

**AN ORDINANCE TO AMEND CHAPTER 64.3.I, DOWNTOWN DEVELOPMENT OISTRICT,  
OF THE CITY OF MOBILE CODE**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA as follows:

Section One: That the Ordinance commonly known as the Zoning Ordinance, adopted May 16, 1967, and codified in Chapter 64 of the City Code of the City of Mobile, is hereby amended as follows:

**64.3.I.2.(b) is amended as follows:**

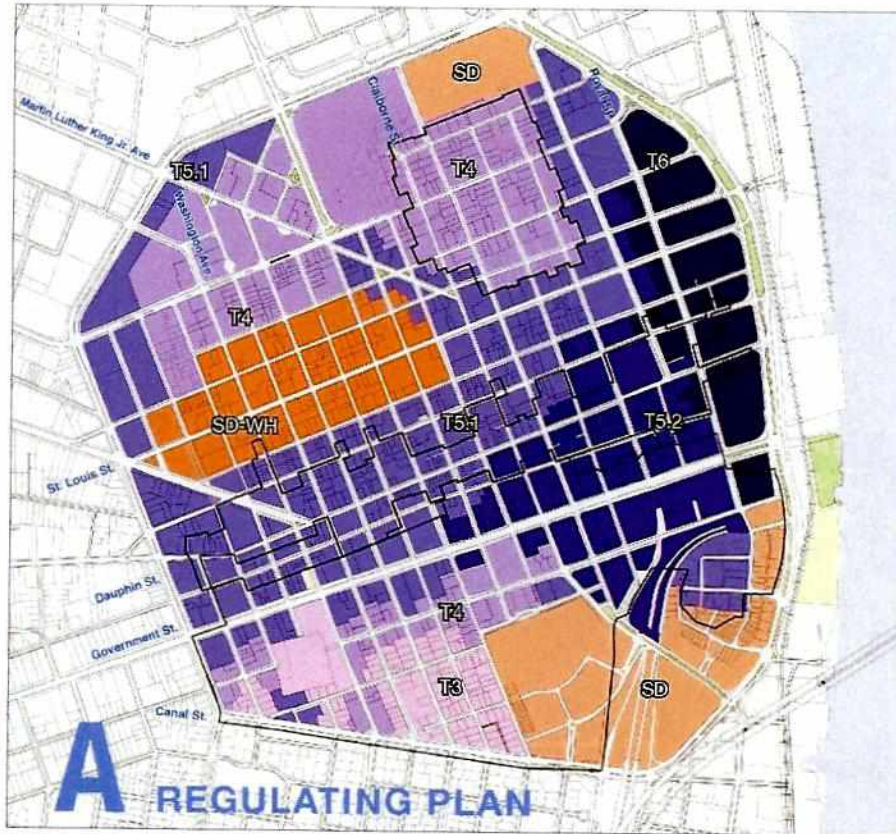
(b) The provisions of the DDD Code shall be the complete zoning code for the DDD. Where the DDD Code is in conflict with engineering ordinances, with the exception of the Storm Water Management and Flood Control Ordinance, the DDD Code shall govern. Where the DDD Code is silent on engineering issues, engineering ordinances shall govern. Where the DDD Code is in conflict with lot sizes allowed by the Subdivision Regulations, the DDD Code shall govern.

I. 64.3.I.3.(c) is amended as follows

(c) Regulations of sub-section 64-3.I. pertaining to T-5 apply to all sub-districts of T-5.

II. 64.3.I.3. Plate A and Plate B are amended as follows

PLATE A



- |         |           |           |                            |
|---------|-----------|-----------|----------------------------|
| T6 Zone | T5.2 Zone | T5.1 Zone | Historic District Boundary |
| T4 Zone | T3 Zone   | Municipal |                            |
| SD-WH   | SD        | Open      |                            |

PLATE B



III. 64.3.I.4.(a).1) is amended as follows

- 1) The administration of the plan review process within the Downtown Development District (DDD) shall be conducted by the Consolidated Review Committee (CRC) which shall have a maximum of five (5) members, and comprised of a representative from Planning & Zoning, an architect from the A/E Department, a representative from the Historic Development Department, and up to two (2) other designees as the mayor may appoint. The actions of the Consolidated Review Committee shall be coordinated by the Planning & Zoning Department. The CRC shall expedite the permitting process by providing a single interface between the developer and the agencies.



IV. 64.3.I.4.(a).1).I. is amended as follows

I. The CRC shall be authorized to make minor adjustments to Site, Place and Building Design Documents so that minor deviations may be resolved administratively. Minor adjustments shall be limited to:

V. 64.3.I.4.(a).1).I.ii is amended as follows

ii. Dimensional adjustments that do not constitute an increase or decrease of more than 15% for the following design elements: awnings, balconies, canopies, galleries, stoops, terraces and signage.

II. 64.3.I.4.(b) is amended as follows

(b) Instructions

- 1) This Section sets forth the standards applicable to the development and substantial improvement of structures and other elements of the built environment within private properties.
- 2) Plans required by this Section are subject to approval by the Planning & Zoning Department (herein referred to as Planning & Zoning).
- 3) All applications for development in the DDD require predevelopment meetings. The predevelopment meetings shall include the applicant, the applicant's design professionals, the associated City Departments, and the CRC. Planning & Zoning will be responsible for ensuring the applicable City Departments attend any predevelopment meetings. Predevelopment meetings will be scheduled at the request of the applicant.
- 4) This Section requires two types of submittals: Site Plan and Building Design Documents. The Building Design Documents required for zoning review do not include construction documents required for building permit review. Both sets shall be submitted together. Building Design Documents and Site Plans shall be sealed by a licensed design professional with the exception of a site plan for a single-family, detached dwelling less than 3 stories.
- 5) Site Plans submitted for approval shall comply with:

Nonconformities, if any (Paragraph 64-3.I.5)

Site Plan: property standards (Paragraph 64-3.I.8)

Site Plan: property use restrictions (Paragraph 64-3.I.9)

Site Plan: building placement standards (Paragraph 64-3.I.10)

Site Plan: garbage collection standards (Paragraph 64-3.I.12)

- 6) Building Design Documents submitted for approval shall demonstrate compliance with:

Building Design Documents: building and parking deck height standards (Paragraph 64-3.I.13)

Building Design Documents: building material standards (Paragraph 64-3.I.14)

Building Design Documents: frontage standards (Paragraph 64-3.I.15)

Building Design Documents: signage standards (Paragraph 64-3.I.16)

- 7) **Work in Historic Districts.** All properties located in the DDD and a local historic district shall, in addition to complying with the development standards in 64-3.I.9 through .16, receive a Certificate of Appropriateness from the Architectural Review Board as required by Section 44-76 of the City Code prior to receiving a building permit and/or undertaking work. Any deviation from the DDD requirements, as may be required by the ARB, will require a zoning variance prior to receiving a building permit and/or undertaking work.

