

Chapter 64 Unified Development Code

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DRAFT – FOR DISCUSSION ONLY (1/1/19)

Article V Use Regulations

Sec. 64-71 Generally

A. Applicability

1. This Article establishes standards for the uses listed in each section. These standards may –
 - (a) Supplement the standards in the applicable zoning district (Article III) or development standards (Article IV), or
 - (b) Supersede the standards in Articles III or IV, where indicated.
2. This Article applies only to the City of Mobile’s zoning jurisdiction.

B. Relationship to Use Table

This Article applies regardless of the zoning district where the use is located or whether the use is permitted by right or as a conditional use, unless otherwise indicated in this Article.

Sec. 64-72 Accessory Structures or Uses



Purpose: This Section recognizes and accommodates structures or uses that customarily incidental to a principal use, or that are permitted with standards to further an important public purpose. Standards are applied to avoid unreasonable impacts on surrounding neighborhoods.

A. Accessory Dwelling Units

Purpose: Certain accessory structures may be converted to or developed for residential dwelling uses to promote efficient use of land. This Section allows accessory dwelling units (ADUs) with standards to ensure that they do not change the residential character of the principal use. This provides affordable living options in prescribed zoning districts, while protecting their character and maintaining compatibility between uses. Examples of living arrangements for ADUs include seniors occupying a second family living unit or apartment, or families with elderly parents unable to live completely alone.

⇔ Permitted use in: RL and RM.

1. Applicability

This section applies to any Accessory Dwelling Unit (“ADU”).

2. Where Allowed

- (a) ADUs are permitted in accessory structures in the “RL” and RM” districts. An ADU may be –
 - (1) constructed as a new building, or
 - (2) adapted from an existing building into an existing accessory structure on the same lot, or
 - (3) adapted from a portion of the principal dwelling unit.
- (b) An ADU is not allowed on a nonconforming lot.

3. Number of Dwelling Units. Only one ADU is allowed on a lot.

4. Dimensional Standards

- (a) ADUs shall not exceed a gross floor area of 1,000 square feet or more than 50% of the principal structure's floor area, whichever is less.
- (b) An ADU shall not exceed 2 stories or the height of the principal dwelling unit, whichever is less.
- (c) The ADU shall not cause lot coverage to exceed the requirements of the applicable zoning district, including the principal structures.

5. Location

- (a) The accessory residential dwelling shall be located in the established rear yard and at least the following distance from the rear lot line:
 - (1) Historic District Overlay: 3 feet or the existing setback of any legally established accessory dwelling unit.
 - (2) All Other Districts: 5 feet.
- (b) The ADU shall conform to side yard setbacks.

6. Building Standards

- (a) If the ADU is within a designated historic district, the architectural style of the secondary dwelling structure shall conform to ARB requirements.
- (b) All structures used for ADUs shall meet or be brought up to current building code requirements.
- (c) The ADU shall obtain a unique address, such as a unit designation, but only one house number should be assigned per parcel.

☞ *For example, an accessory dwelling unit at 123 Azalea Road would need a unique address, such as 123 Azalea Road, Unit A.*

7. Parking. Off-street parking shall be provided for the ADU.

B. Dumpsters

- 1. Applicability.** This section applies to any dumpster, located in any zoning district.
- 2. Placement.** Dumpsters used for waste disposal or recycling, for an ongoing use on a site (versus a construction dumpster) shall not be placed in a front yard, a required landscaped buffer, in the street right-of-way, or along frontages.
- 3. Waste Removal.** Waste removal of a dumpster by a sanitation truck shall take place entirely within the paved surface of the building site. The street right-of-way may not be used by the truck for maneuverability. This subsection does not apply to alleys or to the Neighborhood Center-Traditional ("NCT"), Downtown Waterfront ("DW"), Corridor-Traditional ("CT") where waste removal is mitigated by truck routing and may require approval pursuant to the Mobile Rights-of-Way Construction and Administration Ordinance (↔ *City Code Chapter 57, Article VIII*).

4. Enclosure

- (a) All dumpsters shall be enclosed within an enclosure of at least the height of the enclosed dumpster, but in no case to exceed 8 feet in height. The dumpster enclosure must be of sufficient size to allow for placement and removal of dumpster without causing damage to the enclosure.
- (b) The enclosure material shall be wood; brick; masonry; recycled materials that resemble wood, brick, or masonry; or other material that matches the principal structure's siding materials.
- (c) If the dumpster is not visible from a public right-of-way or an abutting residentially utilized property, no enclosure is required.
- (d) The dumpster enclosure may be equipped with a door or gate constructed of wood or other opaque material that opens outward and which remains closed unless the dumpster is being filled or emptied. The dumpster enclosure must be of sufficient size to allow for placement and removal of dumpster without causing damage to the enclosure.
- (e) With the exception of dumpsters marked and utilized only for the collection of non-liquid and non-food container products for recycling (paper, cardboard, clothing) and temporary construction dumpsters, all dumpsters shall be placed on a concrete pad. The floor or pad of the dumpster enclosure must be equipped with a connection to the sanitary sewer, and any discharge or runoff from the enclosure shall not be allowed to drain into any storm water drain, as required by the City of Mobile Engineering Department, or an alternative, approved by the City Engineer, that does not allow leakage of contaminants.



Figure 64-72-1 Example of dumpster with material matching principal structure's siding

- 5. **Maintenance.** If required/provided, dumpster enclosures must be kept in good repair and condition by the property owners for the life of the dumpster/enclosure requirement.

(a)

C. Fences and Walls

⇔ *Permitted use in: All districts. See Section 64-30.I. and J.3.(b) for fences in the Downtown (D) district.*

1. Applicability

This section applies to all fences and walls erected in any zoning district.

2. Height

- (a) No fence or wall that obstructs sight shall be erected or altered in any required front yard to exceed a height of 3 feet.
- (b) Except as specified in the *Design Review Guidelines for Mobile's Historic Districts* for sites in historic districts, any fence or wall beyond the required front yard may be up to 8 feet in height.

- (c) On a corner building site not having to its rear a building site facing toward the intersecting or side street, no fence or wall that obstructs sight shall be erected in the required side yard to exceed a height of 3 feet.

3. Design

- (a) Fences composed of barbed wire, or other dangerous materials, may be permitted in CM, IL, or IH districts upon approval of the Director. Applications for fences composed of barbed wire, or other dangerous materials, will not be approved in any other district, nor within the Henry Aaron Loop. A fence will be allowed if the chief of police renders a determination pursuant to section 21-1 of the Mobile City Code, subject to permits.
- (b) Electrified fences must be approved by the Director. The Director shall find that the electrified fence is placed, and that protective measures are provided, to avoid exposure to the general public.

- 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 not less than one-third the width of the lot, and neither side yard shall have a width of less than one-seventh the width of the lot; provided, however, that in no case shall either yard have a width of less than five (5) feet.

D. Grease Containers in “D” (Downtown)

Garbage containers in the “D” (Downtown) districts shall not be placed outside within 20 feet of a sidewalk at any time, unless otherwise authorized by the City of Mobile for a special event.

E. Home Occupations

⇔ *Permitted Use in: RL, RM, NC-T, DC, D, DW, CT, and CM.*

- 1. This section applies to any Home Occupation.
- 2. A home occupation shall be incidental to a residential use of the premises.
- 3. No article shall be sold or offered for sale unless it is produced inside of the dwelling by members of the family residing in the dwelling.
- 4. Home occupations shall not occupy more than 25% of the floor area of the dwelling. This section does not apply to the Downtown (“D”) or Neighborhood Center-Traditional (“NCT”) districts.
- 5. Home occupations may include only the following uses (⇔ *refer to § 64-27 Use Table*): personal services, office, dental or medical clinic (other than high turnover medical care facilities as regulated by this Article), personal instructional services, media production, or art studio.
- 6. The services shall be performed by persons occupying the home occupation as their private dwelling.
- 7. No additional persons who do not live in the dwelling shall be employed in the home occupation on the premises.
- 8. No more than one (1) customer visit is allowed on the premises at any time, except in the Downtown (“D”) or Neighborhood Center-Traditional (“NCT”) districts.
- 9. A commercial vehicle, limited to one standard sized car, van, or pickup, and one open or one enclosed trailer, not to exceed 26 feet in length, may be parked overnight at the residence at the side or rear of the residence. The vehicle and the trailer may include advertising for the business.

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The vehicle and the trailer may be used for equipment storage; however, no freestanding storage building or garage may be used for storage.

F. Mechanical Equipment

1. This section applies to any mechanical equipment, located in any zoning district.
2. In any district, the minimum yard setback for any mechanical equipment with a height of 3 feet or more above grade shall be a distance equal to the underlying setbacks of that district.
3. In the Downtown (“D”), Neighborhood Center-Traditional (“NCT”), and Corridor Traditional (“CT”) districts, mechanical equipment:
 - (a) shall not be located along frontages, and
 - (b) if located on a rooftop, must be masked or set back so as not to be visible from the street or sidewalk when viewed from a 45 degree angle.

G. Outside Storage

1. This section applies to any Outside Storage.
2. In the CM districts, a 6-foot privacy fence shall be provided, and inventory shall not be stacked higher than 6 feet. The privacy fence shall be composed of wood, brick, masonry, or other material as may be approved by the Director. If the privacy fence and Outside Storage area is completely screened from view at the public right-of-way or a residential zoning district boundary, the fence may consist of metal (including wire or chain link), plastic, concrete, PVC fence panels and posts, or recycled or composite materials.

H. Swimming pools

⇔ *Refer to Chapter 21, Article II (Enclosure of Swimming Pools)*

1. This section applies to any swimming pool.
2. Subsections 3 through 5 below apply only to swimming pools located outside of the principal building, and do not apply to:
 - (a) Swimming pools that are completely enclosed by or located on an upper floor of a principal building, or
 - (b) Any Downtown (“D”) district.
3. Swimming pools are considered an accessory structure or use to the primary use unless the primary use of a building site is a commercial pool, swim club, health club, or other similar use.
4. A swimming pool shall not be located in any required front yard.

Sec. 64-73 Adaptive Reuse



Purpose: *This section provides flexibility in adapting existing structures to new uses over time, in recognition that neighborhoods and land uses do not remain static. This section encourages the repurposing of existing buildings to provide a more efficient use of infrastructure, minimize excessive development costs, and to encourage mixed use development in locations with existing infrastructure.*

⇔ *Permitted use in: All districts.*

A. Applicability

This section applies to the adaptive reuse of any existing building in any zoning district. Adaptive reuse is defined as follows:

Adaptive Reuse The rehabilitation or expansion of an existing building (as qualified by subsections 1 and 2 below) in a manner that complies with current, applicable building and fire code standards.

1. This section applies to the use or occupancy of a building that lawfully existed before the effective date of this Code, if the building –
 - (a) Has been vacant for at least 2 years, and is located in a local or nationally designated historic structure, or historic district, or
 - (b) Was constructed at least 50 years before the effective date of this Chapter, or
 - (c) Is vacant, uninhabitable, and hazardous to persons and property because of its physical condition, as determined by the Administrator, or
 - (d) Has been declared or certified blighted pursuant to a redevelopment plan approved by the Planning Commission or City Council, or
 - (e) Has been declared to be a public nuisance by the City Council.
2. This Section does not apply to:
 - (a) New construction.
 - (b) Change of non-conforming uses, unless the existing use is located in a structure that qualifies under subsection 2 and was lawful when it was established.

B. Standards

1. In order to qualify for the regulatory incentives established in subsection (c) below, an adaptive reuse must either –
 - (a) Retain the existing bulk, height and lot configurations of the existing structure and lot, or
 - (b) If the building is expanded or relocated on the lot:
 - (1) Meet the rear and side setback requirements of the district;
 - (2) If the existing building is set back at least 20 feet from the front property line, meet the frontage landscaping requirements; and
 - (3) The building footprint and height may expand –
 - a. by up to 20%, or

- b. by up to 50% if authorized by a conditional use permit.
2. If the building is located in the NCT, D, or CT districts, the front façade shall at least maintain the existing percentage of windows and entryways after the building is rehabilitated.
3. The building subject to adaptive reuse must obtain a building permit under the standards in effect at the time of application, including any alternative standards adopted by City of Mobile for existing buildings.

C. Incentives

An adaptive reuse qualifies for the following regulatory incentives:

Table 64-73-1 Adaptive Reuse Incentives

(A) Incentive	(B) Existing Building Rehab <i>(see subsection B.1(a) above)</i>	(C) Expansion <i>(see subsection B.1(b) above)</i>
Building Height (⇔ § 64-45)	Existing building height is considered permitted and not nonconforming.	In addition to Column (B), any expansion must comply with subsection B.1.(b)(3) above.
Landscaping (⇔ § 64-48)	No additional landscaping is required. Additional landscaping provided must be maintained.	If the building is located further than 10 feet from the right-of-way, frontage landscaping is required. No additional landscaping is required.
Parking and Loading (⇔ § 64-51)	Existing parking and loading spaces shall be maintained, or may decrease where allowed by Article IV. No additional spaces are required.	For existing building space, Column (B) applies. Parking space requirements are reduced by 50% for any expansion, if the total number of parking spaces existing prior to the expansion is not reduced.
Common Open Spaces and Civic Spaces (⇔ § 64-52)	No common open spaces or civic spaces are required.	No common open spaces or civic spaces are required.
Stormwater management (⇔ § 64-53)	Stormwater Ordinance (Chapter 17) compliance required for all impervious area constructed post-1984.	The stormwater management requirements of Chapter 17 apply to any expansion of impervious surfaces.

Sec. 64-74 Adult Businesses



Purpose: *The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable operational characteristics of these adult uses by restricting their close proximity to churches, parks, schools and residential areas. In the development and adoption of this ordinance, it is recognized that there are some adult entertainment enterprises which due to their very nature have objectionable operational characteristics when located in close proximity to churches, schools, parks, and residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well-being of the youth in their communities. The special regulations deemed necessary to control the undesirable externalities arising from these enterprises are set forth below. Nothing in this ordinance shall be construed to authorize, permit, or legalize any activities otherwise prohibited by law or ordinance.*

⇔ *Permitted Use in: CM and CW.*

A. Applicability

1. **Uses Regulated.** This section applies to any Adult Entertainment Enterprise (⇔ Article X).

B. Prohibitions

1. The establishment, enlargement, expansion, increase, reconstruction, resumption or structural alteration of any adult entertainment enterprise is prohibited:
 - (a) if the adult entertainment enterprise is within 1,000 feet of any existing church, school, park or residentially zoned (RL, RM) area within the City of Mobile, Mobile County, Alabama, and
 - (b) within 2,000 feet of any existing adult entertainment enterprise.
2. For purposes of this section, “establish” or “establishment” of an adult business enterprise means any of the following: (1) The opening or commencement of any such business as a new business; (2) The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein; (3) The addition of any of the adult entertainment businesses defined herein to any other existing adult entertainment business; or (4) The relocation of any such business.
3. Subsection B.1 above does not prohibit any structural alteration that is needed to comply with the Americans with Disabilities Act (42 USC §§ 12101 et seq.).

