

Chapter 64 Unified Development Code

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Article VI Use Regulations

Section 64-101 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.

Section 64-102 Accessory Structures or Uses



Purpose: This Section recognizes and accommodates structures or uses that customarily incidental to a principal, 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.

1. Applicability

- (a) This section applies to any Accessory Dwelling Unit (“ADU”).
- (b) An ADU is a secondary, independent living facility located in, or on the same lot as, a single-family residence. This includes a building or part of a building that provides complete independent living facilities for one or more people, including a kitchen, living room, bathroom, and bedroom, and that is -
 - (1) Attached to the principal dwelling, or
 - (2) A detached building on the same lot.

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

Article VI Use Regulations |Section 64-102 Accessory Structures or Uses

(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.

(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. Easements. Easements shall be dedicated for separate utilities to be provided to each dwelling unit.

7. Building Standards

(a) The architectural style of the secondary dwelling structure shall conform to the design of the principal structure with regard to building materials, roof pitch, and window orientation.

(b) All structures shall meet or be brought up to current building code requirements.

(c) The ADU shall obtain a separate address.

8. Parking. The ADU shall have a maximum of one off-street parking space with access to a public street from the existing driveway. This space may be located in the established front yard of the principal structure.

B. Dumpsters¹

1. Dumpsters shall not be placed in a front yard, a required landscaped buffer, or in the street right-of-way.

Article VI Use Regulations | *Section 64-102 Accessory Structures or Uses*

2. 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 (“D”), Downtown Waterfront (“DW”), Corridor-Traditional (“CT”) where waste removal is mitigated by truck routing may require approval pursuant to the Mobile Rights-of-Way Construction and Administration Ordinance (↔ *City Code Chapter 57, Article VIII*).
3. All dumpsters shall be enclosed within a wooden or brick enclosure of at least the height of the enclosed dumpster, but in no case to exceed 8 feet in height. The dumpster enclosure may also 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.
4. 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.
5. The floor or pad of the dumpster enclosure must be equipped with a connection to the sanitary sewer. Any discharge or runoff from the enclosure shall:
 - (a) Be directed and contained so that it does not drain into any storm water drain, as required by the City Engineering Department, or
 - (b) Be subject to an alternative plan approved by the City Engineer, that does not allow leakage of contaminants.
6. Construction dumpsters, used for construction projects, are exempt from this paragraph.

C. Home Occupations

1. A home occupation shall be incidental to a residential use of the premises.
2. No article shall be sold or offered for sale unless it is produced by members of the family residing in the dwelling.
3. 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.
4. Home occupations may include 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.
5. The services shall be performed by persons occupying the home occupation as their private dwelling.
6. No additional persons shall be employed in the home occupation on the premises.

D. Mechanical Equipment Setbacks²

1. In any district, the minimum yard setback for any mechanical equipment (HVAC units, generators, pumps, etc.) with a height of 3 feet or more above grade shall be a distance equal to the underlying setbacks of that district.

Article VI Use Regulations | *Section 64-102 Accessory Structures or Uses*

2. In the Downtown (“D”), Neighborhood Center-Traditional (“NCT”), and Corridor Traditional (“CT”) districts:³

- (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.
- (b) Subsection 1 does not apply, but mechanical equipment must be masked or set back so as not to be visible from the street or sidewalk.

E. Outside Storage⁴

In the CM districts, a 6 foot privacy fence shall be provided, and inventory shall not be stacked higher than 6 feet.

F. Swimming pools⁵

1. 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.
2. 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.
3. A swimming pool must be located from any side or rear property line or structure a distance equal to at least 1 foot greater than the maximum depth of the swimming pool.
4. A swimming pool shall not be located in any required front yard or corner lot side yard facing an intersecting street.
5. A swimming pool, and the area around the swimming pool, shall be enclosed by a fence of at least 4 feet in height, and the fence shall be equipped with a self closing and latching gate.

Section 64-103 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.*

A. Applicability

1. For purposes of this section, “adaptive reuse” means the rehabilitation or expansion of an existing building (as qualified by subsections 2 and 3 below) in a manner that complies with current, applicable building code standards.
2. This section applies 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 designated historic structure, or an 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 a court of competent jurisdiction.
3. 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

Article VI Use Regulations |Section 64-103 Adaptive Reuse

- 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:

(A)	(B)	(C)
Incentive	Existing Building Rehab (see subsection B.1(a) above)	Expansion (see subsection B.1(b) above)
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 is maintained.	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)	If impervious surfaces on the site do not increase, no additional stormwater improvements are required.	Same as Column (B). The stormwater management requirements of Article 3 apply to any expansion of impervious surfaces.