III. 64.3.I.4.(d).2 is amended as follows

- 1) **Master plans executed for Special District according to Paragraph 64-3.I.3 that assign or modify transect sub-district and special district boundaries must be recorded as an amendment to a regulating plan.**

IV. 64.3.I.4.(e).2 is amended as follows

- 1) **An applicant may appeal any decision of the Planning & Zoning Department and/or the CRC to the Board of Zoning Adjustment.**
- 2) **An applicant may request a variance from the requirements of Section 64-3.I**
- 3) **All applications to the Board of Zoning Adjustment shall be filed pursuant to Section 64-8.**

64.3.I.5.(c) is amended to read as follows:

- (c) ***Parking Lots.*** Parking lots in existence as of the effective date of this ordinance shall conform to the requirements of 64-3.I.11(b)3 not later than November 2017. Compliance may be phased with wall or fencing to be installed by November 30, 2017. If the fence and landscaping option is chosen, required landscaping to follow within eighteen (18) months of installation of the fence. Existing evergreen vegetative buffers that accomplish the intent of 64-3.I.11(b)3 are an acceptable alternative, provided they are maintained. For properties along Broad, Beauregard, Water and Canal Streets, compliance shall coincide with the completion of physical improvements for the City projects along said streets adjacent to the property. Location of masking

required by this paragraph is subject to line of sight review and approval by Traffic Engineering. Any parking lot that fails to timely conform shall be deemed an unlawful use and shall be discontinued.

V. 64.3.I.6.(b) is amended to insert subparagraph 8 as follows

- 8) The above notwithstanding, if the applicant is able to produce substantial evidence that the structure is beyond repair and structurally unsound, the Consolidated Review Committee may recommend approval of a permit application for demolition based on this evidence alone.

VI. 64.3.I.6.(e) is amended as follows

- (e) An owner or authorized representative of an owner appealing to the BZA pursuant to Subparagraph 64-3.I.6 (d) shall submit by affidavit to the BZA at least the following:
  - 1) Replacement construction plans for the property in question and amounts expended upon such plans, including an itemization of each and every expenditure, and the dates of such expenditures
  - 2) Whether there are definite plans for reuse of the property if the proposed demolition is carried out.

VII. 64.3.I.7 is amended as follows

- 7) The noise regulations in section 39-96 of the City Code shall apply throughout the DDD. The noise restriction regulations in Paragraph 39-96.1 of the City Code shall apply to all sub-districts where residential uses are allowed by right.

VIII. 64.3.I.8.(a) is amended as follows

- 1) Properties abutting more than one street shall designate a primary frontage. The primary frontage shall be an A Street if one is abutted.
- 2) Elements of the built environment within the front setback are subject to all the requirements of paragraphs 64-3.I.13 through .16.

IX. 64.3.I.8. Table 1, Site Configuration, is amended as follows

Sub-District	Element	Setbacks				Buildings Per Lot 2
		Primary Frontage (3)	Secondary Frontage	Side	Rear	

Sub-District	Element	Setbacks				Buildings Per Lot 2
		Primary Frontage (3)	Secondary Frontage	Side	Rear	
T-3	Primary Buildings	10 ft - 18 ft	5 ft min.	10 ft min. (1)	20 ft min.	2 max.
	Outbuildings	To rear of the facade		Unrestricted if fire rating requirements are met		
	Parking			Unrestricted		

Sub-District	Element	Setbacks				Buildings Per Lot 2
		Primary Frontage (3)	Secondary Frontage	Side	Rear	
T-4	Primary Buildings	12 ft max.		Unrestricted if fire rating requirements are met	3 max.	
	Outbuildings	To rear of the facade				
	Parking			Unrestricted		
T-5.1	Primary Buildings	12 ft max (1)		Unrestricted if fire rating requirements are met	no max.	
	Outbuildings	To rear of the facade				
	Parking			Unrestricted		
T-5.2	Primary Buildings	5 ft max. 1	12 ft max. (1)	Unrestricted if fire rating requirements are met	no max.	
	Outbuildings	To rear of the facade				
	Parking			Unrestricted		
T-6	Primary Buildings	10 ft max.	12 ft max.	Unrestricted if fire rating requirements are met	no max.	
	Outbuildings	To rear of the facade at ground floor unrestricted upper stories				
	Parking			Unrestricted		
SD-WH	Primary Buildings	10 ft max.	Unrestricted if fire rating requirements are met		no max.	
	Outbuildings	Unrestricted if fire rating requirements are met				
	Parking	Unrestricted				



Sub-District	Element	Setbacks				Buildings Per Lot 2
		Primary Frontage (3)	Secondary Frontage	Side	Rear	
<p>(1) May match setbacks of adjacent buildings (along the same street frontage) where they differ from the standard.</p> <p>(2) Structures containing enclosed conditioned space.</p> <p>(3) Buildings along Government Street may be set back an additional 12 ft beyond the maximum Front Setback.</p>						

X. 64.3.I.8. Table 2, Use Table, specific categories are amended as follows (Strike Through indicates deletion)

Use Category	Use Sub-Category	Transect sub-districts and Special Districts					
		T3	T4	T5.1	T5.2	T6	SD-WH
Civic Support	Religious Institution (including Educational)	R	R	R	R	R	R
	Funeral Home		R	R	R	R	R
	Hospital, Medical Offices, Veterinary Medicine, Ambulance Service		R	R	R	R	R
	Mystic Society Meeting Hall		R	R	R	R	R
Commercial	Live-work (retail up to 15% of building sf.)	R	R	R	R	R	R
	Work-live (retail up to 80% of building sf.)		R	R	R	R	R

Use Category	Use Sub-Category	Transect sub-districts and Special Districts					
		T3	T4	T5.1	T5.2	T6	SD-WH
	Mixed-use Retail Component	-	R	R	R	R	R
	Retail Building	-	R	R	R	R	R
	Café	-	R	R	R	R	R
	Restaurant, Bar, Catering, Entertainment, Theater or Brewpub with occupancy load over 100 persons. *Occupancy load under 100 is Permitted by Right	-	-	P*	P*	R	R
	Drive-thru Retail	-	P	P	P	P	P

NOTE: None of the above permitted uses include an "Adult Entertainment Enterprise" as defined in 64.2

KEY

- R Permitted By-Right
- C Permitted by Right on lots with a C street overlay
- P Planning Approval

XI. 64.3.I.10.(c) is amended as follows

(c) Buildings shall be setback from the boundaries of their properties according to Table 1. Buildings along Government Street may be setback an additional 12 feet beyond the Table 1 standards.