C. Measurement of Distances

1. The distance between an adult entertainment business and any church, school, park or residentially zoned (RL, RM) area, shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the adult entertainment business to the nearest property line of the church, school, park or residential area.
2. If any adult entertainment business is part of or included within an integrated center, only the portion of that center or leased space occupied by such adult entertainment business shall be included in determining the closest exterior structural wall of that establishment.

D. Exterior Display

No adult entertainment enterprise shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way.

E. Nonconforming Uses

The lawful use of land or buildings existing at the time of the adoption and effective date of this ordinance that is in violation hereof is deemed a nonconforming use. In addition, the nonconforming uses shall comply with all requirements of Article VII of this Chapter.

F. Penalty

Notwithstanding any other provision of the zoning ordinance, any person, firm, or corporation violating or failing to comply with the provisions of this ordinance, is subject to a civil fine, to be assessed by the city's environmental judge, not to exceed five hundred dollars (\$500.00) per violation.

G. Enforcement

This ordinance is enforced by the Director in coordination with the City of Mobile Police Department.

H. Appeals

Appeals of municipal court judgments and planning commission rulings issued pursuant to this ordinance shall be to the Circuit Court of Mobile County, as mandated by state law.

Sec. 64-75 Coal Handling Operations



Purpose: *This section provides setbacks for the location and construction of new facilities in order to protect public health, safety and general welfare by minimizing the exposure of persons in residential areas or related public assemblies to coal dust or emissions.*

⇔ *Permitted Use in: IH.*

A. Applicability

1. This section applies to any coal handling facility, whether it is a primary or an accessory use.

2. Inapplicable to Existing Tanks and Sites

- (a) Sites are confirmed in their entirety for purposes of this Chapter as conforming permitted uses with respect to all existing coal handling facilities. The coal handling facilities existing on those sites on the effective date of this Section are confirmed for purposes of this Chapter as conforming structures.
- (b) A coal handling facility existing on a site on the effective date of this Section may be repaired, replaced, or reconstructed on the same site without compliance with this subsection and without the need for an additional setback.
- (c) The replacement of a coal handling facility in existence on the effective date of this Section need not have the identical footprint or configuration.
- (d) New coal handling facilities that are not replacements for existing facilities may be constructed on sites that already have a conditional use permit (or planning approval under previous versions of this Chapter) or that did not require conditional use permit or planning approval at the time of construction if a building permit was received, if:
 - (1) the facility complies with all then existing regulatory requirements, and
 - (2) the Director is provided the information required by this Section and Article XII.

B. Setback

A coal handling facility shall be setback at least 1,500 feet measured from the building or structure to the property line of the nearest residentially zoned (RL or RM) or occupied property, religious land use, or school.

Sec. 64-76 Convenience Stores and Gas Stations



Purpose: *This section is intended to reduce the concentration of Convenience Stores and Gas Stations to promote business diversity and encourage economic development, while also maintaining access to businesses that provide necessary goods and services.*

- ⇔ *A Convenience Store is a Permitted Use in: NC-T, DC, D, CT, CM, and CW.*
- ⇔ *A Convenience Store with Gasoline Sales is a Permitted Use in: DC, D, and CM; and a Conditional Use in: CT.*
- ⇔ *Gasoline Sales is a Permitted Use in: CM and CW; and a Conditional Use in: CT.*
- ⇔ *Gasoline Sales, without Repair, is a Permitted Use in: CW.*

A. Applicability

This section applies to any: Convenience Store or Gas Station, or a combination of the two types of uses at one location.

B. Location

A Convenience Store or Gas Station shall be located at least 500 feet from another Convenience Store or Gas Station. This distance shall be measured from one business's property line closest to the nearest property line of the other business.

Sec. 64-77 Drive-thru Businesses



Purpose: *Because of the unique character of these types of businesses, site development and traffic control standards are necessary to insure the protection of the public and community from potentially hazardous and adverse conditions.*

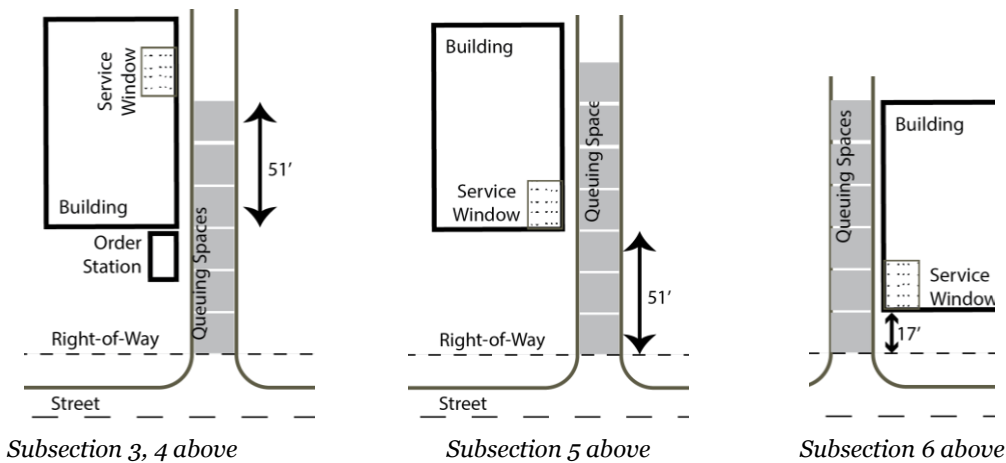
- ⇔ *Drive-thru Restaurants are a Permitted Use in: DC, CM, and CW; and a Conditional Use in: NC-T, D, and CT.*

A. Applicability

This section applies to Drive-thru Restaurants and any other Drive-thru business.

B. Vehicle Stacking Area

1. A queuing space is defined as a minimum of 9 feet wide by 17 feet long.
2. All drive-thru lanes shall conform to AASHTO standards, but shall in no case be less than 9 feet in width.
3. Each drive-thru lane shall provide at least 3 queuing spaces from the right-of-way to the order station if both an order station and service window are provided in separate locations.
4. Each drive-thru lane shall provide at least 3 queuing spaces between the order station and the service window.
5. Each drive-thru lane shall provide at least 3 queuing spaces from the right-of-way to the service window if a separate order station is not provided.
6. Upon leaving the service window, there shall be at least 1 queuing space between the service window and the right-of-way.



7. Each drive-thru lane shall be striped, marked, and otherwise appropriately delineated in accordance with the FHWA Manual on Uniform Traffic Control Devices for Streets and Highways or as approved by the City Traffic Engineering Director.
8. Circulation design alternatives, such as multiple queuing lanes, shall be approved by the City Traffic Engineering Director.

C. Screening

Where a drive-thru business adjoins residentially zoned (RL, RM) property or a residentially used building site, a 6-foot high privacy fence shall be constructed and maintained on interior property lines. The privacy fence shall be composed of wood, brick, masonry, or other material that matches the principal structure's siding materials.

D. In Shopping Centers

Drive-thru businesses integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center and common circulation routes within the center, unless an alternative circulation plan is approved by the City Traffic Engineering Director.

Sec. 64-78 High Turnover Medical Care Facilities



Purpose: *This section provides additional regulations for medical uses that treat a high volume of patients on a daily (typically seven days per week) basis. These regulations are intended to address potential negative impacts resulting from the intensity of such uses, particularly when located in proximity to residential uses, while recognizing the benefit of such facilities in serving public health needs.*

⇔ *Permitted Use in: NC-T, DC, D, CT, CM, and CW.*

A. Applicability

This section applies to High Turnover Medical Care Facilities. These facilities are classified as a “Clinic, dental or medical” in the Use Table (⇔ *Section 64-27*).

B. Location

In the NC-T district:

1. High Turnover Medical Care Facilities shall be located at least 1,000 linear feet from property zoned or used for residential purposes. This distance shall be measured from the medical facility property line closest to the nearest property line of a residential property.
2. High Turnover Medical Care Facilities shall be located at least one-half mile from other High Turnover Medical Care Facilities. This distance shall be measured from the medical facility property line closest to the nearest property line of the other medical facility.

Sec. 64-79 Night Clubs, Bars, and Lounges



Purpose: *This section is intended to reduce the concentration of Night Clubs, Bars, and Lounges in certain areas of the city to promote business diversity and encourage economic development, to protect real estate values from possible impairment due to negative perceptions regarding these types of businesses, and to protect the character of residential areas, while also maintaining access to such businesses which provide necessary goods and services.*

⇔ *A Night Club is a Permitted Use in: NC-T, DC, D, DW, CM, and CW.*

⇔ *Bars and Lounges are Permitted Uses in: DC, D, DW, CT, CM, CW, MM, and ML; and Conditional Uses in NC-T.*

A. Applicability

This section applies to all Night Clubs, Bars, and Lounges.

B. General Provisions

Where, due to noise, vehicular congestion, or other factors detrimental to the public health, safety, or welfare, the use becomes a nuisance, the City may revoke, suspend, or refuse to renew the business license of the establishment pursuant to the provisions of Chapter 34, Article III, Section 34-64 (c) through (e).

Sec. 64-80 Above-Ground Storage Tanks



Purpose: This section regulates the location and construction of new above-ground storage tanks to protect the public health, safety and general welfare, and to address the site-specific impacts of new above-ground oil tanks on residential neighborhoods.

⇔ Conditional Use in: IH.

A. Applicability

1. Generally. This section applies to the location and construction of new above-ground storage tanks on and after March 29, 2016. This section supplements the requirements that otherwise apply under other provisions of the Mobile City Code to those tanks.

2. Definitions. As used in this section, the following terms shall have the following meanings:

Enhanced scrutiny area (ESA)	(A) All properties located within an IH district and lying north of Bay Bridge Road and New Bay Bridge Road; and (B) All properties located within an IH district and lying south of Bay Bridge Road and New Bay Bridge Road, west of the Mobile River and Mobile Bay, east of a line extending southerly along St. Stephens Road to Broad Street to Interstate 10 to Michigan Avenue, and north of Avenue C as extended to Mobile Bay.
Hazardous Substance	A substance is considered hazardous when it has one of the following characteristics: flammable, explosive, corrosive, toxic, radioactive, or if it readily decomposes into oxygen at elevated temperatures. Includes any substance included on the List of Hazardous Substances and Reportable Quantities, codified as 40 CFR Part 302, Table 302.4, in force and effect on the effective date of this Ordinance and subsequent revisions thereof, and any substance listed on the List of Extremely Hazardous Substances and Their Threshold Planning Quantities, codified as 40 CFR Part 355, Appendix A, in force and effect on the effective date of this Ordinance and subsequent revisions thereof.
Oil	A petroleum or petroleum product whose storage is regulated under National Fire Protection Association ("NFPA") 30.
Tank	An above-ground storage tank having a capacity of 10,000 gallons or more, or any combination of above-ground storage tanks having a capacity of at least 10,000 gallons on land under common ownership or control, to be located in an IH district. For purposes of this definition, an "above-ground storage tank" means a container, vessel, or enclosure designed to contain substances and is constructed of materials such as concrete, steel, plastic, or fiberglass reinforced plastic, provides structural support, and is located aboveground and is used to store oil or any hazardous substance. A "tank" includes bladders, rail cars, and trucks.
Site	Land under common ownership or control located in an IH district being utilized in whole or in part after March 29, 2016, for the purpose of the operation of one or more above ground oil storage tanks.
Classification	The system used in section 4.3 of NFPA 30 for classifying liquids.

3. Conflict. If there is any conflict or inconsistency between the requirements of this Section and the other requirements of the Mobile City Code, the requirements of this Section control and shall govern.

4. Limited Application of this Section

(a) Applicable only to tanks as defined. This subsection shall apply only to above-ground storage tanks used for the storage of oil or any hazardous substance. Above-ground tanks for the storage of other substances are regulated by the otherwise applicable

provisions of the Mobile City Code and state and federal law. No tank subject to this Section may be converted to use for the storage of a substance other than oil or any hazardous substance without first obtaining the approvals otherwise required under the Mobile City Code for the storage of those other substance.

(b) Inapplicable to Existing Tanks and Sites

- (1)** Sites are confirmed in their entirety for purposes of the zoning ordinance as conforming permitted uses with respect to all existing above-ground storage tanks on such sites. The above-ground storage tanks existing on those sites on March 29, 2016 are confirmed for purposes of the zoning ordinance as conforming structures.
- (2)** An above-ground storage tank existing on a site on March 29, 2016 may be repaired, replaced, or reconstructed on the same site without compliance with this subsection and without the need for any further conditional use permit approval.
- (3)** The replacement for a tank existing March 29, 2016 need not have the identical footprint or configuration as the tank it replaces if the capacity of the replacement is not greater than the tank it replaces.
- (4)** New tanks that are additional tanks and do not replace existing tanks:
 - a.** Subject to subsection b. below, may be constructed on:
 - 1.** sites that already have conditional use permit (or planning approval under previous versions of this Chapter), or
 - 2.** that did not require conditional use permit or planning approval at the time constructed.
 - b.** New additional tanks subject to subsection a. may be constructed only if:
 - 1.** a building permit is received, and
 - 2.** the tank complies with all then existing regulatory requirements, and
 - 3.** the Director is provided the information required by this Section and Article XII.

B. Notice Procedures

Each application for a conditional use permit with respect to a tank shall be subject to the following notice requirements:

- 1.** Each application for a conditional use permit for a tank, including all attachments to the application, shall be posted on the city's website at least 30 days prior to the initial hearing on the application scheduled by the Planning Commission.
- 2.** Notice of the filing of an application for a conditional use permit of a tank advising of the time and date of the initial hearing on the application scheduled by the Planning Commission shall be deposited by the Director in the U.S. mail, first class postage prepaid, not less than 30 days prior to the date of the initial hearing addressed to all owners of assessed property located within 3,000 feet of the property line of the proposed site as shown on the current ad valorem tax assessment

Article V Use Regulations | *Sec. 64-80 Above-Ground Storage Tanks*

records of the county. The documented costs of such notice shall be paid by the applicant upon submission of the invoice of the Director.

3. Notice of the filing of an application for a conditional use permit of a tank advising of the time and date of the initial hearing on the application scheduled by the Planning Commission shall be published by the Director in a newspaper of general circulation in the city once a week for two consecutive weeks prior the scheduled date of the initial hearing. The first such publication shall be at least 30 days prior to the scheduled date of the initial hearing and the second such publication shall be at least 8 days prior to the scheduled date of the initial hearing. The notice shall contain both a diagram of the proposed tank site location and directions to the entire application posted on the city's website. The documented costs of such notice shall be paid by the applicant upon submission of the invoice of the Director.