Section 64-104 Adult businesses⁶



Purpose. *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. 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. Nothing in this ordinance shall be construed to authorize, permit, or legalize any activities otherwise prohibited by law or ordinance.*

A. Prohibitions

1. The establishment, enlargement, expansion, increase, reconstruction, resumption or structural alteration of any adult entertainment enterprise shall be prohibited if such business 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.
2. It shall also be prohibited to establish, enlarge, reconstruct, resume or structurally alter any adult entertainment enterprise located within 2,000 feet of any existing adult entertainment enterprise.

B. 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.

C. 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.

D. 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.

E. 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

Article VI Use Regulations |Section 64-105 Alternative Financial Service Providers

assessed by the city's environmental judge, not to exceed five hundred dollars (\$500.00) per violation.

F. Enforcement

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

G. 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.

Section 64-105 Alternative Financial Service Providers⁷



Purpose: *This section is intended to reduce the concentration of Alternative Financial Service Providers in certain areas of the city in order 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 general welfare of the citizens of Mobile, while also maintaining access to such providers for citizens with limited access to other types of lending options.*

A. Location

1. An Alternative Financial Service Provider shall be located at least 1,000 linear feet from property zoned or used for residential purposes.
2. An Alternative Financial Service Provider shall be located at least one-half mile from another Alternative Financial Service Provider. This distance shall be measured from one provider's property line closest to the nearest property line of the other provider.

B. Hours of Operation

The hours of operation of Alternative Financial Service Providers are limited to between 8:00 a.m. and 9:00 p.m.

Section 64-106 Coal Handling Operations



Purpose: *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.*

A. Applicability

1. **Definition.** This section applies to any “coal handling facility,” defined as any building or structure use to grind, crush, pick, screen, convey, store, or stockpile coal in order to prepare it for transportation or sale on the market. For purposes of this subsection, “coal” means any material composed predominantly of hydrocarbons in a solid state. This definition 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.

Article VI Use Regulations |Section 64-107 Convenience Stores and Gas Stations

- (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 on the effective date of this Section 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.
- (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.

Section 64-107 Convenience Stores and Gas Stations



Purpose: *This section is intended to reduce the concentration of Convenience Stores and Gas Stations 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. Applicability

This section applies to any Convenience Store or Gas Station (as defined in Article XII), 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.

C. Hours of Operation

1. When located less than 1,0000 linear feet of a property zoned RL, the hours of operation of Convenience Stores or Gas Stations are limited to between 6:00 a.m. and 11:00 p.m.
2. GAs pumps where users pay at the pump using a credit, debit, or fuel card may operate 24 hours per day if any associated convenience store or other facility (such as a car wash) complies with the hours of operation limitation specified above.

Section 64-108 Drive-thru businesses⁸

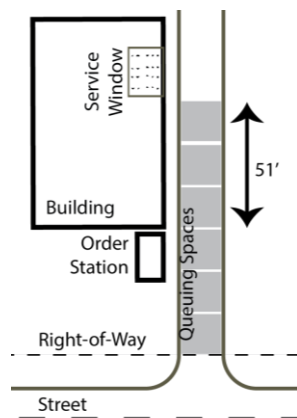


Purpose: *Because of the unique character of these types of businesses, site development and traffic control standards are necessary to insure the protection of the public and community from potentially hazardous and adverse conditions.*

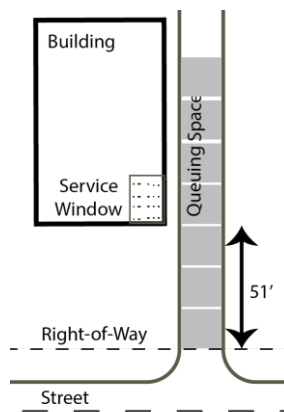
Article VI Use Regulations |Section 64-108 Drive-thru businesses

A. Vehicle Stacking Area

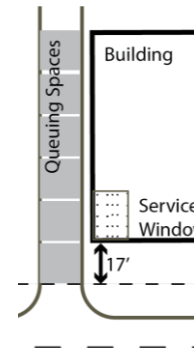
1. A queuing space is defined as a minimum of 9 feet wide by 17 feet long.
2. All drive-thru lanes shall conform to AASHTO standards, but shall in no case be less than 9 feet in width.
3. Each drive-thru lane shall provide at least 3 queuing spaces from the street right-of-way to the order station if 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 street 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 street right-of-way.



Subsection 3, 4 above



Subsection 5 above



Subsection 6 above

7. Each drive-thru lane shall be striped, marked, or otherwise distinctly delineated in accordance with the Alabama Manual on Uniform Traffic Control Devices 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.