XII. 64.3.I.11.(b) is amended as follows

- 1) All off-street parking spaces and aisles shall meet AASHTO size and configuration standards.
- 2) Parking structures and parking lots over 20 spaces are prohibited in T-3 and T-4.
- 3) For parking lots along frontages, one of the following masking options is required:

- I. Liner buildings may be used to mask parking lots.
  - II. 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. Alternative materials for fences or walls may be considered by the CRC provided 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.
  - III. 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.
- 4) For parking structures along frontages, one of the following masking options is required:
- I. Liner buildings shall wrap a minimum of 70% of the width of parking structures at ground floor frontages.
  - II. Within B-street frontages, a hedge, evergreen vines, or other evergreen planting materials combined with a metal fence or masonry wall, with or without a hedge, may be used to mask parking structures. Alternative materials for fences or walls may be considered by the CRC provided 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. One interior heritage tree shall be planted for every 15 spaces for parking lots over 50 spaces.
- 5). One interior heritage tree shall be planted for every 15 spaces for parking lots over 50 spaces.
- 6). Parking Lot Accessory Structures
- I. Attendant huts, pay kiosks and other structures shall be permitted in parking lots. Such accessory structures shall only be sized and used to shelter collection and security operations related to the parking use.

XIII. 64.3.1.13.(b).6) is amended as follows

- 6) Height may be increased to match structures on contiguous lots within the same Transect Sub-District.

XIV. 64.3.1.14.(a) is amended as follows

- (a) Mechanical equipment including, but not limited to, electric meters, gas meters, water meters, exhaust fans, HVAC equipment, and refuse storage shall not be located along frontages. Mechanical equipment must be masked if visible from the street or sidewalk.

64.3.I.14.(d).2) is amended as follows:

- 1) Exterior finish in all sub-districts shall be wood or cementitious clapboard, shingles, board and batten, stucco, brick or stone

XV. 64.3.I.14.(e) is amended by the deletion of subparagraph 1),  
(subsequent subparagraphs to be renumbered accordingly)

XVI. 64.3.I.14.(f) is amended by the insertion of a new subparagraph 2) as follows  
(subsequent subparagraphs to be renumbered accordingly)

- 1) Foundations of new additions may match those of the existing building.

XVII. 64.3.I.14 is amended by the insertion of a new subparagraphs (g) and (h) as follows  
(subsequent subparagraphs to be renumbered accordingly)

(g) Fences

- 1) Fences and walls shall only be permitted in Frontages where explicitly allowed in the Frontage Standards.
- 2) A fence or wall may be installed along the side and rear property lines beyond the front façade of the building, with a maximum height of 8 feet (up to 10' may be approved in SD-WH).
- 3) Unimproved lots may have fences with a maximum height of 6 feet along any property line.
- 4) Fences and walls shall be made of the following materials: wood picket, wood slat, wood lattice, iron or steel, brick, stone, stucco over masonry, aluminum that appears to be iron.

5) Prohibited Fence Materials

- I. Barbed and Concertina wire is prohibited in frontages and in all areas that are visible from frontages.
- II. Chain link fences are prohibited in frontages and only allowed along interior property lines behind the façade of the building.

(h) Transparency

- 1) The use of reflective glass is prohibited along public frontages within the first six stories from the ground level. Tinted glass may be allowed as follows:
  - I. A minimum visible transmittance rating of .78 for all glass on the first and second floors. Awnings are preferable to tint if solar gain is an issue. On

third stories and above, a minimum transmittance rating of .68 if an awning or sun screen is not a viable or preferred option

- 2) All building facades along public frontages shall have a minimum of 20% transparency measured on each floor. Higher percentages are required for some frontage types as stipulated in Section 64-3.I.15.
- 3) Security bars on windows or doors shall not be visible from the street.

XVIII. 64.3.I.15 is amended as follows

(a) Frontages General

- 1) The frontage is the area of a property that faces a street or other public space and an assembly of components within that area. Frontage components include:
  - I. The building facade;
  - II. Structures that project from the facade such as porches, terraces, stoops, awnings, canopies, and bay windows;
  - III. Any front yard landscape elements between the building facade and the public street or space.
- 2) Frontage build-out shall be a minimum of 80% in T-5.1, and 100% in T-5.2 and T-6. In the absence of a building facade along any part of a frontage in T-5 or T-6 up to the minimum required frontage build out, a Streetscreen is required as follows:
  - I. Streetscreens shall be between 4 and 8 feet in height.
  - II. Openings in the Streetscreen for vehicular access shall be no wider than 30 feet.
  - III. Streetscreens shall be made of the following materials: brick, stone, stucco over masonry, iron, steel or aluminum that appears to be iron. Non-opaque Streetscreens require planting behind to increase opacity.
  - IV. Streetscreens are not considered fences for the purposes of the regulations of this Section.
- 3) Frontages are divided into the following types: lawn, terrace, stoop, common entry, pedestrian forecourt, vehicular forecourt, gallery, and shopfront.
- 4) Property owners shall designate which frontage type corresponds to the building(s) they own or are proposing to build and shall comply with the standards for that type when new construction or substantial improvement is proposed, or when the frontage type is changed or when the primary frontage of the property is redesignated to another street on a corner lot. New additions to existing buildings are not required to designate frontage types.
- 5) A shop front frontage is required for all ground floor commercial uses fronting the A-Street portions of Dauphin, Conti, and St. Joseph Streets shown on Plate B- "Regulating Plan- Street Hierarchy." All other T-5 and T-6 ground floor commercial

uses must have transparent windows covering a minimum of 30% of the surface between 2 and 12 feet above the abutting sidewalk.