C. Siting and Design Requirements

1. **Setback in ESA.** The minimum setback for a tank to be constructed in the ESA is 1,500 feet measured from the tank to the property line of the nearest residentially zoned or occupied property, church, or school. The setback may increase, as a condition of conditional use permit approval, on a case by case basis should specific circumstances or factors warrant.
2. **Plan review**
 - (a) Prior to the issuance of a building permit for any tank, all construction plans for the tank shall be reviewed by an independent professional engineer experienced in the design and construction of above ground storage tanks engaged by the city who must certify in writing to the building department that the plans comply with all applicable construction standards and Code requirements.
 - (b) The cost of such review as invoiced to the city shall be paid by the applicant as a condition to the issuance of the building permit.
 - (c) The review must be completed within 60 days of the submission of the permit application and plans. Otherwise the plans will be deemed compliant and the applicant will not be charged for the costs of such review.
 - (d) As a further condition to the issuance of a tank building permit, at the time construction drawings are submitted, the applicant shall also submit its facility response plan (FRP) to the City and Fire Department prior to the issuance of the building permit. Any portions of the FRP that contain information that the Department of Homeland Security restricts the disclosure of, or which the applicant otherwise considers potentially sensitive, shall be redacted.

D. Change in oil product classification

Applicant may only store an oil product with a different NFPA 30 classification than the NFPA classification listed in the application for planning approval for the tank after providing written notice to the city's planning department of the change and engineering verification that the tank complies with the NFPA 30 requirements for the new product classification.

Sec. 64-81 Parking Facilities



Purpose: *This section establishes design regulations for Parking Facilities to ensure they are appropriately designed for the context in which they are located and to provide for efficient internal and external vehicular and pedestrian circulation.*

- ⇔ *Parking Lots are a permitted principal use in: NC-T, NC-S, DC, D, DW, CM, CW, ML, MH, IL, IH, and P.*
- ⇔ *Parking Lots are a conditional principal use in: CT.*

A. Applicability

This section applies to all Parking Facilities established as a principal use.

B. Height (Parking Garages)

1. Except as otherwise provided in Article III or as provided below, Parking Garage height is limited to 36 feet.
2. In lieu of subsection 1, a Parking Garage attached to a building(s) for at least 50% of its total perimeter or 80 percent of its perimeter along frontages may exceed the limit if it does not exceed the eave height of the attached building(s).
3. Parking Garages that are screened by principal buildings at the front property line may extend to the same height as the principal building with the lowest height.
4. A Parking Garage may exceed the above height limits by 12 feet if the ground floor is reserved for restaurants, retail (general), or personal service uses. The ground floor shall have a minimum floor to ceiling height of 12 feet.

C. Screening

1. **Generally.** These screening requirements are in addition to all other landscape and buffer requirements of this chapter.
2. **Parking Lots.** For new or expanded parking lots along frontages in D, NC-T, CT, one of the following masking options are required:
 - (a) Liner buildings may be used to mask parking lots, or
 - (b) A hedge, evergreen vines, other evergreen planting materials, combined with a metal fence or masonry wall, with or without a hedge or evergreen plantings, may be used to mask parking lots. The Director may approve alternative materials for fences or walls if the intent of masking is achieved and sufficient documentation is provided to justify allowance of the alternative material. Shrubs for hedges shall be a minimum of 3 feet in height at the time of planting, evergreen vines or other evergreen planting materials shall be of a variety that will form an evergreen barrier as would be formed by a hedge; walls and fences shall be a minimum of 3 feet in height.
 - (c) When parking lots are surfaced with crushed stone, brick, rolled concrete pavers, or cellular grassed concrete pavers, masking requirements may be satisfied by trees spaced a maximum of 30 feet on center.
3. **Parking Garages.** For all sides of a Parking Garage located along a street frontage, aliner building(s) or storefront wrapping at least the following percent of the width of the Parking Garage at ground floor street frontages is required:

Article V Use Regulations | *Sec. 64-82 Reserved*

- (a)** NC-T, NC-S, D, CT, or DC districts: 100% except for required access driveways, or
- (b)** All other districts: 70%; or
[⇔ *see Art. IV, § 64-55 (Building Design & Height) for liner building and storefront regulations*]

D. Access

- 1.** Parking Facilities shall be accessed from driveways located along the secondary street frontage(s) where available.
- 2.** Parking Facilities shall be accessed by driveways with a minimum width of 12 feet for a one-way driveway or 24 feet for a two-way driveway, unless a wider drive is required by Fire Code.
- 3.** A maximum of 1 curb cut per property frontage is permitted for parking facilities. Curb cuts shall meet specifications established in Chapter 57, Article IV, Driveways.

Sec. 64-82 Reserved

Sec. 64-83 Signs



Purpose: *This section protects the health, safety and welfare of the citizens of the City of Mobile and aesthetics by providing uniform standards for the location, spacing, height, setback, lighting and other features of signs. This section:*

- *Regulates the construction, erection, maintenance, and size of outdoor signs which may constitute a direct danger to pedestrians and property, especially during periods of high wind or storm events;*
- *Protects the right of citizens to freedom of speech as guaranteed by the United States and Alabama Constitutions;*
- *Protects property values;*
- *Protects motorists from damage or injury caused or partially attributable to distractions or obstructions from cluttered, improperly designed, or poorly situated signs;*
- *Promotes economic well-being by creating a favorable physical image for the City;*
- *Allows signs appropriate to the planned character of each zoning district;*
- *Affords the business community equal and fair opportunity to advertise and promote its products and services; and*
- *Protects the right of citizens to enjoy Mobile's natural scenic beauty.*

A. Applicability

1. **Generally.** This section applies to all signs in the City.
2. **Message Neutrality.** No provision of this Section shall be construed to regulate or restrict sign content or message. Any sign authorized in this Section may contain any commercial or non-commercial copy in lieu of any other copy permitted by this Section.

B. Sign Permits

⇔ *See Article V for sign permit procedures, and Article XII for application submittal requirements.*

1. **Permits Required.** Signs subject to this Section require a Sign Permit, except as provided in subsection 2. below.
2. **Permit Not Required.** A permit is **not required** for the following types of signs which meet the criteria set out below. These signs are not considered in determining the allowable number or size of signs on a lot, except as provided in subsection C below.
 - (a) **Building graphics.** Drawings painted on buildings that contain no copy, symbols, or other references to product or services are not considered signs and are exempt from the provisions of the Section, but shall be reviewed in designated historic districts. Drawings painted on buildings that do contain copy, symbols, or other references to products or services are considered wall signs subject to the regulations of the district in which they are located.
 - (b) **Incidental signs.** Incidental signs shall not exceed three (3) square feet in area per sign face and an aggregate area of six (6) square feet per structure (such as a gas pump, electric car charging station, or oil rack).
 - (c) **Incidental Structure Signs.**
 - (d) **Flags.**
 - (e) **Architectural Features.** Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

Article V Use Regulations | *Sec. 64-83 Signs*

- (f) **Indoor Signs.** Includes interior mall corridor signage – electrical permits are still required if the sign is illuminated.
- (g) **Government Signs.** Governmental traffic, directional, or regulatory signs or notices of any federal, state or local governmental entity.
- (h) **Traffic Signs.** Signs directing and guiding traffic services on private property that:
 - (1) include no advertising,
 - (2) comply with the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the Alabama Department of Transportation.
- (i) **Temporary Indoor Window Signs.** Signs located on the inside of windows that are constructed of such materials and are of such a nature that clearly indicates they are temporary, and where coverage is limited to 30% window area.
- (j) **Hazard Warnings.** Sign that are necessary to warn or furnish the public, tenants, and employees with information necessary to prevent property damage or ensure their health, welfare, and safety, are not subject to limits the number and/or size. (i.e. Hard Hat Area, Low Area, Low Clearance, Fire Lane, Rail Crossing, etc.)
- (k) **Temporary signs,** subject to subsection C below.
- (l) **Vehicle signs,** subject to subsection C below.

C. General provisions

1. **Compliance.** All signs must comply with the City's adopted building and electrical code, and listed and labeled by a national testing lab. [*⇔ refer to Chapter 11, Art. 1 (Building Code)*]
2. **Sign inspection.** The sign contractor or applicant shall request all inspections in relation to the sign construction and installation.
3. **Sign area**
 - (a) Sign area is calculated as the area of a regular geometric shape (such as a rectangle or square) enclosing all elements of informational or representational matter and including the background or white space.
 - (b) Structural supports not bearing information are not counted toward the sign area.

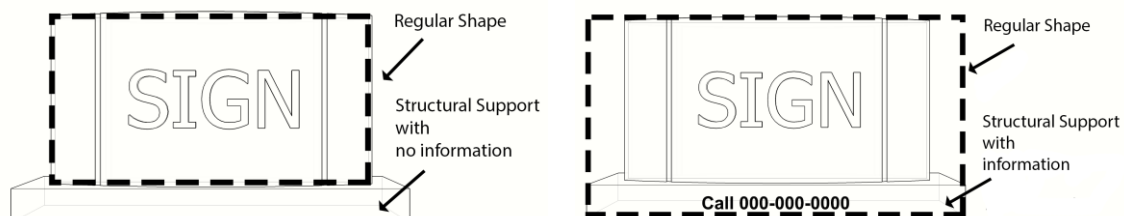


Figure 64-83-1 Sign Area with Structural Supports

- (c) Decorative design features such as directional arrows which are not part of the display area and that comprise no more than 20% of the display area are not counted toward the sign area. Any area that exceeds that amount is counted toward the sign area.

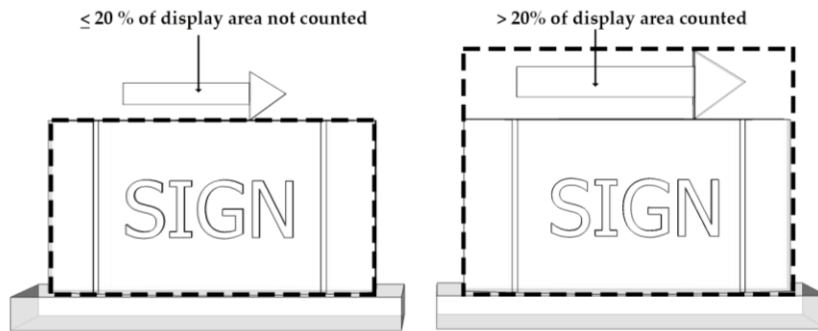


Figure 64-83-2 Measurement of Decorative Embellishments on Signs

- (d) Where two display areas are placed back to back and are at no point more than two feet from one another, the sign area is:
- (1) the area of one of the display areas if the two display areas are of equal area, or
 - (2) the larger display area if the two display areas are of unequal area.

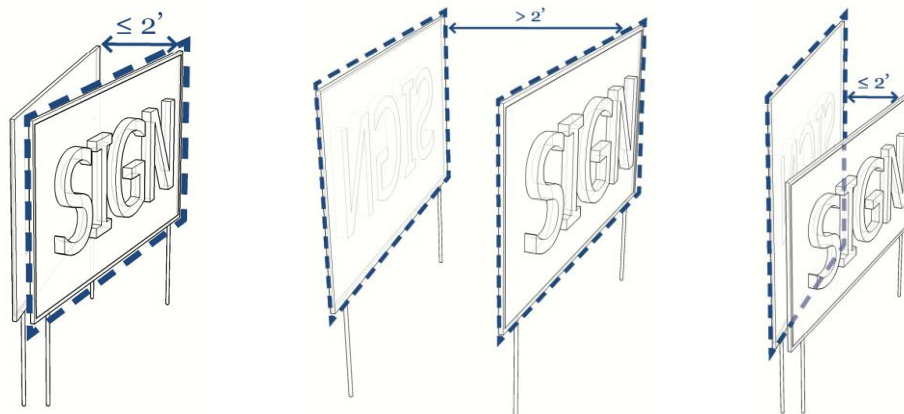


Figure 64-83-3 Back-to-Back Display Areas

4. Height

- (a) Sign height is measured from finished ground level to the top of the sign.
- (b) The height of a sign located below the grade of the street to which it is oriented (as declared by the sign owner) is measured from the street grade.

5. Setbacks. A sign exceeding 10 feet in height shall be located:

- (a) at least 18 inches from the right-of-way, and
- (b) 8 feet from any side property line, if adjacent property is used as a single-family residence.

6. Abandonments. An abandoned sign must be removed within ninety (90) days from the date Director provides official notice to abandon. Permanent on-premise signs applicable to a business temporarily suspended because of a change in ownership or management are not to be deemed abandoned unless the property remains vacant for a period of six (6) months or more.

7. Sign maintenance. Any signs not meeting the following provisions shall be repaired or removed within thirty (30) days after receipt of notification from the Director.

Article V Use Regulations | *Sec. 64-83 Signs*

- (a) The area around the sign shall be properly landscaped and maintained clear of brush, trees, and other obstacles so as to make signs readily visible.
- (b) All burned-out bulbs or damaged panels must be replaced.
- (c) All sign copy shall be maintained securely to the face and all missing copy must be replaced.

8. Owner responsibility. The sign owner shall maintain and insure conformance to this Section.

9. Building graphics/murals. Except in the “D” (Downtown) districts and locally designated historic districts, paint, drawn, or applied graphics to buildings are not regulated as signs.

10. Signs in or over public right-of-way. Any sign which projects in or over a public right-of-way must be raised at least 8 feet from finish grade level above a sidewalk or ground level (or higher, if required by the currently adopted building code, however it shall not project into a vehicular travel-way. Any signs within or over a public right-of-way will require a Right-of-way permit.

11. Removal. The city may cause any sign or other advertising structure that is an immediate hazard to persons or property to be removed immediately in order to protect the health, safety and welfare of the citizens of the city.

⇔ *See also: § 64-44 (Yard, Lot and Block Regulations-Intersection Visibility)*

D. Standards by Sign Type, Zoning District and Use

1. Generally. This subsection establishes standards for individual sign types, including sign types identified by location and by zoning district. Signs in the “PD” (Planned Development) district are subject to the conditions of the “PD” rezoning. For each location or zoning district, standards are identified for each major sign type category (freestanding and attached) as follows:

- (a) The maximum number of signs, either per site, per entrance, tenant space, or street frontage (in linear feet [lf]), and
- (b) Maximum sign area (in square feet [sf] or per street frontage (in linear feet [lf]), and
- (c) Maximum height, and
- (d) Minimum setback, if applicable.