B. Screening

Where a drive-thru business adjoins residentially zoned (RL, RM) property or a residential used building site, a 6-foot high masonry wall or wooden privacy fence shall be constructed and maintained on interior property lines.

C. 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.

Article VI Use Regulations |Section 64-109 Fences and Walls

Section 64-109 Fences and Walls⁹



Purpose: *this section establishes maximum height and design standards for fences to protect public safety and to maintain neighborhood character.*

A. Height

1. No fence or wall that obstructs sight shall be erected or altered in any required front yard to exceed a height of 3 feet.
2. No fence or wall shall be erected or altered in any required side or rear yard to exceed a height of 8 feet.
3. 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.

B. Design

1. 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.
2. 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.

C. Side yard exception for small lots

1. 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.

Section 64-110 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.*

A. Applicability

This section applies to High Turnover Medical Care Facilities, as defined in Article XII.¹⁰ These facilities are classified as a “Clinic, dental or medical” in the Use Table (⇔ Section 64-27).

B. Location

In the NCT and NCS districts:

Article VI Use Regulations |Section 64-111 Night Clubs, Bars, and Lounges

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.

Section 64-111 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. Applicability

This section applies to Night Clubs and to Bars and Lounges, as defined in Article X.

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).

C. Location

In the NCT and NCS districts:

1. Night clubs, bars, and lounges shall be located at least 300 linear feet from property zoned Residential Single-Family (“RL”). This distance shall be measured from the business’s property line closest to the nearest property line of a residentially zoned property.
2. Nightclubs, bars, and lounges shall be located at least 500 feet from other nightclubs, bars, taverns, and lounges.

Section 64-112 Oil Storage Tanks¹¹



Purpose: *These regulations shall provide procedures applicable to the location and construction of new above ground oil storage tanks on and after the effective date of the amendment adopting these regulations, in addition to the requirements otherwise applicable under other provisions of the Mobile City Code to such tanks. In the event of any conflict or inconsistency between the requirements of this subsection K. and the other requirements of the provisions of the Mobile City Code, the requirements of this subsection K. shall be controlling and shall govern.*

A. Applicability

1. **Definitions.** As used in this subsection, 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 |

Article VI Use Regulations |Section 64-112 Oil Storage Tanks

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.

Oil	Petroleum or petroleum product whose storage is regulated under National Fire Protection Association ("NFPA") 30.
Tank	An above-ground oil storage tank having a capacity of ten thousand (10,000) gallons or more to be located in an IH district.
Site	Land under common ownership or control located in an I-2 district being utilized in whole or in part on the effective date of the amendment adding this subsection 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.

2. Limited Application of this Section

(a) Applicable only to tanks as defined. This subsection shall have application only to above ground tanks for the storage of petroleum and petroleum products regulated under NFPA 30. Above ground tanks for the storage of other substances shall be 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 petroleum and petroleum products regulated under NFPA 30 without first obtaining the approvals otherwise required under the Mobile City Code for the storage of such 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 oil storage tanks on such sites. The above-ground oil storage tanks existing on those sites on the effective date of this Section are confirmed for purposes of the zoning ordinance as conforming structures.
- (2)** An above-ground oil storage tank 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 any further conditional use permit approval.
- (3)** The replacement for a tank existing on the effective date of this Section 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 are not replacement for existing tanks may be constructed on sites that already have 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 constructed if that a building permit is received, the tank complies with all then existing regulatory requirements, and 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:

Article VI Use Regulations | *Section 64-112 Oil Storage Tanks*

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 3000 feet of the property line of the proposed site as shown on the current ad valorem tax assessment 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 oil 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.

Article VI Use Regulations |Section 64-113 Parking Structures

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.

Section 64-113 Parking Structures



Purpose: *This section establishes design regulations for Parking Structures 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.*

A. Applicability

This section applies to all parking structures (as defined in Article XII), whether established as a principal or accessory use.

B. Height

1. Except as otherwise provided in Article III or as provided below, Parking Structure height is limited to 36 feet.
2. In lieu of subsection 1, a Parking Structure 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 structures that are screened by principal buildings at the front property line may extend to the same height as the principle building with the lowest height.
4. A parking structure 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. For all sides of a Parking Structure located along a street frontage, one of the following screening options is required:
 - (a) A liner building(s) wrapping a minimum of 70% of the width of the Parking Structure at ground floor street frontages; or
 - (b) A hedge combined with a metal fence or masonry wall. Hedges shall be at least 3 feet in height at the time of planting; walls and fences shall at least 3 feet in height.
2. These screening requirements are in addition to all other landscape and buffer requirements of this chapter.

