,000 sf
Heliport / miscellaneous air transportation	1 per 1,000 sf
Parking facility	--
Passenger depot	1 per 1,000 sf
Railroad facilities	1 per 1,000 sf
Railroad right-of-way	1 per 1,000 sf
Transit shelter	1 per 1,000 sf
Utilities:	
Utility, Major	--
Utility, Minor	--
Communications facilities:	
Communications facility	--
Telecommunications Facility	--
Weather or environmental monitoring station	--
Waste-related:	
Composting facility	--
Hazardous waste disposal	--
Hazardous waste transfer	--
Junkyard	--
Recycling plant	--
Recycling transfer station	--
Remediation Services	--
Solid waste disposal	--
Solid waste facility	--
Solid waste transfer	--
Waste Management Services, Other	--
Agriculture	
Agriculture & Forestry	--
Community garden	--
Community Supported Agriculture	--
Greenhouse	--
Accessory	
Accessory building or structure	--
Accessory schools	--
Accessory retail and personal service, office, or recreational use	--
Accessory use (generally)	--
Caretaker or guard	--
Construction yard	--
Dumpster	--
Fences and walls	--
Home occupation	--
Mechanical equipment	--
Parking garage, private	--

Use Category	Parking Spaces
Pharmacy, accessory	--
Recreational facility, accessory	--
Recycling drop-off center	--
Sign, Generally	--
Sign, Banner	--
Sign, Menu Board	--
Sign, Off-Premise	--
Swimming pool	--
Wharf and dock shed	--
Miscellaneous	
Adaptive Reuse	--
Temporary Uses	--

3. Size of Parking Spaces

- (a) Off-street parking spaces shall comply with the stall and aisle dimensions of Table 64-61-2 below, exclusive of access or maneuvering area, ramps and other appurtenances.
- (b) Parallel parking spaces shall be at least 8 feet wide, and interior stalls shall be at least 23 feet long. End parallel parking stalls shall be at least 20 feet long if their entry/exit area is unencumbered.
- (c) Head-in parking on asphalt or approved alternative surfaces shall have wheel stops or similar ways to delineate the spaces.

Table 64-61-2 Parking Stall and Aisle Dimensions

Angle of Parking Aisle Configuration	Stall Width Parallel to Aisle	Stall Length Perpendicular to Aisle	Aisle Width
90° Two-way	9 feet	18 feet	24 feet
60° Two-way	10.5 feet	20 feet	24 feet
60° One-way	10.5 feet	20 feet	14 feet
45° Two-way	12.5 feet	19 feet	24 feet
45° One-way	12.5 feet	19 feet	14 feet

4. Location of Spaces

- (a) Except where permitted for off-site or sharing of facilities, off-street parking facilities shall be located on the building site on which the use or structure for which they are provided is located.
- (b) Off-street parking facilities for dwelling uses shall not occupy any part of a required front yard.
- (c) Access, maneuvering area, ramps and other appurtenances shall be located on private property outside of the street right-of-way.

5. Parking Specifications

- (a) **Applicability.** This subsection applies to all off-street parking facilities subject to this section except:
 - (1) Parking spaces for single-family detached and two-family dwellings,
 - (2) Parking spaces for permitted uses in IH districts, and
 - (3) Parking lots within the Hank Aaron Loop which are not paved with concrete, asphaltic concrete, or asphalt.

- (b) Generally.** Parking surfaces shall:

 - (1)** be properly graded for drainage;
 - (2)** be surfaced with concrete, asphaltic concrete, asphalt or an alternative parking surface. Access aisles, fire lanes, and accessible (ADA) parking spaces shall be surfaced with concrete, asphaltic concrete, asphalt, or concrete pavers that meet the requirements of the IFC, as adopted, and the City Engineer. All other parking spaces may be paved as previously noted, or utilize an “Alternative Parking Surface” noted below;
 - (3)** maintained free of weeds, dust, trash and debris; and
 - (4)** have a design capable of accommodating vehicles at least 5,000 pounds gross vehicle weight.
- (c) Alternative Parking Surfaces**

 - (1)** Alternative parking surfaces may include interlocking grass paving blocks, porous asphalt, grasscrete, aggregate materials (see (2), below), or other paving surface approved by the City Engineer.
 - (2)** Aggregate materials include crushed limestone, crushed concrete, crushed granite (or other rock material), or gravel, but shall not include shell or sod. All aggregate materials must be approved by the City Engineer.
 - (3)** For sites greater than or equal to 1 acre undergoing development or redevelopment, alternative parking surfaces shall be required for spaces requested in excess of the minimum required spaces established in subsection A.2 above.
 - (4)** The geotechnical design of alternative parking surfaces shall be approved as part of land disturbance permit that addresses:

 - a.** Engineering criteria such as permeability,
 - b.** The removal of soil layers, if required, and
 - c.** post-construction components such as a maintenance plan, as required by City Code Chapter 17.
- (d) Wheel stops.** They shall be provided with wheel stops or bumper stops so located that no part of parked vehicles will extend beyond the parking facility.
- (e) Lighting.** Refer to Sec. 64-58.D.
- (f) Entrances and Exits.** Entrances and exits from parking lots onto a public street require a Right-of-Way Permit (for a City right-of-way) or ALDOT (for a State right-of-way).
- (g) Prohibition of other uses.** Parking surfaces shall not be used for:

 - (1)** the sale of merchandise, except as permitted for outdoor sales in Article VI, or;
 - (2)** repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.
- (h) Pedestrian Safety Aisles**

- (1) **Applicability.** Parking lots shall have a 4-foot-wide clearance between abutting rows of parking spaces for pedestrian safety aisles. Pedestrian safety aisles are not required for parking facilities in which cars are parked by attendants.
- (2) **Generally.** Pedestrian safety aisles shall be:
 - a. maintained by wheel stops,
 - b. paved, and
 - c. maintained free of standing water
- (3) **Location.** Pedestrian safety aisles shall be located between 2 parking groups.
- (4) **Marking.** Pedestrian safety aisles shall be marked at no more than 50-foot intervals by signs at least 6 feet above ground with at least 1 square foot of area, with the words "Pedestrian Walk."

(i) **Circulation and Parking Layout**

- (1) This subsection applies to self-parking with more than 300 parking spaces.
- (2) Parking spaces shall be divided into blocks of no more than 300 parking spaces per block ("parking blocks").
- (3) The blocks shall be defined by 15-foot-wide raised planting strips with curbs, as follows:
 - a. A planting strip parallel to a group of parking spaces shall have a pedestrian walk (see subsection (g) above) extending the entire length of the strip.
 - b. A planting strip shall be maintained along the side of a block feeder aisle at the head of and for the full width of a group of parking spaces which has a pedestrian safety aisle. A parking group which does not contain a pedestrian safety aisle shall not exceed 300 feet in length without a vehicular connection between adjoining "group feeder aisles. [\Leftrightarrow see definitions of block and group feeder aisles in Table 64-61-3 below]
- (4) Parking aisles shall have the following minimum width:

Table 64-61-3 Parking Aisle Width

Aisle Type	Definition	Width (minimum – feet)
Block Feeder Aisle	Feeds vehicles into blocks of parking stalls lying along both sides of the aisle	36 feet
Store Aisle	Runs parallel to fronts of stores	36 feet
Group Feeder Aisle	Gives access to individual parking spaces	See Table 64-61-2
Major Aisle	Provides major circulation within a parking facility	36 or 48 feet as required by the volume of traffic
All Other Aisles	Any aisle not defined above	24 feet

- (5) Off-street parking facilities composed of blocks of parking spaces shall have parking spaces accessible from a "group feeder roadway" and from no other type roadway.

6. Screening and Landscaping. Refer to Sec. 64-56A.3.

7. Combined facilities

- (a) The off-street parking facilities required of 2 or more uses located on the same building site may be combined and used jointly. The required number off-street parking spaces is the sum total of parking required of all the uses, unless subsection (b) applies.
- (b) An off-street parking area required for any building or use may be used as part of an off-street parking area required for another building or use where peak use periods do not overlap, as provided below. The required parking spaces are reduced as follows:
 - (1) Determine the minimum parking requirements in accordance with subsection 14 for each land use as if it were a separate use,
 - (2) Multiply each amount by the corresponding percentages for each of the 5 time periods set forth in Columns (B) through (F) of Table 64-61-4 below,
 - (3) Calculate the total for each time period,
 - (4) Select the Column with the highest total. This is the required number of spaces.