⇔ *Note: signs in the public right-of-way are regulated by Chapter 54, Art. V of the City Code and may require a permit pursuant to Chapter 57 of the City Code.*

2. Signs by District

(a) Generally

Table 64-83-1 Signs by District

Traditional Districts					
	Type	Number	Sign Area (sf)	Setback (ft)	Height (ft)
Neighborhood Center-Traditional (NCT)	Monument	1 per site	1 per 2 lf street frontage, 50 sf max	25' from boundary of any RL or RM district	8'
	Wall, awning, or canopy (below roofline)	1 per tenant space	10% usable wall, 100 sf max		
	Marquee (below roofline)	1 per tenant space	10% usable wall, 75 sf max		
	Projecting	1 per tenant space	0.5 lf building frontage, 40 sf max		
Corridor-Traditional (CT) (single establishment)	All signs	3		1.5' from ROW, 10' from side adjoining RL/RM	
	Freestanding / Monument	2 per site	1 per lf street frontage, 200 sf max		8'
	Wall, awning, or canopy (below roofline)		30% usable wall, 350 sf max		
	Marquee (below roofline)		30% usable wall, 200 sf max		
	Projecting		1 per lf building frontage, 125 sf max		
	Window		20% window area, 200 sf cumulative		
Corridor-Traditional (CT) (multiple establishment)	Monument	1 per 600' street frontage, up to 3	75 sf		8'
	Freestanding	1 per 600' street frontage, up to 3	350 sf		25'
	Freestanding (Grouped)	1	750 sf		8'
		2	1,050 sf		35'
	Wall, projecting, awning, canopy or marquee	1 per establishment	30% usable wall, 350 sf max (cumulative)		
	Window		20% window area, 200 sf cumulative		
Downtown (D)	⇔ See: Sec. 64-114 I. (Signs in the "D" Downtown District)				
Historic District Overlay (HO)	⇔ See: Sec. 64-114 H. (Signs in Historic Districts and Along Government Street)				

Suburban Districts					
	Type	Number	Sign Area (sf)	Setback (ft)	Height (ft)
Neighborhood Center-Suburban (NCS)	Monument	1 per site	1 per 2 lf street frontage, 50 sf max	25 from boundary of any RL or RM district	10' monument 35' pole
	Pole				
	Wall, awning, or canopy (below roofline)	1 per tenant space	10% usable wall, 100 sf max		
	Marquee (below roofline)	1 per tenant space	10% usable wall, 75 sf max		
	Projecting	1 per tenant space	0.5 lf building frontage 40 sf max		
District Center (DC), Downtown Waterfront (DW), Maritime (M), Corridor-Mixed (CM), Commercial-Warehouse (CW), Light industry (IL), Heavy industry (IH), Public-Institutional (P) (single establishment)	All signs	3		1.5 from ROW, 10 from side adjoining RL/RM	
	Freestanding / Monument	2 per site	1 per lf street frontage, 200 sf max		8'
	Wall, awning, or canopy (below roofline)		30% usable wall, 350 sf max		
	Marquee (below roofline)		30% usable wall, 200 sf max		
	Projecting		1 per lf building frontage, 125 sf max		
	Window		20% window area 200 sf cumulative		
DC, DW, M, CM, CW, IL, IH, P (multiple establishment)	Monument	1 per 600' street frontage, up to 3	75 sf		8'
	Freestanding	1 per 600' street frontage, up to 3	350 sf		35'
	Freestanding (Grouped)	1	750 sf		8'
		2	1,050 sf		35'
	Wall, projecting, awning, canopy or marquee	1 per establishment	30% usable wall, 350 sf max (cumulative)		
	Window		20% window area, 200 sf cumulative		
Additional Sign Allocations in Any District					
	Type	Number	Sign Area (sf)	Location	Height (ft)
Subdivision Entry (RL, RM, NCT, DC, CT, D, DW, MM)	monument	2 per entry	35 sf per side		8'
Multi-Family Entry (RM, NCT, CT, D, DW, MM)	all signs	2 per complex			
	monument	2 per entrance	25 sf per side		8'
	pole	1 per entrance	25 sf per side		8'
Home Occupation (RL, RM, NCT, DC, CT, CM, D, DW)	wall	1	1 sf		
High Rise	pole	1 per site	200 sf per side	within 1,000 feet of the centerline of I-65 and I-10	100'



Figure 64-83-4 Monument Signs in NCS



Figure 64-83-5 Monument Signs in NCT



Figure 64-83-6 Wall, Awning and Canopy Signs in NCT and NCS



Figure 64-83-7 Projecting Signs in NCT and NCS

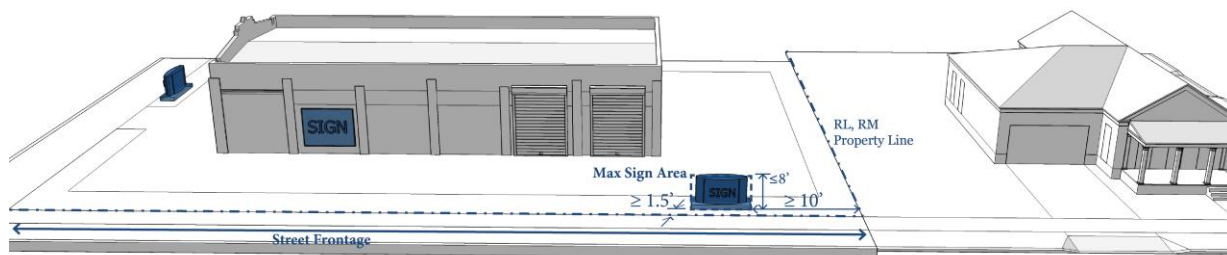


Figure 64-83-8 Freestanding / Monument Signs in DC, DW, CT, M, CM, CW, IL, IH, and P Districts (single establishment)

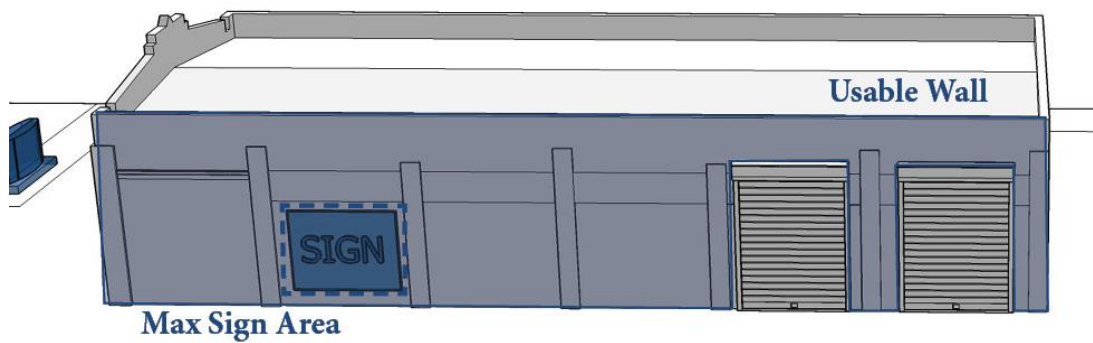


Figure 64-83-9 Wall Signs in DC, DW, CT, M, CM, CW, IL, IH, and P Districts (single establishment)

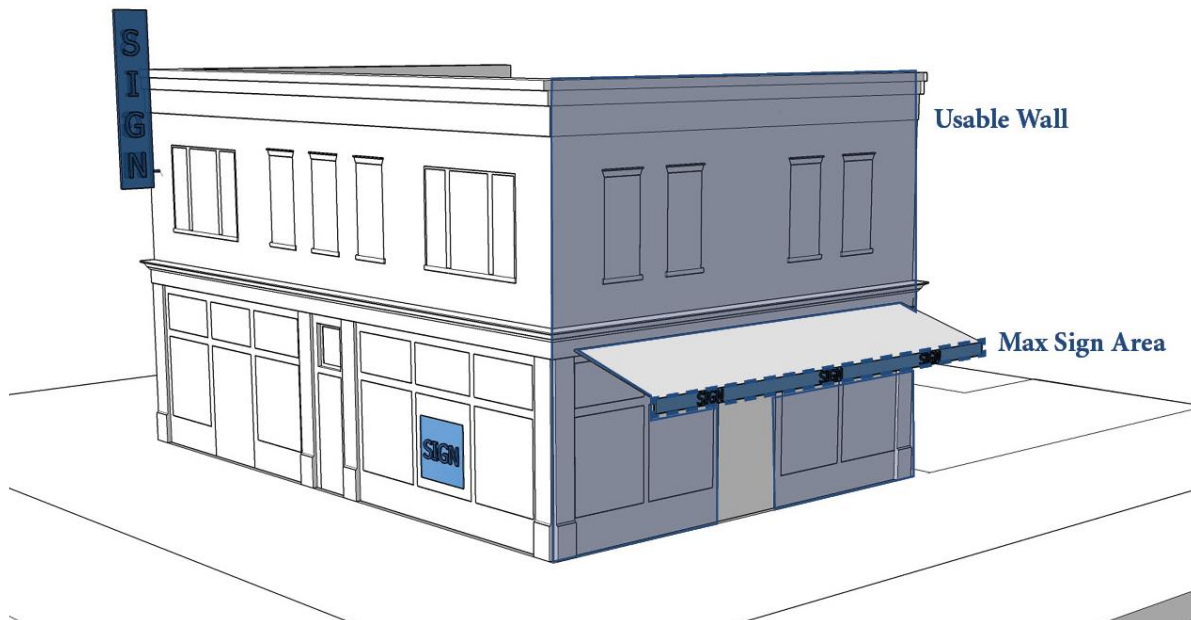


Figure 64-83-10 Awning, Canopy, Projecting and Window Signs in DC, DW, CT, M, CM, CW, IL, IH, and P Districts (single establishment)

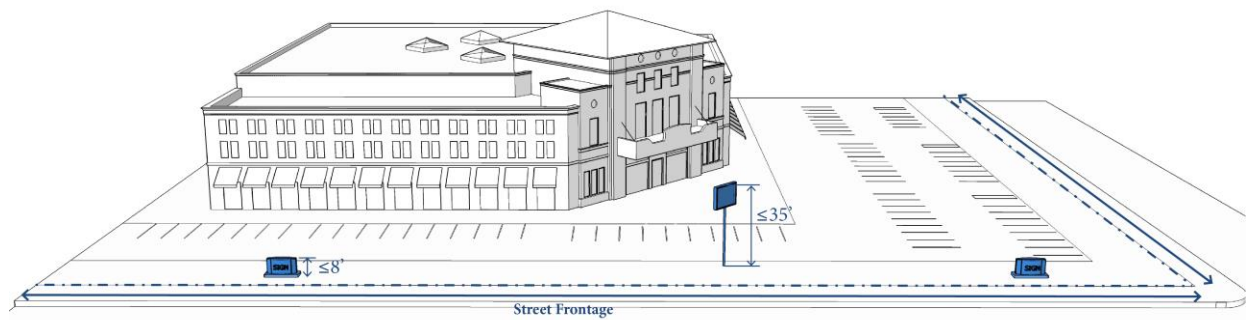


Figure 64-83-11 Monument and Freestanding Signs in DC, DW, CT, CM, CW, IL, IH, and P Districts (multiple establishment)

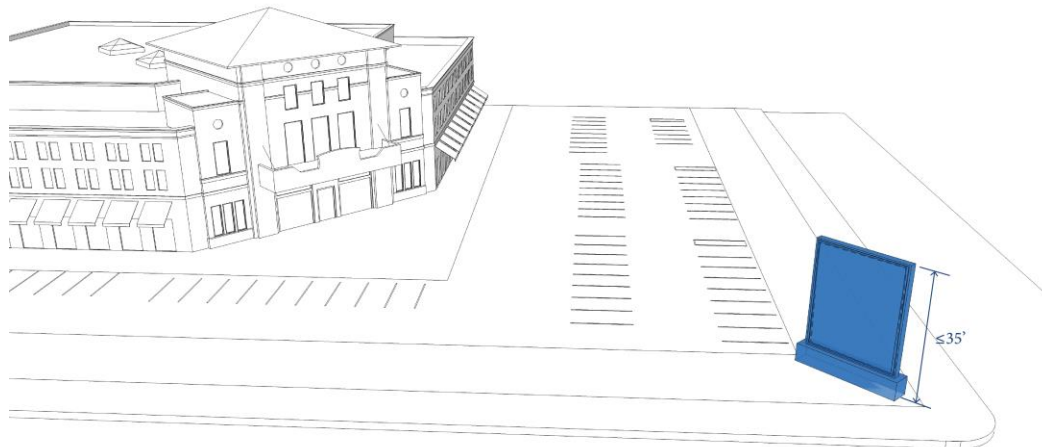


Figure 64-83-12 Freestanding Grouped Signs in DC, DW, CT, CM, CW, IL, IH, and P Districts (multiple establishment)

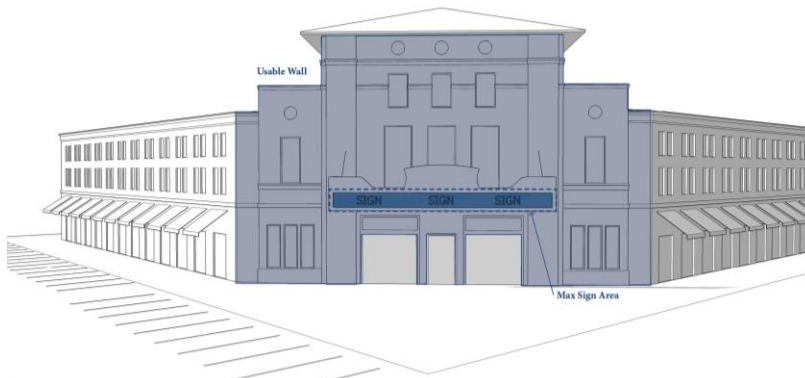


Figure 64-83-13 Wall, Projecting, Awning, Canopy or Marquee Signs in DC, DW, CT, CM, CW, IL, IH, and P Districts (multiple establishment)

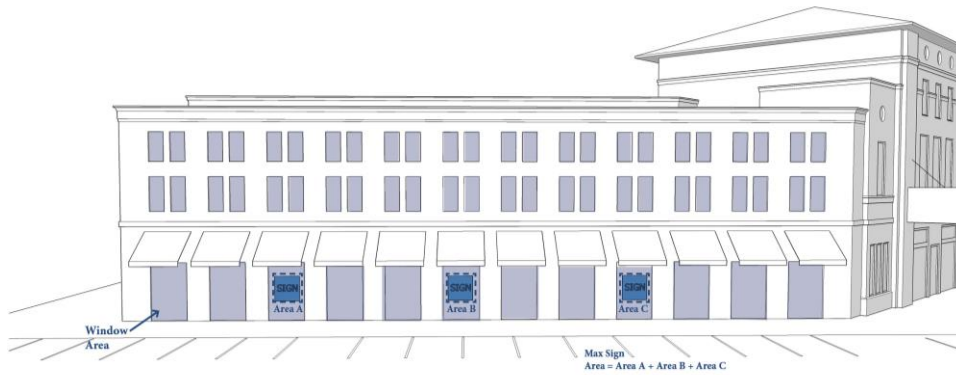


Figure 64-83-14 Window Signs in DC, DW, CT, CM, CW, IL, IH, and P (multiple establishment)

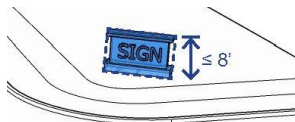


Figure 64-83-15 Subdivision Entry Sign

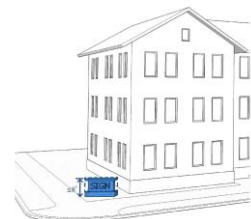


Figure 64-83-16 Multi-Family Entry Sign (monument)

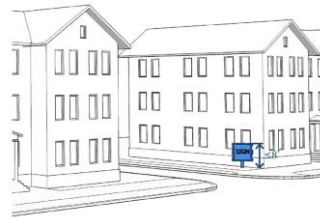


Figure 64-83-17 Multi-Family Entry Sign (pole)

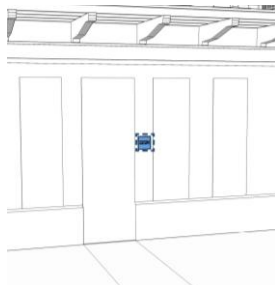


Figure 64-83-18 Home Occupation Sign

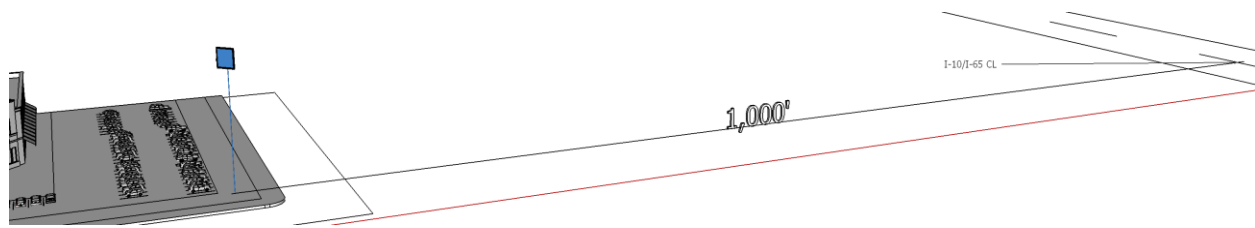


Figure 64-3-19 High Rise Sign

- (b) **Planned Development Districts.** For PD (Planned Development) zoning districts, the applicant may apply the sign standards from any of the district sign standards described above, or provide a unique sign package for the PD with the application submittal.