D. Access

1. Parking structures shall be accessed from driveways located along the secondary street frontage(s) where available.
2. Parking structures shall be accessed by driveways with a maximum width of 12 feet for a one-way driveway or 25 feet for a two-way driveway.

Article VI Use Regulations | *Section 64-114 Short-Term Rentals*

3. A maximum of 1 curb cut per property frontage shall be permitted. Curb cuts shall meet specifications established in Chapter 57, Article IV, Driveways.

Section 64-114 Short-Term Rentals



Purpose: *The purpose of this section is to provide reasonable conditions under which Short-Term Rental uses may be established while maintaining the character of residential neighborhoods. Short-Term Rentals provide varied accommodations and experiences for visitors and allow property owners to benefit from the tourism economy.*

A. Applicability

This section applies to Short-Term Rentals, as defined in Article XII.¹²

B. Generally

The following standards apply to all short-term rentals:

1. The owner or the owner's local representative shall be available 24 hours per day/7 days per week in order to respond to questions, problems, concerns, or complaints from Short-Term Rental tenants. To this end, current contact information for the owner or the owner's local representative shall be posted in a conspicuous place within the dwelling.
2. Commercial signs are prohibited on any property zoned RL or RM.

C. Owner-Occupied Short-Term Rental

1. Owner-Occupied Short-Term Rentals shall serve as the primary residence of the property owner, and shall be occupied by the property owner for at least 180 days per calendar year. Any Short-Term Rental that does not meet both conditions is considered a Non-Owner Occupied Short-Term Rental, and subject paragraph B. of this section.
2. An owner may lease, on a short-term basis, all or any portion of his or her primary residence, excluding any accessory structures or uses.
3. The owner is not required to be present during the rental.

D. Non-Owner-Occupied Short-Term Rental

1. For Non-Owner-Occupied Short-Term Rentals, no less than the entire dwelling shall be rented under a single lease agreement, and all lease agreements shall require a minimum stay of 1 night.
2. Maximum occupancy is 2 people per bedroom, plus 2 additional people.

Section 64-115 Signs

[NOTE: THIS SECTION WILL BE REVISED BASED ON DISCUSSION WITH THE CITY COUNCIL]



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:

- *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;*
- *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.*

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.
3. **Sign Permits¹³**
 - ⇔ *See Article V for sign permit procedures, and Article XII for application submittal requirements.*
 - (a) **Permits Required.** Signs subject to this Section require a Sign Permit, except as provided in subsection (b) below.
 - (b) **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 or signs on a lot, except as provided in subsection C below.¹⁴
 - (1) **Incidental signs.** Incidental structure 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 or oil rack).¹⁵
 - (2) **Flags.**
 - (3) **Architectural Features.** Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
 - (4) **Indoor signs.**
 - (5) **Government Signs.** Governmental traffic, directional, or regulatory signs or notices of any federal, state or local governmental entity.

Article VI Use Regulations |Section 64-115 Signs

- (6) **Traffic Signs.** Signs directing and guiding traffic services on private property that:
 - a. include no advertising,
 - b. comply with the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the Alabama Department of Transportation.
- (7) **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 that they are temporary.
- (8) **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.)
- (9) **Temporary signs,** subject to subsection D below.
- (10) **Vehicle signs,** subject to subsection F below.

B. General provisions¹⁶

- 1. **Compliance.** All signs must comply with the City's adopted building code, and listed and labeled by a national testing lab. [*↔ refer to Chapter 11, Art. 1 (Building Code)*]
- 2. **Sign inspection.** The sign contractor 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, circle, square or triangle) 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.
 - (c) Decorative embellishments or appurtenances such as directional arrows which are not part of the display area 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.¹⁷
 - (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.