- 6) Where buildings have multiple frontages or multiple buildings are located on one property, similar frontage types should be selected for all frontages.
- 7) Walkways providing access to the primary entrance and secondary entrances are limited to one per frontage no wider than 5 feet each.
- 8) Loading docks and service areas up to a combined width of 30 feet may be incorporated into frontages as follows:
  - I. At secondary frontages towards the rear of the property.
  - II. At primary frontages where properties have no secondary frontage and property width exceeds 120 feet.
  - III. At all frontages within SD-WH.
- 9) First floor elevation requirements in this Section may be exceeded where the 100-year flood plain (AE) and 500-year flood plain (X-shaded) requires buildings be raised beyond the specified ranges. Note: On commercial developments only, flood proofing may be used to achieve compliance with the Storm Water Management and Flood Control Ordinance and is an alternative to elevating the structure. (See Section 17-26(e)(3).

XIX. 64.3.I.15. is amended to insert new subparagraphs (b) and (c), and read as follows:

**(b) Encroachments General**

- 1) Balconies may project from the façade three feet and may extend into the right-of-way with a permit and Right of Way Use Agreement from the City Engineer.
- 2) Permanent encroachments/permanent structures greater than 3 feet in height constructed in the right of way require a permit from the City Engineer and a Right of Way Use Agreement. The Right of Way Permit and the Right of Way Use Agreement may require procurement and maintenance of general liability insurance naming the City as an additional insured.

Awnings and canopies shall not be considered permanent structures and do not require a permit from the City Engineer.

**(c) Frontage Standards for Additions to Existing Buildings**

**1) Additions to Existing Buildings in General**

- I. Existing nonconforming buildings are not required to meet Frontage Type requirements unless the frontage is reoriented.



II. Additions to existing buildings may match the foundations, porch depth, and finished floor elevations of the existing building.

III. New addition encroachments into the front setback are permitted as follows:

i. Porches, stairs, stoops, and ramps may encroach into the front setback as follows:

a. Up to 50% of the front setback depth in T-3 and 100% in all other sub-districts.

b. Porches shall be no less than 8 feet deep in T-3, and 5 feet deep in T-4.

2) Additions to Existing Buildings in T-3 Sub-districts

I. The finished floor elevation, shall be between 16 and 48 inches above average grade along the front property line if it does not match that of the existing structure.

II. The front yard may be raised up to 36" above sidewalk grade to form a terrace.

III. A fence or wall may be installed along the front property line and the side lot lines to the façade of the building, with a maximum height of 4 feet.

IV. Shopfronts and Galleries are prohibited in T-3.

3) Additions to Existing Buildings in T-4 Sub-districts

I. The first floor finished floor elevation, if it does not match the existing, shall be between 16 and 48 inches above average grade along the front property line. If a shopfront frontage is incorporated, the finished floor may be at sidewalk level.

II. The front yard may be raised up to 36" above sidewalk grade to form a terrace.

III. A fence with or without masonry piers is permitted at the front property line and the side lot lines to the façade of the building, with a maximum height of 4 feet.

IV. T-4 Frontages may be paved up to 100% of their area. Paving shall consist of unit masonry or concrete.

V. Shopfronts maybe permitted in T-4. Galleries are prohibited.

4) Additions to Existing Buildings in T-5 Sub-districts

I. The finished floor elevation, if it does not match the existing, shall be a maximum of 30 inches above average grade along the front property line.

II. A raised terrace is permitted in the frontage up to 20" above sidewalk grade.

- III. A fence with or without masonry piers is permitted at the front property line and the side lot lines to the façade of the building, with a maximum height of 4 feet. Wood fences are not allowed in T-5.2.
- IV. Walkways providing access to the building entrances are limited to one per entrance no wider than 5 feet each.
- V. Frontages may be paved up to 100% of their area. Paving shall consist of unit masonry or concrete.
- VI. A primary entry courtyard may be incorporated into the frontage with a portion of the facade recessed more than the maximum front setback. The primary entry courtyard shall not exceed 600 sf. in yard area.
- VII. Shopfronts and Galleries are permitted in T-5.

5) Additions to Existing Buildings in T-6 Sub-districts

- I. The finished floor elevation, if it does not match the existing, shall be a maximum of 30 inches above average grade along the front property line.
- II. A raised terrace is permitted in the frontage up to 20" above sidewalk grade.
- III. A fence with or without masonry piers is permitted at the front property line and the side lot lines to the façade of the building, with a maximum height of 4 feet. Wood fences are not allowed in T-6.
- IV. Frontages may be paved up to 100% of their area. Paving shall consist of unit masonry or concrete.
- V. A primary entry courtyard may be incorporated into the frontage with a portion of the facade recessed more than the maximum front setback. The primary entry courtyard shall not exceed 1600 sf. in yard area.
- VI. Shopfronts and Galleries may be permitted in T-6.

6) Additions to Existing Buildings in SD-WH Sub-districts

- I. The finished floor elevation, if it does not match the existing, shall be a maximum of 30 inches above average grade along the front property line.
- II. A raised terrace is permitted in the frontage up to 20" above sidewalk grade.
- III. An iron fence with or without masonry piers is permitted at the front property line and the side lot lines to the façade of the building, with a maximum height of 6 feet.
- IV. Frontages may be paved up to 100% of their area. Paving shall consist of unit masonry or concrete.
- V. A primary entry courtyard may be incorporated into the frontage with a portion of the facade recessed more than the maximum front setback. The primary entry courtyard shall not exceed 1600 sf. in yard area.

VI. Shopfronts may be permitted in SD-WH. Galleries are prohibited.

XX. 64.3.I.15. is amended to create a new subparagraph (d), relocate Table 3, and read as follows:

TABLE 3: Frontage Type Summary

Frontage Type	Transect sub-districts					
	T3	T4	T5.1	T5.2	T6	SD-WH
Lawn	<input type="checkbox"/>	<input type="checkbox"/>	-	-	-	<input type="checkbox"/>
Terrace	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	-	<input type="checkbox"/>
Stoop	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Common Entry	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	-	<input type="checkbox"/>
Pedestrian Forecourt	-	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicular Forecourt	-	-	-	-	<input type="checkbox"/>	<input type="checkbox"/>
Gallery	-	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	-
Shopfront	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Key:    - Prohibited     Permitted

(d) Frontage Standards for New Construction

- 1) New Construction Frontage Type: Lawn (permitted in T-3, T-4, and SD-WH only)
  - I. General Characteristics: the facade is set back from the front property line with the first story elevated from the sidewalk for privacy and principal entry accessed by a porch or stoop.
  - II. The finished floor elevation of the first floor shall be a minimum of 16 inches and a maximum of 48 inches above average grade along the front property line.
  - III. Encroachments into the front setback are permitted as follows:
    - i. Porches, stairs, and ramps may encroach into the front setback up to 50% of its depth in T-3 and 100% in T-4. Porches shall be no less than 8 feet deep in T-3 and 4 feet deep in T-4.
    - ii. Bay windows, roof overhangs, cornices, window and door surrounds and other facade decorations may encroach into the front setback up to 2 feet.