3. Banners. A banner is permitted subject to the following criteria:

- (a) Banners are allowed in the NC, DC, D, CT, CM, CW, IL, IH, P and PD districts.
- (b) Banners shall be affixed to the existing building and attached to rigid frame material, or hung with tension devices attached to the building to maintain tautness and flexibility.
- (c) Banners shall be maintained to avoid fading, cracking and fraying, and to maintain tautness.
- (d) Banners are limited to 1 per establishment or use during the time periods allotted for temporary signs (see subsection (f) below).
- (e) Maximum banner size shall not exceed 32 square feet.
- (f) Display is limited to 30 consecutive days per occurrence from the date of permitting and up to 3 occurrences per annum, not to run consecutively.
- (g) A sign permit is required for each banner.



Figure 64-83-20 Banners

4. Menu Boards

- (a) Menu Boards shall comply with the specifications below, and are allowed only in the DC, D, CT, CM, IL, and IH districts.

Type	Wall or Monument (side or rear yard, behind front façade) Pole (rear yard only)
Number	1 per drive-thru lane
Sign Area (sf)	48 sf
Setback (ft)	25 from boundary of any RL or RM district

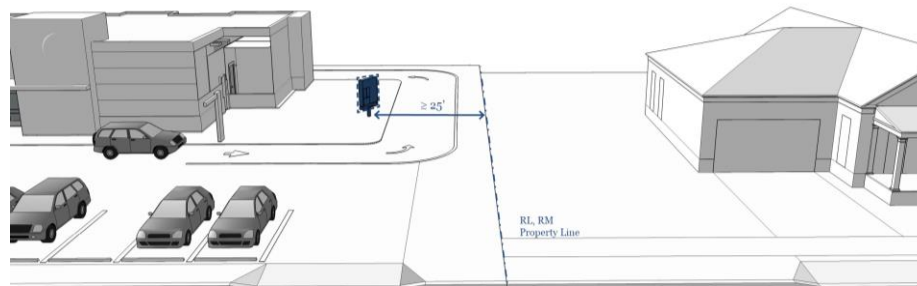


Figure 64-83-21 Menu Board

- (b) The maximum volume (documentation from manufacturer required with permit application for menu board sign) of any speaker is as follows:

Table 64-83-2 Maximum Volume for Menu Boards

Distance from the Speaker (Feet)	SPL (dBA)
1 foot	84 dBA
2 feet	78 dBA
4 feet	72 dBA
8 feet	66 dBA
16 feet	60 dBA
32 feet	54 dBA

5. Sandwich Boards. Sandwich boards are permitted within the City as follows:

- (a) Sandwich Boards are allowed in the NC, DC, D, CT, CM, IL, IH, P and PD districts.
- (b) A Sandwich Board shall not reduce any pedestrian way to less than 4 feet in width. If the existing pedestrian way is less than 4 feet in width, the Sandwich Board shall not reduce the existing width.
- (c) Each ground floor tenant space is limited to 1 Sandwich Board.
- (d) Sandwich Boards (including frames) shall be no larger than 24 inches in width and 36 inches in height.
- (e) Sandwich Board shall not be illuminated.
- (f) All Sandwich Boards shall be removed each day, before the close of the permit holder's business. Any signs that remain on the public right-of-way after this time are subject to removal pursuant to City Code § 57-3 (removal and disposition of articles obstructing sidewalk or street).

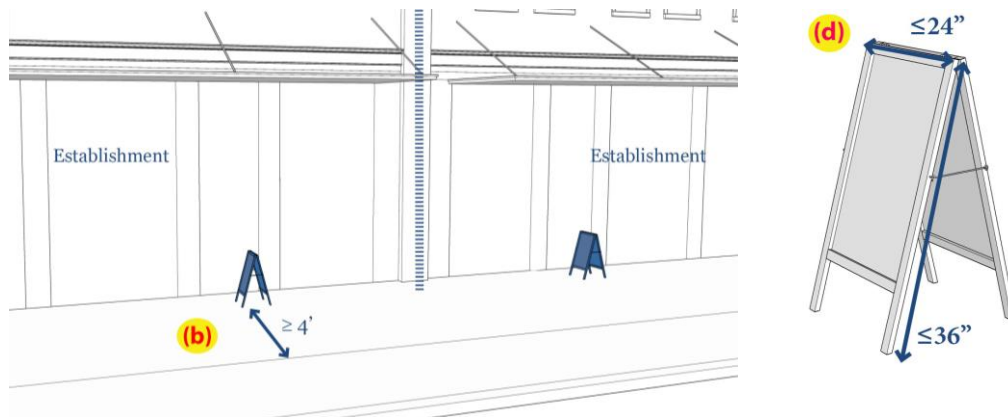


Figure 64-83-22 Sandwich Boards

- 6. Temporary Signs.** An additional allocation of freestanding or wall signs is permitted in all districts for a consecutive period of 30 days for up to 4 times per year if:
- (a) The temporary signs are placed on private property.
 - (b) The signs do not exceed 4 square feet per face in any RL or RM zoning district and 32 square feet per face in all other districts, and are not located within 10 feet of any street or public right-of-way.
 - (c) This subsection does not prohibit the purchase of space on permitted billboards in addition to the signs permitted by this subsection.
 - (d) This subsection does not allow temporary signs that display a commercial message in the RL or RM zoning districts.

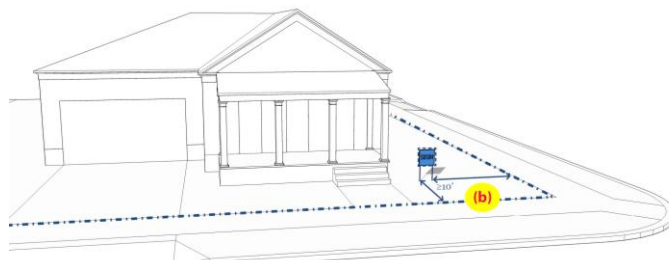


Figure 64-83-23 Temporary Signs in RL and RM

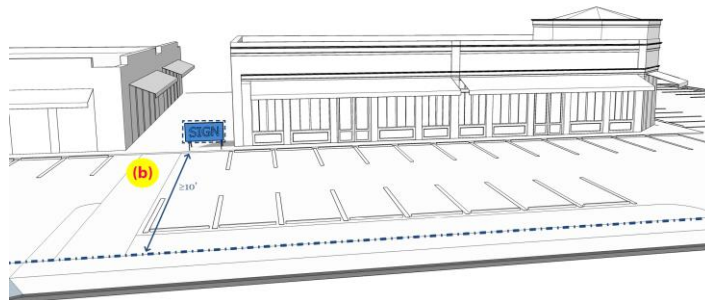


Figure 64-83-24 Temporary Signs in All Other Districts

7. Vehicle Signs

- (a) Signs on vehicles that are functional, used as motor vehicles, and have current registration and tags are not regulated except as provided in subsection (b) below.

Article V Use Regulations | Sec. 64-83 Signs

- (b) A Sign shall not be placed on a vehicle or trailer that is parked or located for the primary purpose of displaying a sign, whether owned by the company or rented advertising space.

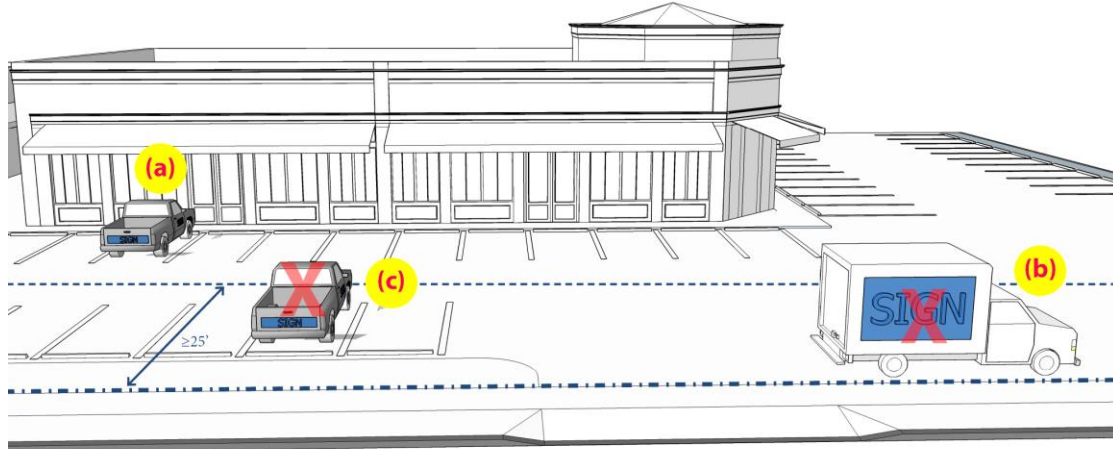


Figure 64-83-25 Vehicle Signs

E. Illuminated, Digital or Electronic Signs

The use of electronic or digital technology is permitted as follows:

1. **Where Permitted.** Illuminated, Digital or Electronic signs are permitted in any zoning district except:
 - (a) Any residential zoning district (RL, RM),
 - (b) The Spring Hill Overlay (O-SH), or
 - (c) Any historic district, except for external illumination that:
 - (1) Is directed to, and does not extend beyond, the sign face, and
 - (2) Has a traditional design.
 - (d) Downtown (D) district,
 - (e) Corridor-Traditional (CT) district, and
 - (f) Neighborhood Center-Traditional (NCT).
2. **Orientation.** The illumination of any Illuminated, Digital or Electronic Signs shall be directed away from any historic district or residential district.
3. **Display Changes**
 - (a) All off-premise electronic or digital signs shall be programmed so that the message or image on the sign changes no more often than once every 8 seconds.
 - (b) All off-premise electronic or digital signs shall be programmed so that there are no effects of movement, blinking, animation, scrolling, flashing, or similar effects in the individual images.

- (c) All off-premise electronic or digital signs shall be programmed so that the image will change instantaneously as seen by the human eye, and shall not use blinking, fading, rolling, shading, dissolving, or similar effects as part of the change.

4. Brightness Controls. All electronic or digital signs shall be equipped with automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the following:

- (a) The signs shall have installed ambient light monitors, and shall at all times allow the monitors to automatically adjust the brightness level of the sign based on ambient light conditions.
- (b) The maximum brightness levels for the signs shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness, during daylight hours.
- (c) The maximum brightness levels for the signs shall not exceed five hundred (500) nits when measured from the sign's face at its maximum brightness, between sunset and sunrise, as those times are determined by the National Weather Service.
- (d) Written certification from the sign manufacturer must be provided at the time of application for a building permit certifying that the light intensity of the sign is preset not to exceed the illumination levels established by this section, and that the preset intensity level is protected from end user manipulation by password protected software or other approved method.

5. Malfunction

- (a) All off-premise electronic or digital signs shall contain a default design that will freeze the device and message in one position with no more than a maximum illumination of five hundred (500) nits if a malfunction occurs.
- (b) Any off-premise electronic or digital sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing or any similar effects, shall be restored to its normal operation conforming to the requirements of this section within 24 hours.

6. Conversion of Existing Billboards to Electronic or Digital Technology

- (a) Existing conforming billboards and structures may be converted to accommodate electronic or digital technology, subject to compliance with all other provisions and requirements of this section and the issuance of a permit (see subsection 6 below).
- (b) Existing nonconforming billboards may be converted to accommodate electronic or digital technology, subject to compliance with all other provisions and requirements of this section, and if the structures are structurally able and capable of supporting the conversion. The conversion of any existing nonconforming sign requires a permit (see subsection 6 below).

7. Spacing of Digital / Electronic Billboards

- (a) The minimum spacing between electronic or digital billboard signs facing the same direction of travel, or that are otherwise visible to the same direction of travel, shall be 3,000 linear feet measured radially.

- (b) No electronic or digital billboard sign shall be located less than 500 linear feet from a residential (RL, RM) property line.

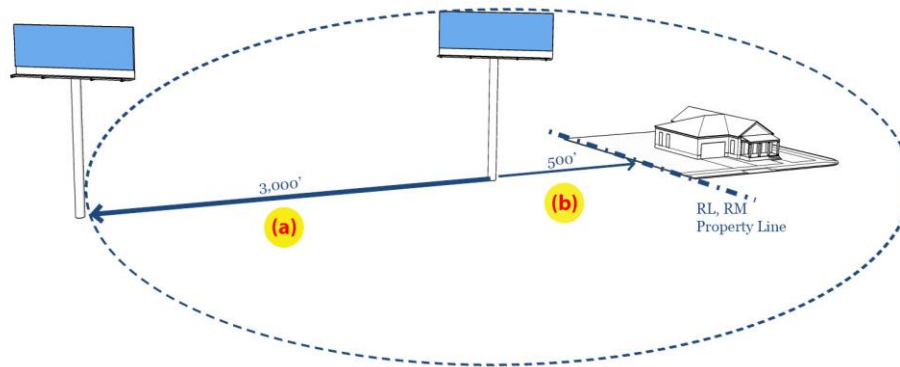


Figure 64-83-26 Spacing of Off-Premise Electronic or Digital Billboards

- 8. Permitting.** All electronic or digital signs, including the conversion of any existing billboard to electronic or digital technology, require permits as follows:
- (a) The Sign Owner shall file an application for a sign permit with the Director. The Director shall issue or deny the permit within 10 calendar days.
 - (b) The sign permit shall become null and void unless construction of the sign is substantially completed within 5 months from the date on which the permit was issued. If the permit becomes null and void, the permittee shall reapply for a permit for that site. If, however, the permittee provides substantial evidence that good cause prevented substantial completion within the 5 months, the Director may extend the permit 1 time for an additional 3 months.
 - (c) Electrical permits are also required.
- 9. Removal of Existing Billboard Sign Faces.** For each off-premise electronic or digital billboard erected or constructed after the effective date of this section, or for each existing billboard that is converted to electronic or digital technology after the effective date of this section, the permittee shall **remove 3 existing sign faces** and associated support structures from any billboards owned by the permittee or any subsidiary, parent or other company affiliated with the permittee within 6 months of the issuance of the building permit. The permittee shall make written certification to the Director no later than 6 months following the issuance of the permit identifying the location of the billboard faces that were removed and the date of their removal.
- 10. Vehicle Displays.** No electronic or digital or video display message shall be mounted, affixed or attached to any vehicle, motor vehicle or trailer operated, maneuvered or towed on or upon any street, avenue, alley, road, or right of way within the corporate limits of the city. This prohibition shall include vehicles, motor vehicles or trailers designed, built, or used specifically for and as mobile advertising billboards.