Article VI Use Regulations |Section 64-115 Signs

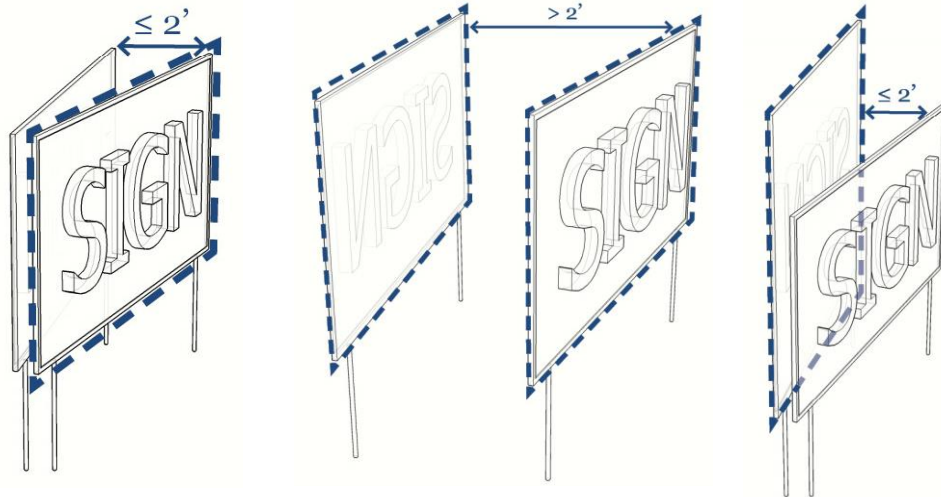


Figure 1 Back-to-Back Display Areas

4. Height.

- (a) Sign height is measured from finished ground level to the top of the sign.¹⁸
- (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, or
- (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 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 by the Director.

- (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. 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 article, but shall be reviewed in designated historic districts. Drawings painted on buildings

Article VI Use Regulations |Section 64-115 Signs

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.

10. Signs in or over public right-of-way. Any sign which projects in or over a public right-of-way shall be attached to and shall not project more than 12 inches from the front of the building and must be raised at least 9 feet from finish grade level.

11. Removal. The city may cause any sign or other advertising structure which 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. These signs shall be removed in accordance with the city's Unsafe Building Act, Acts of Alabama, P. 219, Act. No. 140, adopted May 11, 1971. ¹⁹

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

C. Standards by Sign Type, Zoning District and Use²⁰

1. Generally. This section establishes standards for individual sign types, including sign types identified by location and by zoning district. 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.²¹

[TABLES WITH GRAPHICS TO BE ADDED]

Table 115-1 Sign Dimensional Standards

	Type	Number	Sign Area sf	Height ft	Setback ft
Location					
Subdivision entry sign	Monument	2 per entrance	35 per side	10	
Multi-family entry sign	Total	2 per complex			
	Monument	2 per entrance	25 per side	10	
Home Occupation	Pole	1 per entrance	25 per side	15	
	Wall	1	1		
Accessory management or rental office	Wall (below roofline)		25		
Menu Board		1 per drive-thru lane	48 sf		25 from boundary of any RL or RM district
High rise (1,000' of the center line of I-65 and I-10)			200 sf	100	
Districts					
NC	Monument	1 per site	1 per 2 lf street frontage	10	
	Wall, awning, or canopy (below roofline)	1 per establishment or tenant space	75 sf max 10% usable wall 100 sf max		
	Marquee (below		10% usable wall		

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	Type	Number	Sign Area sf	Height ft	Setback ft
	roofline) Projecting		75 sf 0.5 lf building frontage 40 sf max		
DC, D, CT, CM, IL, IH, P and PD (single establishment)	All signs	3			1.5 from ROW 10 from side adjoining R-1/R-2
	Freestanding / Monument	2 per site	1 per lf street frontage 200 sf max	10	
	Wall, awning, or canopy (below roofline)		30% usable wall 350 sf max		
	Marquee (below roofline)		30% usable wall 200 sf		
	Projecting		1 per lf building frontage 125 sf max	5 above parapet	
	Window		20% window area 200 sf		
DC, D, CT, CM, IL, IH, P and PD (multiple establishment)	Monument	1 per 600' street frontage, up to 3	75 sf 350 sf	10 50	
	Freestanding	1	700		
	Freestanding (grouped)	2	1,050		
	Wall, projecting, awning, canopy or marquee	1 per establishment	30% usable wall 350 sf max		
	Window		20% window area 200 sf		

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

- (a) Banners are allowed in the NC, DC, D, CT, CM, 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 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) Placement shall meet the requirements for wall signs in subsection 1 above. Banners are counted toward the maximum wall sign allowance in Table 115-1.
- (h) A sign permit is required for each banner.

3. Menu Boards

- (a) Menu Boards shall comply with subsection 1 above, and are allowed only in the DC, D, CT, CM, IL, and IH districts.

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

Table 106-2 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

- 4. **Sandwich Boards.** Sandwich boards are permitted within the City as follows:²²
 - (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.
- 5. **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 advertising space on permitted billboards in addition to the signs permitted by this subsection.
- 6. **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.
 - (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.
 - (c) A stationary vehicle with advertising (a delivery van, service or repair vehicle parked on private property within twenty-five 25feet of a street) is considered a prohibited sign.

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D. Illuminated, Digital or Electronic Signs

The use of electronic or digital technology in off-premise signs is permitted as follows:

- 1. Where Permitted.** Illuminated signs are not permitted in any zoning district except:
 - (a)** Any residential zoning district (RL, RM), or
 - (b)** Any historic district. However, external illumination is allowed in an historic district so long as the illumination is directed to, and does not extend beyond, the sign face.
- 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 off-premise 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.