Table 64-61-4 Parking Reductions for Shared Parking Lots with Varying Peak Use Periods

(A) Land Use	Weekday		Weekend		
	(B) Daytime (9 a.m. – 4 p.m.)	(C) Evening (6 p.m. – midnight)	(D) Daytime (9 a.m. – 4 p.m.)	(E) Evening (6 p.m. – midnight)	(F) Nighttime (midnight 6 a.m.)
Office/Industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/Commercial	40%	100%	80%	100%	10%

8. Shared Off-Site Parking Facilities. Under this Section, off-street parking facilities are required to be provided on the same building site as the use or structure for which the facilities are provided in an amount based on the listed requirement for the individual use or structure. The provisions below credit off-site parking facilities toward required off-street parking facilities, and allow 2 or more uses on different sites to credit off-street parking facilities toward their required spaces.

(a) Limitations on Separation from Use

- (1) Off-street parking facilities may be located off-site if the separate site is no farther than 1,200 feet from the building site of the use for which parking is provided.
- (2) The distance in subsection (1) above is measured along the most direct line of walking along public streets from the nearest point of the separated off-street parking facilities.
- (3) The separated parking facilities shall not be located within:
 - a. an RL or RM district, or
 - b. an NCS or DC district except those required for uses in the district.

(b) Limitations on Sharing Facilities

- (1)** Except as provided below, parking spaces which are shared with other uses are not credited toward the required spaces unless the schedules of operation of all uses sharing the spaces occur at different peak periods (see subsection 7(b) above).
- (2)** If an office use and a retail use share parking and the office space comprises at least 35% of the space and at least 2,000 square feet, the parking required for the retail use is reduced to the lesser of –
 - a.** 80% percent of the parking spaces otherwise required, or
 - b.** 1 parking space per 500 square feet.
- (3)** If a residential use shares parking with a retail use other than lodging uses, eating and drinking establishments or entertainment uses, the parking required for the residential use is reduced by 30% or the minimum parking required for the retail and service use, whichever is less.
- (4)** If an office and a residential use share off-street parking, the parking requirement for the residential use is reduced to the lesser of –
 - a.** 50% of the parking normally required for the residential use, or
 - b.** 1 space per 1,000 square feet.

(c) Application for Approval of Shared Parking Plan and/or Shared Off-Street Truck Loading Facilities

- (1) Application.** The owner or owners of all structures then existing on the land area shall file an application for approval of a Shared Parking Plan shall be filed with the Director. All owners shall be a party to the application.
 - a.** The application shall contain sufficient evidence to establish that the applicants have the right of possession to the land area and structures.
 - b.** The application shall contain information required by Article XII or deemed necessary by the Director, and shall include plans showing the location of the uses and structures for which off-street parking facilities are required and the location at which the off-street parking facilities are proposed to be located.
- (2) Review of applications.** The Director shall review Shared Parking Plan and either approve, conditionally approve, or disapprove it within thirty (30) days.
- (3) Filing of Shared Parking plan.** Upon approval of a Shared Parking Plan:
 - a.** A copy of the plan shall be filed among the records of the Department and binds the applicants, their heirs, successors and assigns,
 - b.** The Shared Parking Plan limits and controls:
 - 1.** the issuance and validity of permits and certificates,
 - 2.** the use and operation of all land and structures included within such Shared Parking Plan to all conditions and limitations specified in the approved plan, and

3. maintenance responsibilities.

(4) Amendment or Withdrawal of Shared Parking Plan

- a. A Shared Parking plan may be amended or withdrawn, either partially or completely, using the same procedure and subject to the same limitations and requirements by which the Shared Parking plan was approved and filed.
- b. All land and structures remaining under the Shared Parking Plan comply with all the conditions and limitations of the Shared Parking Plan.
- c. All land and structures withdrawn from the Shared Parking Plan shall comply with all regulations established by this Section that are unrelated to the Shared Parking Plan.

9. **Limitation on Size of Vehicles.** In the RL and RM districts or the residential areas of PD districts, parking lots shall be used only by vehicles up to eight thousand (8,000) pounds' gross vehicle weight, manufacturer's capacity rating and having wheels not to exceed seventeen (17) inches in diameter.

10. **Bicycle Parking**

Property owners in NC-T, NC-S, D-1, D-2 and D-3 may install bicycle racks within the right-of-way adjacent to their frontage following receipt of a Right of Way Permit or Right of Way Non-Utility Use Agreement.

B. Off-street Loading Facilities

1. **Applicability**

- (a) This section applies only to the City's zoning jurisdiction.
- (b) Off-street truck loading facilities shall be provided and maintained as required by this subsection B.
- (c) This subsection does not apply to structures actually used, occupied, and operated on the effective date of this subsection. If the structures are enlarged or expanded, the exempt structures shall not be used, occupied, or operated unless off-street truck loading is provided for the incremental enlargement or expansion of the structures.