- iii. Stoops may encroach into the front setback up to 4 feet.
- iv. Stoops may be covered by a roof structure supported by columns or wall brackets.

IV. Fences may be permitted as follows:

- i. A fence or wall may be installed along the front property line and the side lot lines to the façade of the building, with a maximum height of 4 feet.
- ii. A fence or wall may be installed along the side and rear property lines beyond the front façade of the building, with a maximum height of 8 feet. (up to 10' may be approved in SD-WH).
- iii. Fences and walls shall be made of the following materials: wood picket, wood slat, wood lattice, iron or steel, brick, stone, stucco over masonry, aluminum that appears to be iron.

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

VI. Building foundations shall be brick, stone, or stucco pier and inset fill-panel construction, or chain wall construction with panels inset to resemble pier and infill panel construction. Infill between piers shall be brick, stone, stucco, wood lattice, or vertical wood picket and shall be recessed so that piers protrude from the infill.

2) New Construction Frontage Type: Terrace (permitted in T-4, T-5, and SD-WH only)

- I. General Characteristics: The facade is set back from the front property line by an elevated patio.
- II. The finished floor elevation of the first floor shall be a minimum of 20 inches and a maximum of 36 inches above average grade along the front property line.
- III. A raised terrace is required as follows:

- i. A terrace between 20 and 36 inches above sidewalk grade shall encroach into the front setback for 100% of the width of the facade at the primary frontage, except where driveways are permitted in which case the terrace may occupy less than 100% of the frontage. Additions to existing non-compliant structures are not required to meet percentage-specified requirement.
- ii. The terrace shall be a minimum of 8 feet deep and may extend to the front property line. Terrace surfaces may be paved or landscaped.

**IV. Awnings are permitted as follows:**

- i. Awnings shall be fabric and may be fixed or movable.
- ii. Awnings at ground floor level shall span a minimum of 80% of the frontage without gaps except between separate businesses and where an awning covers only the primary entrance, it shall be the width of the primary entrance.
- iii. Awnings on the second floor or above shall cover only a window or door and shall be the width of the window or door.
- iv. An awning may be installed over doors on secondary frontages provided that it projects no more than 6 feet from the building.
- v. Awnings at the ground floor level shall extend from the facade a minimum of 6 feet and shall not extend beyond a terrace, if one exists. Exceptions are:
  - a. that an awning covering only the primary entrance may extend a minimum of 3 feet; and
- vi. All awnings shall be set back from the curb a minimum of 2 feet.
- vii. A minimum of 8 foot clearance to the bottom of the frame shall be maintained above sidewalk or terrace.

V. Fences and walls are allowed only when they are necessary as part of the terrace structure or to provide a safety railing. Walls shall be brick, stone or stucco. Rails shall be iron, steel or aluminum that appears to be iron.

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

VII. In T-5 and SD-WH, frontages may be paved up to 100% of their area. Paving shall consist of unit masonry or concrete.

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

**3) New Construction Frontage Type: Stoop (permitted in T.4, T5, T6, and SD-WH only)**

- I. General Characteristics: the facade is aligned close to the front property line with the first story elevated from the sidewalk for privacy, and an exterior stair and landing at the building entrance.
- II. The finished floor elevation of the first floor shall be a minimum of 20 inches and a maximum of 36 inches above average grade along the front property line.
- III. A stoop is required as follows:
  - i. A masonry stoop between 20 and 36 inches above sidewalk grade may encroach into the front setback at the primary entrance. Additional stoops may be located at secondary entrances.

- ii. Stoops shall be between 4 and 6 feet deep.
  - iii. Stoops may be recessed into the building facade as an alternative to encroaching into the setback.
  - iv. Stairs providing access to a porch or stoop may encroach up to the property line.
  - v. Stoops may be covered by a roof structure supported by columns or wall brackets.
- IV. An iron fence with or without masonry piers is permitted at the front property line in T.4.
- V. In T-4, walkways providing access to the building entrances are limited to one per entrance no wider than 5 feet each.
- VI. Frontages may be paved up to 100% of their area. Paving shall consist of unit masonry or concrete.
- 4) New Construction Frontage Type: Common Entry (permitted in T4, T5, and SD-WH only)
- I. General Characteristics: a single point of entry is provided for multiple units or uses in one building.
  - II. The finished floor elevation of the first floor shall be a no more than 30 inches above average grade along the facade.
  - III. Awnings are permitted as follows:
    - i. Awnings shall be fabric and may be fixed or movable.
    - ii. Awnings at ground floor level shall span a minimum of 80% of the frontage without gaps except between separate businesses and where an awning covers only the primary entrance, it shall be the width of the primary entrance.
    - iii. Awnings on the second floor or above shall cover only a window or door and shall be the width of the window or door.
    - iv. An awning may be installed over doors on secondary frontages provided that it projects no more than 6 feet from the building.
    - v. Awnings at the ground floor level shall extend from the facade a minimum of 6 feet and shall not extend beyond a terrace, if one exists. Exceptions are:
      - a. that an awning covering only the primary entrance may extend a minimum of 3 feet; and
    - vi. All awnings shall be set back from the curb a minimum of 2 feet.
    - vii. A minimum of 8 foot clearance to the bottom of the frame shall be maintained above sidewalk.
  - IV. Stairs providing access to entrances may encroach up to the property line.



- V. An iron fence with or without masonry piers is allowed at the front property line in T-4.
- VI. In T-4, walkways providing access to the building entrances are limited to one per entrance no wider than 5 feet each.
- VII. Frontages may be paved up to 100% of their area. Paving shall consist of unit masonry or concrete.
- VIII. Common Entry frontages may include all elements of a shopfront frontage located at sidewalk level.