Article VI Use Regulations |Section 64-115 Signs

- (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 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 signs 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

- (a) The minimum spacing between electronic or digital 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 off-premise electronic or digital sign shall be located less than 500 linear feet from a residential (RL, RM) property line.

8. Permitting. All off-premise 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 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** from nonconforming signs 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 sign 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

Article VI Use Regulations |Section 64-115 Signs

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. Any person operating or using a vehicle, motor vehicle or trailer in violation of this section shall be subject to the issuance of a municipal offense ticket and punishment in the same manner and in accordance with the schedule of fines and other procedures set out in chapter 1, Mobile City Code.

E. Nonconforming 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;
 - (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 the city's Unsafe Building Act, Acts of Alabama, P. 219, Act. No. 140, adopted May 11, 1971.

F. Prohibitions

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

1. Digital or Electronic Signs (except as provided in subsection D).
2. Moving/rotating signs.
3. Trailer signs.
4. Signs imitating traffic or emergency signals. No sign shall:

Article VI Use Regulations | *Section 64-115 Signs*

- (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.
 - 9. Portable trailer signs.
 - 10. Anchored flying paraphernalia.
 - 11. Signs of any kind attached to public utility poles.
 - 12. Any trailer sign with copy being towed or transported.
 - 13. Bus bench signs.
 - 14. Signs which are not clean and in good repair.
 - 15. Signs that are not securely fixed on a substantial structure.
 - 16. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
 - 17. Signs that prevent free ingress or egress from any door, window, or fire escape, or that are attached to a standpipe or escape.
 - 18. Stacked off-premise signs.
 - 19. Wind activated signs.
- G. Signs in Historic Districts and Along Government Street²³

Article VI Use Regulations |Section 64-115 Signs



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.

- (a) Awning signs;
- (b) Banners;
- (c) Canopy signs. Maximum copy size shall not exceed that allowed for wall sign;
- (d) Changeable copy signs;
- (e) Freestanding signs. No portion of a freestanding sign shall exceed 8 feet in height;
- (f) Marquee signs;
- (g) Menu boards, up to 25 square feet;
- (h) Monument signs, up to 6 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 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.

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

- (a) Animated signs;
- (b) Beacons;
- (c) Inflatable signs and tethered balloons;

Article VI Use Regulations |Section 64-115 Signs

- (d) Off-premise signs;
- (e) Pennants;
- (f) Portable signs;
- (g) Roof signs;
- (h) Strings of lights, not permanently mounted to a rigid background, except during November 15 through January 15; and February 1 through March 15;
- (i) Temporary signs; and
- (j) All other signs prohibited by this Section.

4. Exempt Signs. The following signs shall be exempt from regulation under this section:

- (a) Signs exempted pursuant to subsection A of this Section;
- (b) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than 3 feet beyond the lot line of the building site or parcel on which such sign is located;
- (c) Works of art;
- (d) Building markers;
- (e) Flags;
- (f) Historic markers; and
- (g) Incidental signs.

H. 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 historic development commission, in any area placed on the National Register of Historic Places, 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 CT, CM, IL and IH zoning districts.

2. Replacement

- (a) Replacement of an Off-Premise Sign for an existing Off-Premise Sign in CT, 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.

Article VI Use Regulations |Section 64-116 Telecommunications Facilities

- (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 CT, CM, IL and IH districts subject to compliance with all other provisions of this Section.
- (c) In a CT zoning district no Off-Premise Sign shall be constructed or erected after the date of the enactment of this ordinance, unless the Off-Premise Sign replaces an existing Off-Premise Sign in a CT district and otherwise complies with this Section.

3. Location and Spacing²⁴

- (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.

4. Lighting²⁵

- (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.

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)

Section 64-116 Telecommunications Facilities²⁶



Purpose: *****.

[TO BE ADDED. AWAITING RESULTS OF AMENDMENTS UNDER CONSIDERATION]

Section 64-117 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.

A. General Provisions

1. This section applies to all temporary structures and uses as defined in Article XII.

B. Aboveground Storage Tanks

1. Temporary aboveground storage tanks shall meet all applicable local, state, and federal regulations, specifically including fire codes.
2. Temporary aboveground 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 aboveground storage tanks shall be located at least fifty feet from any building or combustible material.
4. Temporary aboveground 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 aboveground storage tanks shall be sufficiently secured to prevent tampering.
6. Temporary aboveground 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.

C. Construction Laydown Yards

1. A temporary construction laydown yard is a temporary area used to store construction materials, supplies, equipment, tools, stock piling and recycling of useable construction materials and other permitted items, including temporary storage containers and temporary construction offices.
2. 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 undertaken by a local, state, or federal public or quasi-public agency.
3. 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. Bonding may also be required to verify revegetation within 3 years.