2. **Amounts of Off-Street Truck Loading Facilities Required**

- (a) Except for permitted uses in IH districts, off-street truck loading facilities shall be provided in the minimum amount required by Table 64-61-5 for all structures containing uses devoted to Commercial / Mixed Use, Industrial / Production (including Warehousing, Storage & Distribution), Hotel/Motel, Hospitals, Airports, Railroad Facilities and similar facilities. [*⇔ Refer to Article X for classification and definitions of uses.*]
- (b) Structures required to provide and maintain less than 5 off-street parking spaces are exempt from this subsection 2.

Table 64-61-5 Off-Street Loading Required

Gross Floor Area (sf)	Required Number of Spaces
<i>(see subsection 3 below for classification)</i>	
0 up to and including 12,500	1 (small)
12,501 up to and including 25,000	2 (small)
25,001 up to and including 40,000	1 (large)

40,001 up to and including 100,000	2 (large)
For each additional 80,000 over 100,000	1 (large)

3. Size Categories. There are 2 sizes of off-street truck loading spaces, "large" and "small":

Table 64-61-6 Loading Space Categories

Minimum Specifications	Size Category	
	Large	Small
Overhead Clearance (min)	14'	10'
Width (min)	12'	10'
Length (min)	50'	20'
<i>(excludes access or maneuvering area, platform, and other appurtenances)</i>		

4. Location

- (a) Off-street truck loading facilities shall be located on the same building site where the structure they serve is located.
- (b) Facilities provided under a Shared Loading Plan (see subsection 6 below) may be located off-site and within 300 feet of the structure they serve upon approval of a shared parking plan for off-street truck loading facilities (Sec. 64-61 A.8.(c)).
- (c) Access, maneuvering area, ramps and other appurtenances shall be:
 - (1) located on private property outside of the street right-of-way, and
 - (2) arranged so that vehicles are not required to back from the street into the loading area or to back from the loading area into the street.

5. Loading Specifications. Off-street truck loading facilities shall be constructed, maintained, and operated in accordance with the following specifications:

- (a) **Drainage and Surfacing.** Loading areas shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt and maintained in good condition, free of weeds, dust, trash, and debris.
- (b) **Lighting.** Lighting facilities shall be arranged so that the source of light does not shine directly into adjacent residential properties or into traffic.
- (c) **Entrance and Exits.** Loading areas shall be provided with entrances and exits located to minimize traffic congestion or backing from the street into the area, or from the site and/or into the street.
- (d) **Circulation.** Where access and drives to off-street loading facilities occur in conjunction with off-street parking facilities that provide parking at street level for more than 600 cars, provision shall be made to maintain separate circulation routes within the facilities.

6. Shared Loading Facilities

- (a) Off-street truck loading facility requirements for 2 or more structures may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common truck loading facility, cooperatively established and operated ("shared loading facility").
- (b) The total number of spaces required for the shared loading facility designated is at least the sum of the individual requirements. The Director may approve a lesser number of

spaces, taking into account the respective times of usage of the truck loading facilities by the individual users, the character of the merchandise, and related factors.

- (c) To eliminate a multiplicity of individual facilities, to conserve space where space is at a premium, to maximize efficiency and capacity, and to promote orderly development generally, the Director may approve a Shared Loading Plan that groups off-street truck loading facilities cooperatively for a number of truck loading generators within close proximity. The Director shall obtain consent for the group from the participants in the Shared Loading Plan.

Cross reference— Parking lots, Ch. 40.

(Ord. No. 80-055, § VI, 7-23-91; Ord. No. 64-005, § 2, 1-18-00; Ord. No. 64-029, §§ 1-4, 4-23-02; Ord. No. 64-019-2012, §§ XI-XIII, 8-7-12; Ord. No. 64-002-2015, § 2, 1-13-15; Ord. No. 64-042-2015, § I, 3-31-15)

Sec. 64-62 Streets

A. Geometric Design

Refer to the City Engineer and the City Traffic Engineer for requirements regarding right-of-way width standards for existing and new roadways, sidewalks, gradients, etc.

B. Construction

Streets shall be built to the applicable City or ALDOT engineering standards.

C. Sidewalks

- 1.** Sidewalks shall be provided on both sides of streets of a subdivision simultaneously with construction of buildings.
- 2.** Sidewalks along or contiguous to common areas or “non-lotted” areas within a proposed subdivision shall be installed prior to recording a final plat.

Sec. 64-63 to

Sec. 64-70 Reserved.