5) New Construction Frontage Type: Pedestrian Forecourt (T5, T6, and SD-WH only)

- I. General Characteristics: a portion of the facade is close to the front property line and remaining facade is set back from the front property line to create an entry courtyard.
- II. The finished floor elevation of the first floor shall be no more than 18 inches above average grade along the facade, except at the entry, which shall be at grade.
- III. An entry courtyard is required as follows:
  - i. The entry courtyard shall be located at the primary entrance.
  - ii. The entry courtyard shall be no larger than 600 square feet.
  - iii. The entry courtyard shall be bound by building facades on a minimum of 2 sides.
  - iv. The width of the entry courtyard counts toward frontage build out.
- IV. Awnings and canopies are permitted as follows:
  - i. Awnings shall be fabric and may be fixed or movable.
  - ii. Canopies shall be fixed and constructed of metal or wood.
  - iii. Awnings at ground floor level shall span a minimum of 80% of the frontage without gaps except between separate businesses and where an awning covers only the primary entrance, it shall be the width of the primary entrance.
  - iv. Awnings on the second floor or above shall cover only a window or door and shall be the width of the window or door.
  - v. An awning may be installed over doors on secondary frontages provided that it projects no more than 6 feet from the building.
  - vi. Awnings at the ground floor level shall extend from the facade a minimum of 6 feet and shall not extend beyond a terrace, if one exists. Exceptions are:

- a. that an awning covering only the primary entrance may extend a minimum of 3 feet; and
    - vii. All awnings shall be set back from the curb a minimum of 2 feet.
    - viii. A minimum of 8 foot clearance to the bottom of the frame shall be maintained above sidewalk.
  - V. Pedestrian forecourt frontages may include all elements of a shopfront along front property lines and within the entry courtyard.
  - VI. Pedestrian forecourt frontages may include all elements of a gallery frontage except within the entry courtyard.
- 6) **New Construction Frontage Type: Vehicular Forecourt (permitted T6 and SD-WH only)**
  - I. General Characteristics: a portion of the facade is close to the front property line and remaining facade is set back from the front property line to create an entry courtyard for vehicular access.
  - II. Courtyards shall recess no more than 50% of the building facade.
  - III. The finished floor elevation of the first floor shall be no more than 18 inches above average grade along the facade, except at the entry, which shall be at grade.
  - IV. An entry courtyard is required as follows:
    - i. The entry courtyard shall be located at the primary entrance.
    - ii. The entry courtyard shall be no larger than 1600 square feet and shall be no wider than 50% of the width of the frontage.
    - iii. The entry courtyard shall be bound by building facades on a minimum of 2 sides.
    - iv. The width of the entry courtyard counts toward frontage build out.
  - V. Awnings and canopies are permitted as follows:
    - i. Awnings shall be fabric and may be fixed or movable.
    - ii. Canopies shall be fixed and constructed of metal or wood.
    - iii. Awnings at ground floor level shall span a minimum of 80% of the frontage without gaps except between separate businesses and where an awning covers only the primary entrance, it shall be the width of the primary entrance.
    - iv. Awnings on the second floor or above shall cover only a window or door and shall be the width of the window or door.
    - v. An awning may be installed over doors on secondary frontages provided that it projects no more than 6 feet from the building.

- vi. Awnings at the ground floor level shall extend from the facade a minimum of 6 feet and shall not extend beyond a terrace, if one exists. Exceptions are:
  - a. that an awning covering only the primary entrance may extend a minimum of 3 feet; and
  - b. awnings on Vehicular Forecourt Frontages may extend 12 feet except where installed as a porte-cochere in which case the maximum depth is 30 feet.
- vii. All awnings shall be set back from the curb a minimum of 2 feet.
- viii. A minimum of 8 foot clearance to the bottom of the frame shall be maintained above sidewalk.

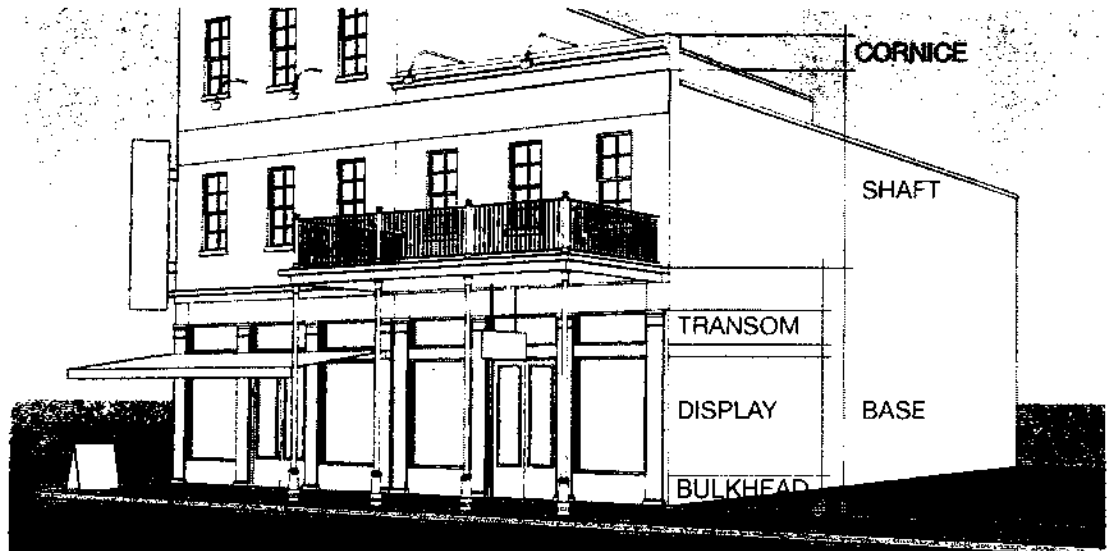
VI. Frontages may be paved up to 100% of their area. Paving shall consist of unit masonry or concrete.

7) New Construction Frontage Type: Gallery (permitted in T-5 and T-6 only)

- I. General Characteristics: the facade is aligned close to the front property line with an attached lightweight colonnade overlapping the sidewalk.
- II. The finished floor elevation of the first floor shall be no more than 18 inches above average grade along the facade, except at the entry, which shall be at grade.
- III. A gallery is required as follows:
  - i. Galleries may encroach into the public right-of-way to within 2 feet of the curb provided that a minimum 5 feet of continuous, clear, paved pedestrian path be maintained along the public sidewalk. A right-of-way permit is required for galleries.
  - ii. Galleries shall be a minimum of 7 feet in depth and 12 feet in height.
  - iii. Galleries shall span a minimum of 80% of the facade without gaps.
- IV. Galleries shall be supported by columns, configured as follows:
  - i. Columns shall be centered on the spandrel beam.
  - ii. Columns shall be round metal and have a diameter of 3 inches min. to 6 inches max.
  - iii. Columns shall have a base, shaft and capital.
  - iv. Columns shall be located a minimum of 7 feet from the facade.
- V. Gallery decks shall be configured as follows:
  - i. Gallery decks shall be no more than 9 inches thick, including all structure and surface.
  - ii. Gallery deck structure shall be exposed.

