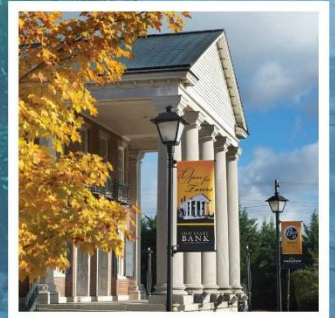


# Zoning Ordinance Assessment

Decatur, Alabama

March 2019

Prepared by:  
**CLARION** planning  
**NEXT**



Public Review Draft



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# INTRODUCTION

The City of Decatur is conducting a comprehensive rewrite of its zoning ordinance to accomplish several key goals. This assessment evaluates the current zoning ordinance in light of those goals and recommends an organization for the rewritten zoning ordinance.

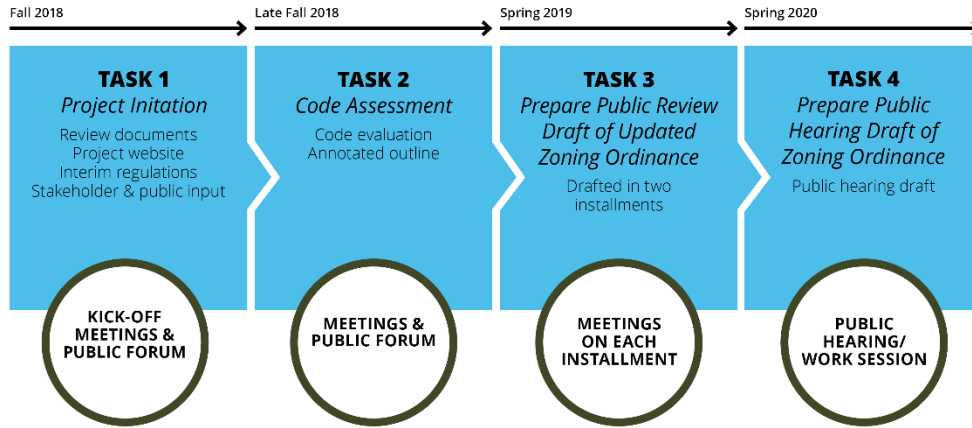
# 1. PROJECT OVERVIEW

The City of Decatur is conducting a comprehensive rewrite of its zoning ordinance. The project will transform the current zoning ordinance into a more user-friendly document with a modern set of development controls that furthers **the community's** long-term planning goals. The rewrite is timely for two reasons:

- The zoning ordinance has not been comprehensively updated in over 60 years. During this time, the ordinance has been amended many times to address specific needs. The cumulative impact of amendments over the years is that the regulations are complex and unclear in many cases, as amendments either conflict or use different concepts and terms. Also during this time, physical development in the city has changed and the economy has evolved. Finally, some zoning practices have become outdated, while other new zoning tools have been development. As a result, in some instances the current zoning ordinance presents obstacles to desirable forms of development or creates uncertainty in the development process, which tends to dampen investment and development.
- In February 2018 the city adopted its first Comprehensive Plan in 19 years ("*One Decatur*"), which sets new policy direction for future growth and development in the city based on input from community members and stakeholders. The plan establishes a framework to guide physical development, including a Future Land Use and Character Map that depicts desired development patterns throughout the city. The current zoning ordinance needs to be rewritten to implement the policy direction for future development in the city, as identified in *One Decatur*.

Rewriting the zoning ordinance comprehensively is a significant undertaking. To assist with the rewrite process, the city has retained a nationally recognized consultant team that is led by Clarion Associates, with assistance from Planning Next. The consultant team is working closely with city staff on the project. To organize the project efficiently, the work is divided into four tasks, which are outlined below .





Task 1, Project Initiation, culminated in a set of meetings, including interviews, focus groups, and public forums, that took place November 7-8, 2018. This Assessment, together with corresponding meetings to obtain input on the Assessment from community members, stakeholders, boards, and elected officials, constitutes Task 2. Following meetings on the Assessment and any necessary revisions based on input received, the consultant will begin Task 3, drafting the first installment of the rewritten zoning ordinance over several months.