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D. 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.
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. *[Note: This expressly excludes gravel and sod.]*
4. Permits for temporary offices and office trailers are valid for a period not to exceed two (2) years. 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.

E. Garage or Yard Sales

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 or advertisement for 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.

F. Large Vehicle Parking in Residential Districts

1. This paragraph F applies to the parking of large vehicles in RL and RM districts, as follows:
 - (a) For purposes of this paragraph F, “large vehicles” trucks with a net legal carrying capacity exceeding 1½ tons including recreational vehicles, travel trailers, campers, buses, and semi-trucks (without trailers).
 - (b) This subsection 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.
2. No large vehicle shall park in a RL or RM district for more than 96 combined hours in any 30 day period.
3. Semi-trucks with trailers shall not park in RL or RM districts, except when providing goods or services to a customer or client.

G. Portable Storage Units in Residential Districts

1. This section applies to any temporary portable storage unit located in an RL or RM district. A “temporary portable storage unit” means a transportable, standardized, reusable vessel or container, or receptacle that is originally and specifically designed for or is used in stowing, packing, shipping, moving, or transporting freight, articles, goods or commodities, is designed for or is capable of being mounted or moved on a truck, and is located at site for temporary storage of personal property, or any similar device. Examples "Pack-Rat" or "PODS®".

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2. 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.
3. 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 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.
4. In all cases:
 - (a) Temporary portable storage units shall not be placed in any right-of-way, retention area, septic field, easement, or on public property, 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.

H. Real Estate Sales Offices

1. Temporary real estate sales offices 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.

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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.

I. Sales Activities and Events

- 1.** Temporary sales activities and events are associated with and hosted by an individual business or group of businesses (such as tenants located in a shopping center). Such uses include, but are not limited to, the following:
 - (a)** Grand openings;
 - (b)** Anniversary celebrations;
 - (c)** Sidewalk sales; and
 - (d)** Tent sales.
- 2.** An individual business or group of businesses (such as those located in a shopping center) may conduct temporary sales activities and events may occur for up to 7 consecutive days at 4 different times during a calendar year.
- 3.** Hours of operation for temporary sales activities and events are limited to 7:00 a.m. to 12:00 midnight.

J. Seasonal Sales Activities and Special Events

- 1.** Temporary seasonal sales activities are characterized by the sale of products and merchandise associated with a particular holiday, time of year, and/or growing season. Temporary seasonal special events are short-term activities associated with a particular holiday, time of year, and/or growing season. These uses include, but are not limited to, the following:
 - (a)** Christmas tree sales lots;
 - (b)** Pumpkin sales lots;
 - (c)** Seasonal farm produce stands;
 - (d)** Seasonal sale of landscape plantings, materials, and lawn and garden supplies (as accessory sales to a business with other commercial activities);
 - (e)** Haunted houses;
 - (f)** Oyster roasts;
 - (g)** Harvest festivals;
 - (h)** Carnivals; and
 - (i)** Circuses.
- 2.** Temporary seasonal sales activities and special events may occur for up to 60 consecutive days on 4 different occasions for a site during a calendar year.
- 3.** Hours of operation for temporary seasonal sales activities and special events are limited to 8:00 a.m. to 12:00 midnight.

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K. 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.

Endnotes

¹ From 64-4.D.9.

² From 64-4.D.11.

³ From 64-4.I (DDD District).

⁴ Standards are currently embedded in definition of “distribution and/or assembly uses.”

⁵ From 64-4.D.12.

⁶ From 64-4.I.

⁷ Add the following definitions to Article 10:

Alternative Financial Service Provider: Establishments, other than traditional banks and lending institutions, providing loans to individual borrowers using for collateral such items as personal property, personal checks, and vehicle titles. Examples include, but are not limited to, pawnshops, payday lending agencies, and title lending agencies.

Pawnshop: An establishment primarily engaged in providing loans to individuals in exchange for personal property, which is maintained in the possession of the establishment and may be sold in accordance with the loan agreement between the borrower and the establishment.

Payday Lender: An establishment providing loans to individuals in exchange for personal checks as collateral.

Title Lender: An establishment providing to individuals loans that are secured by the borrower’s title to a vehicle owned outright by the borrower.

⁸ From 64-4.F.

⁹ From 64-4.D.6.

¹⁰ Add the following definitions to Article 10:

High Turnover Medical Care Facility: Any operation providing care or treatment of a high volume of patients on a daily (typically seven days per week) basis. Examples include, but are not limited to, any ambulatory surgical facility, urgent care facility, and opioid replacement therapy treatment facility.