F. Nonconforming or Abandoned Signs

- 1. Allowance for Certain Nonconforming Signs.** Nonconforming signs may continue in operation and maintenance after the effective date of this section.
- 2. Prohibited Changes to Nonconforming Signs.** Nonconforming signs shall not be:
 - (a) Changed to or replaced with another nonconforming sign;

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- (b) Structurally altered so as to extend their useful life;
- (c) Expanded;
- (d) Relocated;
- (e) Re-established after damage or destruction of more than seventy-five (75) percent of the value of the structure at the time of damage or destruction; or
- (f) Modified in any way that would increase the degree of nonconformity of the sign. Except for an expansion (see subsection (c) above), this does not prevent repairing or restoring to a safe condition any part of a sign or sign structure or normal maintenance operations performed on a sign or sign structure.

3. Annexed Sign. Signs made nonconforming due to annexation shall be removed or modified to conform to this Section according to the amortization schedule below, measured from the effective date of the annexation ordinance which brings the affected property into the City:

- (a) Nonconforming portable trailer signs shall be removed within 90 days.
- (b) Signs in the public right-of-way shall be removed within 90 days.

4. Removal of Signs. Signs which are installed, erected, constructed, or maintained in violation of any terms of this section are considered unsafe to the extent of being a public nuisance. Such signs shall be removed by the city in accordance with City Code Chapter 52, Article II (Abatement of Unsafe Buildings and Structural Nuisances).

5. Abandoned Signs

- (a) An abandoned sign is considered a violation of this Chapter. The Director shall not approve subsequent sign permits by the owner of record of any lot or parcel until all abandoned signs are removed as provided below.
- (b) A sign shall be removed within 6 months after it is abandoned.
- (c) A sign is abandoned when:
 - (1) the business the sign advertises has closed; or
 - (2) the property on which the sign is located has been vacant or unoccupied for at least 180 consecutive days.
- (d) For purposes of determining when the business closes, the Director shall consider –
 - (1) the date that the business vacated the premises, discontinued sales, or moved its inventory off the premises, or
 - (2) if the events listed in subsection (1) cannot be determined:
 - a. the date of closing as reported to the City Clerk for purposes of ceasing payment of sales and use taxes, business license taxes, rental motor vehicle taxes, tobacco product taxes, or lodging taxes,
 - b. the date of business closing as reported to the Alabama Department of Labor, or

- c.** the dissolution, cancellation or withdrawal of a business entity as reported to the Alabama Secretary of State, or
 - d.** the date at which its business license expired.
- (e)** The entire sign (including any pole or other supporting structure, face, and other elements of the structure) shall be removed.
- (f)** The property owner is responsible for removing the sign.
- (g)** This subsection does not prevent the maintenance, repainting, or posting of legally established signs.

G. Prohibitions

The following signs are unlawful, and are prohibited in the city:

- 1.** Digital or Electronic Signs (except as provided in subsection E).
- 2.** Moving/rotating signs.
- 3.** Trailer signs, portable trailer signs, or any trailer sign with copy being towed or transported.
- 4.** Signs imitating traffic or emergency signals. No sign shall:
 - (a)** attempt or appear to attempt to regulate, warn or direct the movement of traffic, or
 - (b)** interfere with, imitate, or resemble any official traffic sign, signal or device, or
 - (c)** contain words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or
 - (d)** display intermittent lights resembling the color, size, shapes, or order of lights customarily used in traffic signals, on emergency vehicles, or on law enforcement vehicles, except as a part of a permitted private or public traffic control sign.
- 5.** Signs employing strobe type lights. No sign shall use intense flashing lights, spot lights, flood lights, flashing or blinking lights, or any type of pulsating or moving light which may impair the vision, cause glare, or otherwise interfere with any driver's operation of a motor vehicle. This does not apply to permitted digital signs.
- 6.** Signs employing confusing motion. No sign shall employ motion that obstructs or interferes with a driver's view of approaching, merging, or intersecting traffic, or a traffic signal, device, or sign, or which would otherwise interfere with a driver's operation of a motor vehicle.
- 7.** Sign lighting which is incompatible with residential character. No sign shall be illuminated in such a way that it casts intense illumination onto any residential premises located in any residential district in a manner which by intensity, duration, location, or other characteristic is incompatible with the residential character of the district into which such illumination is cast.
- 8.** Roof signs. Anchored flying paraphernalia.
- 9.** Signs of any kind attached to public utility poles.
- 10.** Bus bench signs.
- 11.** Signs which are not clean or in good repair.

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12. Signs that are not securely fixed on a substantial structure.
13. Signs which are erected or maintained upon trees or other natural features.
14. Signs that prevent free ingress or egress from any door, window, or fire escape, or that are attached to a standpipe or escape.
15. Stacked off-premise signs.
16. Wind activated signs.

H. Signs in Historic Districts and Along Government Street



Purpose: The purposes of this subsection are:

- to encourage the effective use of signs as a means of communication,
- to protect the city's historic districts and historic structures;
- to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; and
- to enable the fair and consistent enforcement of these sign regulations.

1. **Applicability.** This section applies to any sign:

- (a) within any historic district, or
- (b) within a parcel along Government Street from Water Street to the intersection of Government Street and Dauphin Island Parkway, or
- (c) on a building site with any portion located in a historic district.

2. **Historic Districts.** The following signs are permitted in historic districts. In calculating the maximum allowable sign area for all signs (except for banners and sandwich board signs) no sign shall exceed one and 1.5 square feet per linear foot of the primary building wall up to 64 square feet per tenant. All sides of projecting, monument or freestanding signs are included. All signs must comply with Mobile Historic District Design Guidelines, are subject to review for a Certificate of Appropriateness, and, unless otherwise specified, are subject to sign permitting requirements.

- (a) Awning signs;
- (b) Banners;
- (c) Canopy signs. Maximum copy size shall not exceed that allowed for wall sign;



Figure 64-83-27 Signs in Historic Districts

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- (d) Changeable copy signs;
- (e) Freestanding signs. No portion of a freestanding sign shall exceed 8 feet in height;
- (f) Marquee signs;
- (g) Sandwich boards, up to 12 square feet in area (total of both faces), with a maximum height of 3 feet and a maximum width of 2 feet;
- (h) Monument signs, up to 8 feet in height and 50 square feet of sign area;
- (i) Projecting signs. Up to 40 square feet; extending up to 5 feet beyond the building wall and into the right-of-way up to $\frac{2}{3}$ of the distance to the street and no closer than 2 feet to the street; and minimum height to bottom of sign of 8 feet;
- (j) Suspended or blade signs;
- (k) Wall signs, 30% of usable wall area maximum; and
- (l) Window signs, 20% of window area maximum.



Figure 64-83-28 Sign Area in Historic Districts

3. Prohibited Signs. The following signs are prohibited in historic districts:

- (a) Animated signs;
- (b) Beacons;
- (c) Inflatable signs and tethered balloons;
- (d) Off-premise signs;
- (e) Pennants;
- (f) Portable signs;
- (g) Roof signs;
- (h) Temporary signs; and
- (i) All other signs prohibited by this Section.

4. Exempt Signs.

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- (a) The following signs shall be exempt from regulation under this section:
 - (1) Signs exempted pursuant to subsection A of this Section;
 - (2) Any sign inside a building, not attached to a window or door;
 - (3) Works of art;
 - (4) Building markers;
 - (5) Flags;
 - (6) Historic markers; and
 - (7) Incidental signs. See Mobile Historic District Design Guidelines for materials information.
- (b) These signs may still require ARB approval, and must comply with Mobile Historic District Design Guidelines and receive a certificate of appropriateness unless otherwise specified.

I. Off-Premise Advertising

No Off-Premise Sign shall be constructed or erected after the date of the enactment of this ordinance except for signs conforming to all of the following provisions:

1. Where Permitted

- (a) Off-Premise Signs are not allowed in any of the City's officially designated historic districts as reflected on the maps maintained by the City's Historic Development Department, in any area placed on the National Register of Historic Places (locally and nationally designated districts), along Water Street from Broad-Beauregard Street on the North to the intersection of Water Street and Canal Street on the South, and on Government Street from the Mobile River to Dauphin Island Parkway.
- (b) Off-Premise Signs are permitted by right in CM, IL and IH zoning districts.
- (c) Off-Premise signs are a conditional use in NCS, DC, and CW.

2. Replacement

- (a) Replacement of an Off-Premise Sign for an existing Off-Premise Sign in CM, IL and IH zoning districts is permitted subject to compliance with all other provisions of this Section. V-type or back to back signs are considered 1 sign.
- (b) Replacement of an Off-Premise Sign with damage from a natural disaster not exceeding 75% of the sign's total value is permitted in CM, IL and IH districts subject to compliance with all other provisions of this Section.

3. Location and Spacing

- (a) No Off-Premise Sign shall be constructed within 500 feet of a residential property line (RL, RM).
- (b) On all interstate highways, streets, and all other highways, no Off-Premise Sign shall be located within 1,000 feet (measured along one side of the street) from any other Off-Premise Sign.

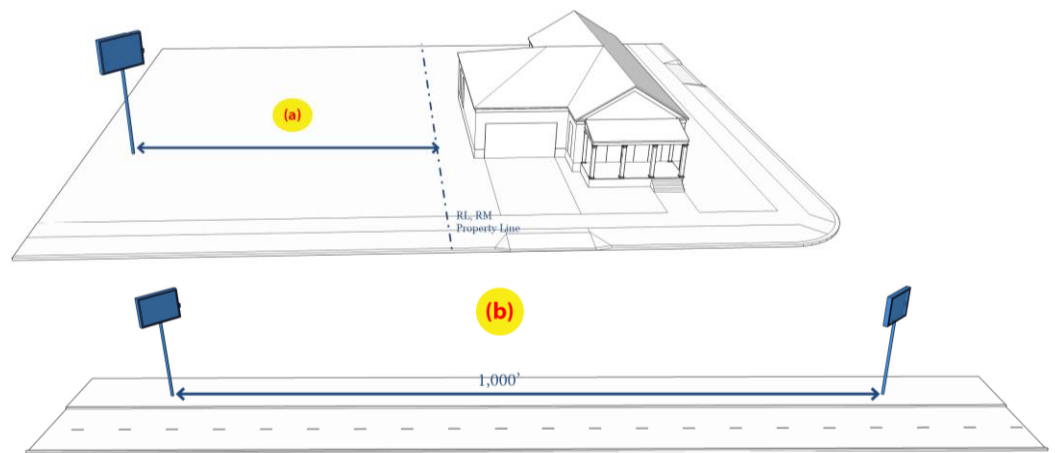


Figure 64-83-29 Spacing of Off-Premise Signs

4. Lighting

- (a) No Beacon that simulates any emergency light device is permitted as part of any private sign.
- (b) Flashing or blinking devices not permitted on a sign.
- (c) External lighting such as flood lights or thin line goose-neck reflectors are permitted if the light source:
 - (1) is directed on the Display Area only, and
 - (2) to avoid glare and obstructed vision, is effectively shielded to prevent beams or rays of light from being directed onto any portion of a street or driveway.
- (d) To prevent direct rays of light from shining into adjoining residential districts, the illumination of any sign within a 500 foot radius of an RL or RM district boundary line shall be diffused or indirect in design.

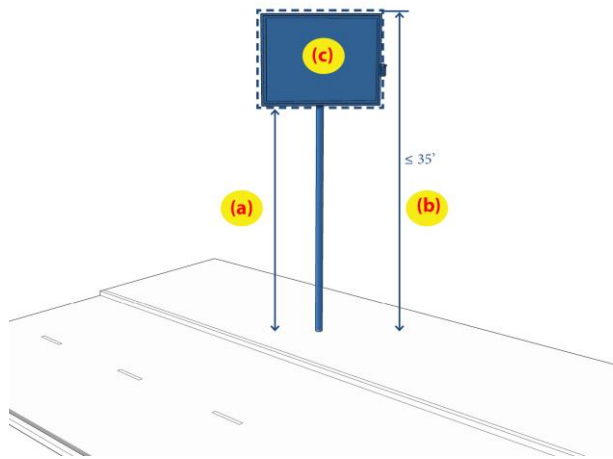


Figure 63-83-30 Height and Size of Off-Premise Signs

5. Height and size

- (a) The minimum distance from the base of the sign face to the ground shall measure at least 10 feet.
- (b) The maximum height of an Off-Premise Sign shall not exceed 35 feet overall height as measured from the base of the sign signature to its highest point.
- (c) The maximum area of an Off-Premise Sign is 300 square feet. No cutouts are allowed.

(Ord. No. 80-057, 5-16-67; Ord. No. 54-014, 4-7-92; Ord. No. 64-051, § 1, 8-16-94; Ord. No. 64-058, § 1, 9-20-94; Ord. No. 64-093, § 1, 11-29-94; Ord. No. 64-033, § 1, 7-25-95; Ord. No. 64-008, §§ 1-7, 2-2-99; Ord. No. 64-021, §§ 1-4, 4-8-03; Ord. No. 64-041-2006, § I, 10-10-06; Ord. No. 64-003-2008, § I, 2-6-08; Ord. No. 64-039-2008, § 1, 5-21-08; Ord. No. 64-019-2012, §§ XVII, XVIII, 8-7-12; Ord. No. 64-040-2012, § II, 12-11-12; Ord. No. 64-007-2013, § I, 2-19-13; Ord. No. 64-018-2013, § I-III, 6-4-13; Ord. No. 64-046-2013, § 1, 12-31-2013; Ord. No. 64-004-2014, §§ I, II, 2-11-14)

Sec. 64-84 Telecommunications Facilities



Purpose: *The general purpose of this subsection is to regulate the placement, construction and modification of towers and telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Mobile. Specifically, the purposes of this subsection are:*

- *To regulate the location of towers and telecommunications facilities in the city;*
- *To protect residential areas and land uses from potential adverse impact of towers and telecommunications facilities;*
- *To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;*
- *To promote and encourage shared use/collocation of towers and antenna support structures as a primary option rather than construction of additional single-use towers;*
- *To avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or determined to be structurally unsound;*
- *To ensure that towers and telecommunications facilities are compatible with surrounding land uses; and*
- *To facilitate the provision of wireless telecommunications services to the residents and businesses of the city in an orderly fashion.*

A. Findings

1. The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 ("the Act") grants the Federal Communications Commission (FCC) exclusive jurisdiction over:
 - (a) The regulation of the environmental effects of radio frequency emissions from telecommunications facilities.
 - (b) The regulation of radio signal interference among users of the radio frequency spectrum.
2. The city's regulation of towers and telecommunications facilities cannot have the effect of prohibiting any person from providing wireless telecommunications services in violation of the Act.