- iii. Gallery decks shall be located above the top of transom windows.
- VI. Second story railings shall be painted metal.
- VII. Second story columns and railing posts shall align with columns below.
- VIII. Where galleries interrupt street lighting, a minimum of 1/2 foot candle lighting shall be provided within the gallery.
- IX. Frontages may be paved up to 100% of their area. Paving shall consist of unit masonry or concrete.
- X. Gallery frontages may include all elements of a shopfront frontage.

Illustration 4: Shopfront Elevation Elements



Cornice: Trim required at the eave or top of parapet. May include one or more habitable floors for buildings over 6 stories.

Shaft: Determined by the building height.

Base: A minimum of 16 feet in height as measured from the average sidewalk grade at the building frontage. For buildings over 6 stories, the base should extend to the vertical extent of the second story.

**8) New Construction Frontage Type: Shopfront (permitted in T4, T5, T6, and SD-WH only)**

- I. **General Characteristics:** the building facade at the ground floor is substantially glazed to provide visibility into interior spaces. Shopfronts may include display cases that project forward and recessed entries. Shopfront frontages may be used alone as a frontage type or in combination with other frontage types.

- II. The finished floor elevation of the first floor shall be no more than 18 inches above average grade along the facade, except at the entry, which shall be at grade.
- III. Shopfronts are subject to the following design requirements:
  - i. Shopfronts shall be designed with a bulkhead, display window and transom as generally described in Illustration 4.
  - ii. Bulkheads shall be 18 to 30 inches in height.
  - iii. Transom windows shall have dividing muntins and be free of signage.
  - iv. Shopfront Sign(s) shall be installed above transom windows.
  - v. Base height of a Shopfront shall a minimum of 16 feet, measured from grade to top of base cornice.
- IV. Shopfronts are subject to the following glazing and coverage requirements:
  - i. Shopfronts shall provide ground floor glazing (display windows) for visibility into interior spaces for no less than 50% of the shopfront area, calculated separately for each frontage. The shopfront area width is defined by the width of the frontage and height is defined by the area between the sidewalk grade and the bottom of the second floor or roof structure.
  - ii. Where shopfronts occur along primary frontages, they shall cover no less than 80% of its length.
  - iii. Where shopfronts occur along secondary frontages, they shall cover no less than 30% of its length.
  - iv. Entries may be recessed from the facade up to 8 feet in depth.
- V. Ground floor movable commercial uses may utilize the public sidewalk for seating, serving, displays of merchandise and other business related activities as long as a 5 foot minimum clear sidewalk passage is maintained.
- VI. Shopfront frontages not combined with other frontages may include awnings and canopies as follows:
  - i. Awnings shall be fabric and may be fixed or movable.
  - ii. Canopies shall be fixed and constructed of metal or wood.
  - iii. Awnings at ground floor level shall span a minimum of 80% of the frontage without gaps except between separate businesses and where an awning covers only the primary entrance, it shall be the width of the primary entrance.
  - iv. Awnings on the second floor or above shall cover only a window or door and shall be the width of the window or door.

- v. An awning may be installed over doors on secondary frontages provided that it projects no more than 6 feet from the building.
- vi. Awnings at the ground floor level shall extend from the facade a minimum of 6 feet and shall not extend beyond a terrace, if one exists. Exceptions are:
  - c. that an awning covering only the primary entrance may extend a minimum of 3 feet; and
- vii. All awnings shall be set back from the curb a minimum of 2 feet.
- viii. A minimum of 8 foot clearance to the bottom of the frame shall be maintained above sidewalk.

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

XXI. 64.3.1.16 and specific sign types in Table 5 are amended or inserted to read as follows:

**.16 BUILDING REQUIREMENTS: SIGNAGE STANDARDS**

**(a) General Requirements**

- 1) Installation of signs must be permitted as specified in Section 64-11 (11).
- 2) Signage may be permitted according to Table 5, specifying the type, location and size of signs and copy. Signage is limited to one of each permitted sign type for each separate business except that building signs, corner signs and marquees are limited to one per building and painted wall signs are limited to one per secondary frontage and wall internal to a lot but visible from sidewalks.
- 3) Parking lots throughout the district may install one Parking sign.
- 4) Signage, if illuminated, shall be illuminated externally. Neon and back-lit, reverse channel signs are allowed. Internally-illuminated letters are not allowed.
- 5) One address number, no larger than one square foot, shall be attached to the building in proximity to the primary entrance.
- 6) Sign materials shall be compatible with the materials of the building on which it is placed and the district. New materials that achieve the effect of traditional materials and lighting solutions will be considered on a case by case basis.
- 7) Signage projecting forward from building walls exceeding 1 foot in depth shall maintain a minimum 8 foot clearance above adjacent grade.



- 8) All signage permitted in this section except for yard signs may encroach into the right-of-way.
- 9) Painted murals may be permitted along secondary frontages and walls internal to a property. Painted murals may include copy related to the building or business occupying the building, subject to the requirements of painted wall signs.
- 10) Banners that comply with section 64-11 of the City Code, as amended are permitted.

**(b) Neon and LED Signs**

- 1) Non-animated neon and LED Signs are allowed inside storefront windows.
- 2) The maximum brightness levels for such signs shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness, during daylight hours.
- 3) The maximum brightness levels for such 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.

**(c) Upper Building Signs**

- 1) A maximum of 2 Upper Building Signs a minimum of 40 feet above grade may be installed on 2 separate facades on buildings more than 10 stories high.
- 2) Upper Building Signs are limited to the following:
  - I. the identification of the building or the name of 1 tenant of the building;
  - II. a maximum of 80% of the width of the building wall upon which it is placed;
  - III. a maximum of 1 horizontal or vertical line of letters or symbols;
  - IV. a maximum font size of 8 feet in any dimension;
  - V. a maximum logo or emblem size of 10 feet in any dimension.

**(d) Abandonments**

- 1) An abandoned sign must be removed within ninety (90) days from the date official notice is given by the inspection services department. Permanent on-

site signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandonment unless property remains vacant for a period of six (6) months or more.

(e) Residential Uses, Home Offices and Live-works in T-3 and T-4

- 1) Signage shall not be illuminated.
- 2) Home business signage may be permitted in accordance with Illustration 6, specifying the type, location and size of signs and copy. Signage is limited to one of each permitted sign type per property.