Ambulatory Surgical Facility: Any operation with the primary purpose of providing medically necessary or elective surgical care, and where all surgery is performed on an outpatient basis with no overnight treatment provided. This definition excludes hospitals.

Opioid Replacement Therapy Treatment Facility: Any operation in receipt of a Certificate of Need from the State Health Planning and Development Agency of Alabama to operate a facility to prescribe and/or dispense opioid replacement drugs and offer therapy to individuals and groups as a part of a treatment program.

Urgent Care Facility: Any walk-in medical operation with extended hours where outpatients are provided with immediate care. This definition excludes hospitals and emergency rooms located within or immediately adjacent to a hospital.

¹¹ From 64-4.K. The application submittal requirements and fees are moved to Article XII. We are currently reviewing a draft rewrite of this district provided by stakeholders on October 12, 2017.

¹² Add the following definition to Article 10:

Short-Term Rental: The lease of all or a portion of a residential dwelling for a period of 30 or fewer consecutive days; or the use of all or a portion of a residential dwelling in return for valuable consideration for a period of 30 or fewer consecutive days.

¹³ This section collapses official notices and 1-sf signs into the incidental sign category, and gasoline pump and oil rack signs into the incidental structure sign category. Mall corridor signs (note: “mall corridor” is not defined) are removed because they are not visible outside of the building. Gasoline price signs are now part of the allocation in subsection C for permanent signs or as part of the incidental structure sign. Contractor’s and real estate for-sale signs will now become part of the yard and wall sign allocation. Temporary signs are now covered by Subsection D.

¹⁴ Is there any desire to regulate the overall area of these types of signs?

¹⁵ To be defined as: “Sign, Incidental: A sign that is subordinate in scale to the principal signs on the site or to the buildings, structures, or building elements (such as windows) on which they are placed. Typical uses include, but are not limited to, official notices required by law or by a public utility, trade affiliations, signs attached to ATM machines or gasoline pumps, signs providing direction or instruction to persons using a facility (such as placards

indicating hours of operation or courtesy information such as “credit cards accepted,” “vacancy,” “no vacancy,” “open,” “closed,” and “self service”), and signs that provide time and temperature or public service announcements. These signs may be freestanding or wall signs. [See Article 6, § 64-_____ for the permitted number and area of incidental signs.]” and “Sign, Incidental Structure: Incidental signs that are integrated into or on an accessory structure such as a coin-operated machine, vending machine, fence, ATM, gasoline pump, oil rack, or similar structure that serves an independent purpose other than the sign display and is used for its intended purpose. [See Article 6, § 64-_____ for the permitted number and area of incidental signs.]”

¹⁶ The definitions (64-11.1.1 and – 7.c) are moved to Article 10 (Definitions & Rules of Interpretation). Sign permits and application requirements (64-11.4) are moved to Articles 5 (Procedures) and 12 (Submittal Requirements).

¹⁷ From 64-11.1.1 (sign regulations) and 64-11.7.c (Signs in historic districts and along Government Street).

¹⁸ From 64-11.1.1 (sign regulations).

¹⁹ Is there a codified reference? This act is also referenced in Code of Ala. § 11-40-51 (Continued Use and Occupancy of Buildings in Class 2 Municipalities).

²⁰ Standards for setbacks are moved to Article 4 (Development Standards).

²¹ Pending further direction, I have limited the table to the NC (currently T-B), commercial and industrial districts, and the few sign location types for which simple dimensional standards are currently specified. I expand the table more broadly to the districts, and add categories for each sign type in each district with a much more robust set of standards (with entries, for example, for spacing between other signs and design characteristics, such as whether the particular sign type in that district can have internal illumination, external illumination, Halo Lit illumination, channel letters, and changeable copy). However, I have maintained the fairly simple standards in place today.

²² Fees and submittal requirements (such as hold harmless agreement) will move to Article 12. Enforcement and removal will move to Article V, as it is a general requirement for all permits.

²³ The definitions (64-11.7.c) are moved to Article 10 (Definitions & Rules of Interpretation). Review Board procedures are moved to Art. 5 (Procedures).

²⁴ Prohibition on obscuring traffic is deleted because it already applies to all signs, per subsection B. The inspection provision is deleted because it is not a requirement of an applicant but just a statement that it will happen, so that City can provide for this internally. In addition, any use regulated by this Chapter can be inspected anyway.

²⁵ These provisions are written as though generally applicable. Should they apply only to Off-Premise signs, or to all signs (move to subsection B)?

²⁶ From 64-4.J. The city is currently considering regulations to address distributed antenna systems (DAS).