B. Applicability

1. **Generally.** This section applies to telecommunications facilities on private property.
2. **Definitions.** As used in this section, the following terms shall have the following meanings:

AASHTO	American Association of State Highway and Transportation Officials
Antenna	A wireless antenna, including a macrocell antenna and a microcell antenna.
Antenna Support Structure	Any building or other structure forty-five (45) feet in height or taller and which complies with the maximum height allowed in the district in which it is located, other than a tower which can be used for location of telecommunications facilities.
Applicant	Any person that applies for a permit for telecommunications facilities.
Application	The process by which an owner submits a request to develop, construct, build, modify or erect telecommunications facilities. "Application" includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the city after the initial written application is submitted concerning such a request.
Base Station	A structure or equipment at a fixed location that enables FCC- licensed or authorized wireless communications between user equipment and a communications network. This term does not include a tower or any equipment

associated with a tower. This term includes, without limitation:

(1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).

(3) Any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in paragraphs (1)-(2) above and has been previously reviewed and approved by the City.

Camouflage	Any tower or telecommunications facility which is designed to minimize a visual impact and to blend into the surrounding environment. The term "camouflage" does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.
City	The City of Mobile, Alabama.
Collocation	The mounting or installation of transmission equipment on any existing tower or base station that exists at the time the application is filed with the City for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
Eligible Facilities Request	Any request for modification of an existing tower or base station that, within the meaning of the Spectrum Act, does not substantially change the physical dimensions of the tower or base station and involves (1) the collocation of new transmission equipment, (2) the removal of transmission equipment, or (3) the replacement of transmission equipment.
Engineer	Any structural engineer licensed by the State of Alabama.
Existing	For a constructed tower or base station, means that the tower or base station has been previously reviewed and approved under the applicable City zoning or siting process, or under another applicable State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is “Existing.”
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
MUTCD	The Manual on Uniform Traffic Control Devices, for Streets and Highways, as published by the US Department of Transportation Federal Highway Administration.
Owner	Any person with fee title, or with written permission from a person with fee title, to any plot of land within the city who desires to develop, construct, build, operate, modify or erect telecommunications facilities upon such land.
Person	Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
Spectrum Act	Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act of 2012, 47 U.S.C. § 1455(a)
Substantially changes	<p>A modification of an existing tower or base station where any of the following criteria is met:</p> <p>(1) For a tower not located in the public rights-of-way:</p> <p>(a) The height of the tower is increased by more than ten percent <i>or</i> by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; or</p> <p>(b) There is added an appurtenance to the body of the tower that would protrude from the tower by more than twenty feet <i>or</i> more than the width of the tower at the level of the appurtenance, whichever is greater.</p> <p>(2) For a tower located in the public rights of way and for all base stations, refer to</p>

City Code Chapter 57:

- (a) The height of the tower or base station is increased by more than ten percent or ten feet, whichever is greater; or
 - (b) There is added an appurtenance to the body of that structure that would protrude from the edge of that structure by more than six feet; or
 - (c) It involves the installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure; or
 - (d) It involves the installation of any new equipment cabinets on the ground if there is no pre-existing ground cabinet associated with that structure.
- (3) For any tower or base station:
- (a) It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or
 - (b) There is entailed in the proposed modification any excavation or deployment outside of the current site of the tower or base station; or
 - (c) The proposed modification would cause the concealment or camouflage elements of the tower or base station to be defeated; or
 - (d) The proposed modification would not comply with the conditions associated with the prior siting approval of construction or modification of the tower or base station, unless this non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding thresholds in this section.
- (4) To measure changes in height for the purposes of this definition, the baseline is:
- (a) For deployments that are or will be separated horizontally, measured from the original support structure;
 - (b) For all others, measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved by the City prior to February 22, 2012.
 - (c) To measure changes for the purposes of this definition, the baseline is the dimensions that were approved by the City prior to February 22, 2012.

Telecommunications Facilities	Antennas, transmission equipment, towers, base stations, or antenna support structures. However, the term "telecommunication facilities" shall not include: <ul style="list-style-type: none"> (1) Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned industrial or commercial; (2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.
Tower	A structure built for the sole or primary purpose of supporting any FCC- licensed or FCC-authorized Antenna, including any structure that is constructed for Wireless Communications Services. "Tower" does not include a Base Station.
Transmission Equipment	Equipment that facilitates transmission of any FCC- licensed or authorized Wireless Communications Services. Transmission Equipment includes an Antenna and its associated equipment, which includes any and all on-site equipment, such as back-up generators and power supply units, cabinets, coaxial and fiber optic cables, connections, shelters, radio transceivers, regular power supply units, and wiring, to which a wireless antenna is attached in order to facilitate mobile broadband service and personal wireless service delivered on mobile broadband

devices.

Wireless Communications Services	Without limitation, means commercial mobile radio services, personal wireless services, all FCC-licensed or authorized back-haul and other fixed wireless services, broadcast, private, and public safety communication services, and unlicensed wireless services.
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C. Permit Required

1. Except as otherwise allowed, no person shall erect, modify, install, or construct any telecommunications facilities without a permit.
2. To obtain a permit, a person must submit an application to the Zoning Department for applications on private property and to the Engineering Department for applications on the Right of Way or City property with any applicable fees as may be established by the City, using the engineer's certification form from the Zoning Department for applications on private property and from the Engineering Department for applications on the Right of Way or City property.
3. All permits shall comply with all structural and safety standards adopted by the city, including, but not limited to: AASHTO, MUTCD, International Building Code and International Electrical Code, as adopted by the City, City Code Chapter 57, and City Code Chapter 17, Storm Water Management and Flood Control Ordinance.
4. The following categories of permits are established:
 - (a) Class 1. A Class 1 permit shall be required for an eligible facilities request, as defined in this section.
 - (b) Class 2. A Class 2 permit shall be required for: (i) any modification of an existing tower or base station, including the collocation of new equipment, that substantially changes the physical dimensions of the existing tower or base station on which it is mounted; and (ii) any collocation not eligible for a Class 1 Permit.
 - (c) Class 3. A Class 3 permit shall be required for the siting of any telecommunications facilities that is not a collocation subject to a Class 1 or Class 2 Permit.

D. Application Review Process

1. Applications shall be reviewed within a reasonable period of time.
 - (a) Applications for Class 1 permits shall be acted on as provided in paragraph 3.
 - (b) Applications for Class 2 permits shall be acted on within 90 days, adjusted for any tolling as described in paragraph 2.
 - (c) Applications for Class 3 permits shall be acted on within 150 days, adjusted for any tolling as described in paragraph 2.
2. The timeframe for review shall begin to run when the application is submitted, but shall be tolled if the City finds the application incomplete and requests that the applicant submit additional information to complete the application. Such requests shall be made within 30 days of submission of the application. After submission of additional information, the City will notify the applicant within 10 days of this submission if the additional information failed to render the application complete. Applications may also be tolled by mutual agreement of the City and the applicant.

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- 3.** The City shall grant applications for Class 1 permits within 60 days, adjusted for any tolling as described in paragraph 2., provided that the City finds that the applicant proposes an eligible facilities request.
 - (a)** The City shall impose the following conditions on the grant of a Class 1 permit: (i) the proposed modification or collocation shall not defeat any existing camouflage elements of the existing tower or base station;
 - (b)** To the extent federal law provides a “deemed granted” remedy for Class 1 permit applications not timely acted on by the City, no such application shall be deemed granted until the applicant provides notice to the City, in writing, after the time provided in paragraph c. has expired. Any Class 1 permit that is deemed granted by operation of federal law shall be subject to the conditions listed in paragraph 3.(a); and
 - (c)** If the City determines that the application does not qualify as an eligible facilities request, the City will notify the applicant in writing of that determination and will process the application as a Class 2 or Class 3 permit application, as applicable.
- 4.** The City may approve, approve with conditions, or deny an application for a Class 2 or Class 3 permit. The City’s decision shall be in writing and supported by substantial evidence contained in a written record.
- 5.** In addition to application fee, application fee, applicants shall also reimburse the City for any actual, out of pocket costs incurred in reviewing the applications, including, but not limited to, engineers and other technical consultants.

E. Development of Towers

- 1.** A tower shall be a permitted use "by right" in zoning districts IL and IH. A tower shall be a prohibited use in zoning districts RL, RM, and NC-T. No person shall build, erect or construct a tower upon any plot of land within a zoning district designated CM unless a conditional use permit is approved that authorizes the tower.
- 2.** No person shall build, erect or construct a tower upon any plot of land within any zoning district unless required building permits and permits and approvals have been obtained from the urban development department of the city.
- 3.** Towers shall be permitted to height of one hundred eighty (180) feet in I-1 and I-2 zoning districts. Towers may be permitted in excess of the maximum height allowed for the zoning district in which it is located in accordance with subsection S.2.(b)(2), "Criteria for Site Plan Development Modifications," and, if granted a variance by the board of zoning adjustment.
- 4.** The city may authorize the use of city property in appropriately zoned districts in accordance with applicable law; however, the city shall have no obligation whatsoever to use city property for such purposes.
- 5.** No new tower shall be built, constructed or erected in the city unless such tower is capable of supporting another person's operating telecommunications facilities comparable in weight, size and surface area to applicant's final design. For the purposes of this paragraph, applicant's final design shall mean the telecommunications facilities on the applicant's tower within six (6) months of the completion of tower construction.
- 6.** An application to develop a tower shall include:

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- (a)** The name, address and telephone number of the owner and lessee of the parcel of land upon which the tower is situated. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner shall be evidenced in the application.
- (b)** The legal description, parcel identification number, key number and address of the parcel of land upon which the tower is situated.
- (c)** The names, addresses and telephone numbers of all owners of other towers or usable antenna support structures within a one-half mile radius of the proposed new tower site, including city-owned property.
- (d)** Written documentation that the applicant: (1) Made diligent, but unsuccessful efforts for a minimum of forty-five (45) days prior to the submission of the application to install or collocate the applicant's telecommunications facilities on towers or usable antenna support structures owned by the city and other persons located within a one-half mile radius of the proposed tower site; or (2) Written, technical evidence from an engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structure located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system.
- (e)** Written, technical evidence from an engineer that the proposed structure meets the standards set forth in subsection J.6, "Structural Requirements" of this section.
- (f)** Written, technical evidence from an engineer that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire or other danger due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, corrosive or other dangerous chemicals within the site.
- (g)** A map of the city and the first half-mile of all bordering communities showing the design and location of the applicant's entire existing wireless telecommunications network. Such map shall also show the location of the proposed tower and antenna sites which are the subject of the application, their dimensions, and specifications of the site.
- (h)** Certificate from an engineer documenting collocation capability of the applicant's telecommunications tower.
- (i)** An accurate photo simulation depicting how (i) the tower would appear as proposed, and (ii) the proposed tower would appear if a collocation that did not substantially change the physical dimensions for the tower was later added.
- (j)** If the applicant alleges that failure to approve the application will result in unreasonable discrimination among providers of functionally equivalent services pursuant to 47 U.S.C. § 332(c)(7)(B)(i)(I) and/or that failure to approve the application will prohibit or have the effect of prohibiting personal wireless services pursuant to 47 U.S.C. § 332(c)(7)(B)(i)(II), the applicant must so state on the application and provide documentation in support of this claim.

F. Setbacks

- 1.** All towers shall be set back as follows:

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- (a)** For I-1 and I-2, setback shall be on all sides a distance equal to the underlying setback requirement for the particular zoning district.
 - (b)** For B-1, B-2, B-3, B-4 or B-5, setback on all sides shall be a distance equal to the height of the tower, unless the applicant submits an engineer's certification and otherwise demonstrates to the planning commission the safety of the proposed design.
- 2.** Setback requirements for towers shall be measured from the base of the tower to the line of the lease parcel on which it is located.

G. Structural Requirements

All towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the current building code as adopted by the city, as may be amended from time to time, and any other standards outlined in this section.

- 1.** Towers must be located and equipped with step bolts and ladders so as to provide ready access for inspection purposes;
- 2.** Guidewires or other tower accessories must not cross or encroach upon any street or other public place or over any electric power lines or encroach upon any other privately owned property without written consent of the owner;
- 3.** All towers must be constructed of approved corrosion resistant non-combustible material. The minimum type of construction for isolated radio towers, not more than 100 feet in height, must be of type 4;
- 4.** Towers must be designed to resist wind loads in accordance with EIA/TIA-222-F series. Consideration must be given to conditions involving wind loads on ice-covered sections and localities subject to sustained freezing temperatures; and
- 5.** All towers must be permanently and effectively grounded.

H. Separation or Buffer Requirements

- 1.** Towers shall be separated from all residentially zoned lands, including R-B and H-B, by a minimum of two hundred (200) feet or one hundred fifty (150) percent of the height of the proposed tower, whichever is greater.
- 2.** Tower separation distances for the purposes of compliance with this subsection shall be measured from the base of a tower to the closest point of residentially zoned land.

I. Method of Determining Tower Height

Except as otherwise provided for eligible facilities requests, measurement of tower height for the purpose of determining compliance with all requirements of this subsection shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height shall be measured from grade.

J. Illumination

Towers shall not be artificially lighted except as required by FAA. Upon commencement of construction of a tower, in cases where there are residential uses located within a distance which is three hundred (300) percent of the height of the tower from the tower, and when required by federal law, dual mode lighting shall be requested from the FAA.

K. Fencing

Any fences constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities shall be constructed in accordance with the fencing requirements as defined

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by the zoning district and the chart of permitted uses where the tower or antenna support structure is located, unless more stringent fencing requirements are required by FCC regulations.

L. Landscaping

All landscaping on parcels containing towers, antenna support structures or telecommunications facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna support structure or telecommunications facilities are located.

M. Noise

No equipment shall be operated at towers and telecommunication facilities so as to produce noise in excess of the applicable noise standards under WAC 173-60, except during emergencies, or periodic routine maintenance which requires the use of a backup generator, where the noise standards may be exceed temporarily.

N. Electromagnetic Radiofrequency Emissions

1. The Federal Telecommunications Act of 1996 (FTA) gives the FCC sole jurisdiction to regulate radiofrequency (RF) emissions, and telecommunications towers which meet the FCC standards shall not be conditioned or denied on the basis of RF impacts.
2. In order to provide information to its citizens, copies of ongoing FCC information concerning telecommunication towers and facilities and radiofrequency emission standards shall be made available. Applicants for tower sites shall be required to provide information on the projected power density of the facility and how this meets the FCC standards.

O. Access

All parcels upon which towers are located must provide paved access to at least one paved vehicular parking space on site, except I-2 districts.