**TABLE 5: SIGNAGE STANDARDS**

Sign	Restrictions			
	Number	Area	Copy	Sub-districts
1. Sandwich Board Signs	1 per business, shall be removed outside of business hours	Maximum 2 ft. wide and 3 ft. tall  Sandwich Board shall not reduce pedestrian passage width to less than 4 ft.	No restrictions	T-4, T-5, T-6, SD-WH
5. Upper Building Signs	1 per building located within the frieze or upper portion of the storefront if there is not a frieze	Maximum 3 feet tall by building length	No restrictions	T-4, T-5, T-6, SD-WH
7. Individual Storefront	1 per business	Maximum 2 ft. tall by store length (or to fit within a frieze or architectural	No restrictions	T-4, T-5, T-6, SD-WH

		feature)		
10. Yard Blade	1 per lot with home business or in non-residential use	Maximum 5 sq. ft.	No restrictions	T-3, T-4, T-5, T-6, SD-WH
12. Wall Plaque	1 per business (located on the building) 1 per parking lot (located on an architectural feature of the required parking lot screening)	Maximum 2 sq. ft. in T-3, T-4, and 8 sq ft in T-5, T-6	No restrictions	T-3, T-4, T-5, T-6, and SD-WH

Sign	Restrictions			
	Number	Area	Copy	Sub-districts
13. Wayfinding Signs	May be located on right-of-way or private property. 1 per block or site	Maximum 5 ft. tall; Maximum 20 SF of signage per face, Maximum total of 50 SF of signage on all faces.	No Restrictions	Allowed on A Streets in T-4, T-5, T-6, and SD-WH.
14. Monument Signs	1 per site	Maximum 6 ft. tall; Maximum 8 ft wide; Maximum 25 SF of signage each face, Maximum total of 50 SF of signage on all faces.	No Restrictions	Allowed in T-4, T-5, and SD-WH.
15. Free- Standing / Pole Signs	1 per site	Maximum 8 ft. tall; Maximum 5 ft wide; Maximum 20 SF of signage each face, Maximum total of 40 SF of signage on all faces.	No Restrictions	Allowed in T-4, T-5, and SD-WH.

Sign	Restrictions			
	Number	Area	Copy	Sub-districts
16. Banners	1 per site; Maximum of 3 occurrences per year, Minimum of 30 days between occurrences	Maximum 4 ft. X Maximum 8 ft; Maximum 32 SF of Banner Material.	No Restrictions	Allowed in T-4, T-5, T-6 and SD-WH.
17. Parking Lot Identification Signs	1 per driveway	Maximum height 10 ft. (including mount); Maximum 2 ft tall; Maximum 3 ft wide; Maximum 6 SF of signage.	No Restrictions	Allowed in T-4, T-5, T-6 and SD-WH.

XXII. 64.3.1.17 The following definitions are amended, inserted, or deleted (double strike through), to read as follows:

Paragraph 64-3.1.17 provides definitions for terms in this Section that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this Section, then the Planning & Zoning Department shall determine the correct definition.

**A-Streets:** those thoroughfares that by virtue of their pre-existing pedestrian-supportive qualities, or their future importance to pedestrian connectivity, are held to the highest standards prescribed by this Code. See B-Street.

**B-Streets:** those thoroughfares that by virtue of their use, location, or absence of pre-existing pedestrian-supportive qualities, may meet a standard lower than that of A-Streets. See A-Street.

**Banner:** Any sign of lightweight fabric or similar material that is securely mounted to a building.

**Brew Pub:** an establishment licensed as and meeting the qualifications of a brewpub under the state alcoholic beverage control laws, including Title 28, Chapter 4A of the Code of Ala. 1975, which qualifications include but are not necessarily limited to the requirements that such brewpub must contain and operate a restaurant with a seating capacity of not less than eighty (80), and that the beer shall be sold at retail for on premises consumption only.

~~**C Streets:** those thoroughfares that by virtue of their use, location, orientation towards the automobile, and absence of pre-existing pedestrian supportive qualities, may meet a standard lower than that of B Streets and A Streets. See A Street and B Street.~~

**Chapter:** refers to Chapter 64- "Zoning" of the city code.

**Fence:** a permeable wall, independent of a building, made of wood picket, wood slat, wood lattice, iron or steel, brick, stone, stucco over masonry, aluminum that appears to be iron. A fence may be of chain link only in limited conditions along side and rear yards and never in frontages.

**Freestanding sign:** Any sign supported by structures or posts that are placed on, or anchored in, the ground and that are independent from any building or other structure. (also referred to as Pole Signs)

**Hedge:** a foliated boundary formed by bushes, shrubs, or climbing vines spaced less than 3 feet apart.

**Monument sign:** A monolithic at grade sign independent from any building or structure.

~~**Municipal District:** a designation for sites dedicated for public buildings, squares, or greens.~~

**Parking Lot Sign:** A sign to identify the entrance of a parking lot. Maximum height, including mount, is 10'.

**Retail:** premises available for the sale of merchandise, food service, entertainment, performance, and/or theater, and personal services such as hair salon, barber, seamstress or personal trainer, etc.

**Sidewalk:** the paved portion of the right of way and/or frontage dedicated exclusively to pedestrian activity.

**Stoop:** an exterior stair and landing at the building entrance. Stoops may be covered by a roof structure supported by columns or wall brackets.

**Streetscreen:** a freestanding wall or fence/planting combination built or located along the front property line, or on the same plane with a façade for the purpose of masking views and providing a street wall.

**Terrace:** a paved or landscaped front yard elevated above the grade of the sidewalk.

**This Section:** Refers to Section 3- "Districts" of Chapter 64- "Zoning" of the City of Mobile Code.

**Wayfinding Sign:** A sign that is intended to direct pedestrian or vehicular traffic to specific areas or amenities. Wayfinding signs are not internally lighted, and are generally of a cohesive design for specific areas or types. Wayfinding signs may be mounted on utility poles. Wayfinding signs are not advertisements for individual businesses.

**Section Two:** All ordinances and laws of the City of Mobile, or parts thereof, that are in conflict with the provisions of this Ordinance, are hereby repealed, with the exception that the respective jurisdictions of the Architectural Review Board and the Mobile Historic Development Commission are hereby preserved over all properties within the Downtown Development District ("DDD") that are located within a historic district. All properties within the DDD that are located within a historic district must, in addition to complying with the development standards of this Ordinance, also comply with the applicable requirements of the Architectural Review Board.

**Section Three:** The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.

**Section Four:** This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Adopted: 01-17-17



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City Clerk