P. Maintenance

1. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
2. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations, and in such manner that will not interfere with the use of other property.
3. All towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.
4. In the event the use of a tower is discontinued by the tower owner, or if the tower owner ceases to operate the tower, the tower owner shall provide written notice to the city of its intent to discontinue use or cease operations, and the date when the use shall be discontinued.

Q. Camouflage and Aesthetics

Wireless facilities, support structures, antennas and related facilities shall meet the following requirements:

1. They shall be designed and placed in such a manner so as to be screened to minimize their distraction from surrounding properties and public rights-of-way. This shall include the color of the tower, antenna or related facility, the materials and textures of such tower, antenna or related

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facilities, and the materials or devices used to screen, conceal or blend the tower, antenna or related facility into or with the surrounding properties and development.

2. Along the right of way, the design of the related facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must make the antenna and related equipment as visually unobtrusive as possible.
4. Wireless facilities and support structures shall be designed and constructed to be stealth/camouflaged. The terms stealth or camouflage shall mean the following:
 - (a) The nature of design and construction do not draw undue attention to the structure;
 - (b) Design and construction cannot clearly be distinguished from the general character of the area in which they are located; and
 - (c) Design and construction do not cause a conflict with the appearance, character and aesthetics of the site upon which the facility is located, the surrounding properties or the general neighborhood in which they are located.
5. Methods of achieving stealth/camouflage may include:
 - (a) Ensure that physical design and construction are concealed within an architecturally designed feature/structure newly constructed on site, which matches or compliments the existing main structures on-site and in the surrounding area.
 - (b) Locating the facility/tower and associated antenna/supporting equipment on or within an existing structure or building already on a site with no obviously distinguishable changes to that structure.
6. Wireless facilities and support structures in historic districts shall be consistent with the design standards for historic districts, see City Code, Chapter 44, Article IV.

R. Telecommunications Facilities on Antenna Support Structures

1. Any telecommunications facilities which are not attached to a tower may be permitted as an accessory use to any antenna support structure at least forty-five (45) feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located. Except as provided in paragraph e., telecommunications facilities are prohibited on all other structures. The owner of the structure on which the proposed telecommunications facilities would be installed shall, by written certification to the urban development department, establish the following at the time plans are submitted for a building permit that:
 2. The telecommunications facilities shall not extend more than twenty (20) feet above the maximum height of the antenna support structure;
 3. The antenna support structure and telecommunications facilities comply with the current building code as adopted by the city, as may be amended from time to time; and
 4. Any telecommunications facilities and their appurtenances located upon the roof of an antenna support structure, are set back at least one (1) foot from the edge of the roof of the antenna support structure. However, this setback requirement shall not apply to:

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- (a)** Telecommunications facilities and their appurtenances, located above the roof of an antenna support structure if such facilities are appropriately screened from view through the use of panels, walls, fences or other screening techniques approved by the city.
 - (b)** Camouflage antennas which are mounted to the exterior of antenna support structures below the roof, but which do not protrude more than twenty-four (24) inches from the side of such an antenna support structure.
- 5.** Telecommunications facilities shall not be prohibited as described in paragraph a. where the application is for a Class 1 eligible facilities request, or where the applicant can demonstrate that denial of the application would violate 47 U.S.C. § 332(c)(7)(B)(i)(I) or (II).

S. Existing Towers

- 1.** An existing tower may be modified or demolished and rebuilt to accommodate collocation of additional telecommunications facilities as follows:
 - (a)** Tower shall be a permitted use "by right" in zoning districts I-1 and I-2. A tower shall be a prohibited use in zoning districts R-A, R-1, R-2, R-3, R-B, and H-B. No person shall build, erect or construct a tower upon any plot of land within a zoning district designated B-1, B-2, B-3, B-4, or B-5 unless planning approval has been granted by the Mobile City Planning Commission. Application shall be made to the Mobile City Planning Commission in the manner provided in this chapter.
 - (b)** No person shall build, erect, or construct a tower upon any plot of land within any zoning district set forth above unless required building permits and approvals have been obtained from the Urban Development Department of the City.
 - (c)** The total height of the modified tower and telecommunications facilities attached hereto shall not exceed the current height of the tower or the maximum height allowed under this article. Certification by a structural engineer shall be required to meet collocation standards.
 - (d)** A tower which is being rebuilt to accommodate the collocation of additional telecommunications facilities may be relocated on the same parcel subject to the setback requirements of this article. However, if it is impossible for the tower to be rebuilt in compliance with the setback requirements of this article, such setback requirement may be waived to allow the tower to be rebuilt in its exact previous location, or within a twenty-five-foot radius of the previous location.
- 2.** Criteria for site plan development modifications.
 - (a)** The Mobile City Planning Commission may grant approval of a site plan development modification pursuant to subsection 20.c. if a person, upon application to the city, demonstrates with written evidence that:
 - (1)** The location, shape, appearance or nature of use of the proposed tower will not substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located; and
 - (2)** The site plan development modification will not create any threat to the public health, safety or welfare.

- (b)** In addition to the requirements of subparagraph (a) of this section, in the following cases, the applicant must also demonstrate with written evidence, the following:

 - (1)** In the case of a requested modification to the setback requirement, that the area of the parcel of land upon which the tower is proposed to be located makes compliance with subsection J.7. impossible, and the only alternative for the person is to locate the tower at another site which poses a greater threat to the public health, safety or welfare or is closer in proximity to a residentially zoned land; and
 - (2)** In the case of a request for modification of the height limit in a zoning district for towers and telecommunications facilities, that the modification is necessary to (i) facilitate collocation of telecommunications facilities in order to avoid construction of a new tower; or (ii) meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an electrical engineer(s).
- 3.** The Board of Zoning Adjustment may waive or modify the requirements of subsections D. (Development of Towers), E.3. (Maximum Height of Towers), E. (Setbacks), G. (Separation or Buffer Requirements), J. (Fencing), K. (Landscaping), N. (Access), and Q. (Telecommunications Facilities on Antenna Support Structures).

T. Severability

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Section.

Sec. 64-85 Temporary Structures and Uses



Purpose: *This section identifies permitted temporary structures and uses, and sets forth the conditions under which they may be established. The required conditions are intended to mitigate potential negative impacts from these uses, and in doing so, protect the public health, safety, and welfare.*

⇔ *Note: Temporary uses may also trigger building and fire code requirements. Refer to Chapters 11 and 22 of the City Code.*

A. General Provisions

This section applies to all temporary structures and uses permitted by this section.

A. Above-Ground Storage Tanks

1. Temporary above-ground storage tanks shall meet all applicable local, state, and federal regulations, specifically including fire codes.
2. Temporary above-ground storage tanks with a capacity of 10,000 gallons or more shall be located at least 1,000 feet from property used or zoned for residential purposes, schools and daycare facilities, parks, places of worship, and other uses and structures which typically contain or attract large concentrations of people. This distance shall be measured from the tank to the nearest property line of the residential property, school/daycare, park, place of worship, or other use.
3. Temporary above-ground storage tanks shall be located at least fifty feet from any building or combustible material.
4. Temporary above-ground storage tanks with a capacity of 10,000 gallons or more shall be double walled, or shall be furnished with a secondary means of containment, such as a dike or catchment basin, sufficient to contain 125% of the capacity of the tank.
5. Temporary above-ground storage tanks shall be sufficiently secured to prevent tampering.
6. Temporary above-ground storage tanks shall not be located on a site for more than 120 days. The Director may grant one extension of up to 6 months may be granted upon a showing of good cause.

B. Construction Laydown Yards

1. Temporary construction laydown yards shall be located on the same lot as the associated building activity, except when the laydown yard is associated with a public road construction project, water/sewer lines, transmission lines, or oil/gas pipelines undertaken by a local, state, or federal public or quasi-public agency, or authorized private entity.
2. For a project site with physical constraints, staff may approve an alternative off-site location for a construction laydown yard. The contractor shall reclaim the alternative off-site property to its original condition prior to final inspection / issuance of a certificate of occupancy for the associated project. Site reclamation may include site clean-up and/or revegetation with temporary irrigation. A land disturbance permit from City Engineering is required in association with this use. Disturbed areas must be vegetated with temporary ground cover within thirteen (13) days, or temporary erosion controls must be in place until vegetation is established.

C. Construction Offices and Office Trailers

1. Temporary construction offices and office trailers may be established on the site of a construction project, provided the office is occupied only by representatives of the construction company(ies) conducting work on the construction site.
2. Temporary offices and office trailers must comply with all applicable building code regulations, City Code Chapter 17, and all federal, state and local laws.
3. Temporary offices and office trailers must comply with all applicable parking regulations of this chapter, except that the parking area may be surfaced with an Alternative Parking Surface as defined in this chapter.
4. Zoning Permits for temporary offices and office trailers are valid for a period not to exceed two (2) years. Zoning Permit Extensions may be provided upon showing of good cause to continue the temporary office use.
5. The office must be removed upon completion of the project, regardless of the amount of time remaining on the permit.

D. Garage or Yard Sales

↔ Permitted temporary use in: RL, RM, NC-T, DC, D, DW, CT, and MM.

1. Garage or yard sales shall not exceed 72 hours in length, and may not occur in the same location more than 4 times in a calendar year.
2. The sale shall not occupy any public property or right-of-way or obstruct the passage of pedestrians or vehicles on any public sidewalk or street.
3. A temporary use permit shall not be required for garage or yard sales.

E. Large Vehicle Parking

1. This paragraph F applies to the parking of large vehicles on private property in RL and RM districts.
2. This paragraph F does not apply to temporary construction laydown yards or to non-residential districts where the large vehicles are placed entirely on a paved off-street parking surface and screened by the principal buildings or a landscaped buffer.
3. No large vehicle shall park in a RL or RM district for more than 96 combined hours in any 30 day period.
4. Semi-trucks with trailers shall not park in RL or RM districts, except when providing goods or services to a customer or client.

F. Portable Storage Units

1. When associated with construction of buildings or structures with an active building permit, one or more temporary portable storage units are permitted on a single lot of record for the duration of construction activities.
2. **Residential sites:** When not associated with construction of buildings or structures with an active building permit, temporary portable storage units are permitted in RL or RM districts or as

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a temporary accessory use to a dwelling unit located in any district, subject to the following conditions:

- (a) No more than 1 portable storage unit may be located on a single lot of record;
- (b) The unit shall be placed only on the driveway or paved offsite parking area;
- (c) The maximum size of a portable storage unit shall not exceed 160 square feet of indoor storage;
- (d) A portable storage unit shall not be used as a permanent accessory structure; and
- (e) A temporary portable storage unit shall not be placed on the lot more than 60 days in a calendar year and no more than 2 separate occasions in a single calendar year. The Director may grant extensions upon a showing of good cause.

3. Commercial / Mixed Use sites: When not associated with construction of buildings or structures with an active building permit, temporary portable storage units are permitted as a temporary accessory use to any non-residential use, subject to the following conditions:

- (a) The portable storage unit shall be placed only on a paved area located behind a building;
- (b) A portable storage unit placed on the lot for more than 60 days in a calendar year shall be screened from view of adjacent lots and streets; and
- (c) A portable storage unit shall not be used as a permanent accessory structure.

4. In all cases:

- (a) Temporary portable storage units shall not be placed in any right-of-way without Engineering/Traffic Engineering approval, storm water facility/detention area, septic field, easement, or on public property without City approval, and shall not create a site obstruction for any vehicular or pedestrian traffic. Placement of portable storage units shall comply with the “visibility at intersections” requirements set forth in Section 64-44.E.3;
- (b) No mechanical, plumbing, or electrical installations or connections shall be made to the portable storage unit;
- (c) Portable storage units shall not be used for the storage of hazardous or flammable substances, live animals, or human habitation;
- (d) Portable storage units shall be kept in good condition, free from evidence of deterioration, weathering, mildew, discoloration, rust, ripping, tearing, or other holes or breaks; and
- (e) A portable storage unit shall not be stacked on top of another structure.

5. The regulations specified above shall not apply to portable storage units placed during any period of declared emergency by federal, state, or local official action.

G. Real Estate Sales Offices and Model Home Complexes

⇔ *Permitted temporary use in: RL, RM, NC-T, DC, D, DW, and CT.*

- 1. Temporary real estate sales offices and model home complexes may be established on the site of a residential development.**

- 2.** Temporary real estate sales offices may be established in a trailer or other mobile unit until a model home or unit is completed and ready for use. At that time, the temporary real estate sales office must relocate to the model home or unit.
- 3.** Temporary real estate sales offices must comply with all applicable building code regulations.
- 4.** Temporary real estate sales offices must comply with all applicable parking regulations of this chapter, except that the parking area may be surfaced with an Alternative Parking Surface as defined in this chapter. *[Note: This expressly excludes gravel and sod.]*
- 5.** Temporary real estate sales offices may be established for up to 2 years. The Director may grant extensions upon a showing of good cause to continue the temporary real estate sales office use. However, the office must be removed upon issuance of the final certificate of occupancy for the development, regardless of the amount of time remaining on the permit.

H. Sales Activities and Events

Temporary Sales Activities and Events are not regulated by the UDC. Please note, however, a building permit and fire permit may be required for use of tents at such events.

I. Seasonal Sales Activities and Special Events

Temporary Sales Activities and Events are not regulated by the UDC. Please note, however, a building permit and fire permit may be required for use of tents at such events.

J. Temporary Residential Dwellings

- 1.** Except as provided in this subsection, temporary structures, incomplete buildings, automotive equipment, trailers, recreational vehicles, garages, and the like shall not be maintained or used for residential purposes.
- 2.** When fire or natural disaster renders a single-family dwelling unfit for human habitation, the temporary use of a manufactured home or recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following:
 - (a)** Water and sanitary facilities shall be provided.
 - (b)** The manufactured home or recreational vehicle may be occupied for up to 1 year. The Director may grant extensions for circumstances beyond the control of the property owner, but the manufactured home or recreational vehicle shall not be occupied for more than 2 years.
 - (c)** The manufactured home or recreational vehicle shall be removed from the lot within 14 days of issuance of a certificate of occupancy for the new or rehabilitated dwelling.

Sec. 64-86 Utilities



Purpose: *This section establishes screening requirements for electric substations to minimize their visual and character impacts on surrounding neighborhoods, and clarifies the enclosure requirements for electric transmission lines.*

⇔ **Major Utilities** are a Permitted Use in P, and a conditional use in IL and IH. **Minor Utilities** are a Permitted Use in CM, CW, IL, IH, and P and a conditional use in RL, RM, NC-T, DC, D-1, DW, CT, MM and MH.

A. Applicability

This section applies to certain Major and Minor Utilities.

B. Electric Substations

Electric substations must be:

1. enclosed within an 8-foot high fence or wall to prevent the passage of persons. When next to or across the street from residential uses, a solid masonry, wood, or similar solid opaque, compatible material wall or fence at least 8 feet high (measured from finished grade to the top of the wall or fence) to obstruct view, noise and passage of persons; or
2. placed underground.

C. Electric Transmission Lines

Electric transmission lines in the public right-of-way or crossing private property over and across private property need not be enclosed within a structure.

Sec. 64-87 to

Sec. 64-100 Reserved.