## 2. OVERVIEW OF THIS DOCUMENT

This Assessment is intended to be a starting point for discussions that need to take place over the coming months about the changes that need to be made to **Decatur's** zoning ordinance. The Assessment:

- Synthesizes key goals that need to be accomplished in the rewrite, as **identified by the city's new comprehensive plan**, participants in project kickoff meetings, and **the consultant's independent review** of the zoning ordinance;
- Evaluates how well the current regulatory system performs in relation to those goals; and
- Suggests changes to the rewritten zoning ordinance if those goals are to be achieved.

The Assessment should not be read as a criticism of the current regulations, which have served the city well in many regards. Instead it should be read as a report that, after evaluation of current policies and regulations, offers tools to help the city realize its vision and goals moving forward.

The Assessment is organized into three parts.

- Part I is this Introduction and overview.
- Part II is an Evaluation, which discusses the key themes for improving the zoning ordinance, along with recommendations for how the key themes can be achieved in the rewrite.
- Part III consists of an Annotated Outline for how the zoning ordinance should be restructured, if the key themes from the Evaluation are addressed as recommended.

In addition, Appendix A and Appendix B provide an example page layout and summary table, as discussed in Part II.

The rewrite of the zoning ordinance **will help support the community's vision** for future growth, building on its strengths and continuing to create a quality place. This Assessment, especially the Annotated Outline, will become the roadmap for drafting the rewritten zoning ordinance. With input from city staff, residents, business and property owners, and advisory committees and boards, as well as direction from the

City Council, this Assessment helps establish a framework for the rewritten zoning ordinance.

For all of these reasons, we urge citizens, elected officials, and appointed officials to read this Assessment and note the areas you agree with—as well as the areas that should be changed—to help promote a vigorous and open exchange of ideas. We also ask that you read the Assessment with an open mind about different ways of doing **business and achieving the community’s desired goals for future growth and development.**





# EVALUATION

This Evaluation of the zoning ordinance describes the current regulations, identifies relevant policy direction, explains best practices of modern zoning ordinances, and makes recommendations for changes. It is organized under four themes: (1) making the zoning ordinance easier to use, (2) implementing *One Decatur* (comprehensive plan) policies, (3) modernizing districts and uses, and (4) improving quality of development.

# 1. MAKE THE ZONING ORDINANCE EASIER TO USE

A concern raised by many members of the community about the zoning ordinance is that it is not user-friendly. It is not logically organized and is difficult to navigate. It is missing key information, and uses inconsistent terms and dated or overly-complex language, making it unnecessarily complicated and inefficient in many cases. This can result in uncertainty in the development review process, which can hinder investment and economic development. Specifically, the zoning ordinance:

- Is not organized in a clear and consistent structure that is easy to navigate;
- Uses language and definitions that are not always written in plain English;
- Includes fragmented or implied standards that invite differing interpretation and confusion;
- Lacks graphics to illustrate key concepts, procedures, and standards; and
- Relies on unclear and incomplete procedures.

For these reasons, an important project goal should be to make the zoning ordinance easier to read and understand.

Regulations are user-friendly when they rely on an intuitive and logical organization and allow a reader to locate desired information quickly and accurately. User-friendly regulations use plain and precise language and graphics to illustrate complex zoning concepts. They are organized and presented in a logical way that helps readers understand relationships among different sections. We suggest the current zoning ordinance can be made easier to read and understand by:

- Reorganizing its structure in a logical and intuitive way;
- Using clear language and definitions;
- Incorporating tables, graphics, and illustrations to explain zoning concepts;
- Improving the document format and numbering system; and
- Streamlining the review procedures, where appropriate.

## 1.1 Make the Structure More Logical and Intuitive

The zoning ordinance is currently organized into ten articles. Article I: In General, covers a wide variety of substantive and procedural areas, including definitions, duties and responsibilities for enforcing the ordinance and for reviewing development applications, procedures for permit applications and amendments, zoning district regulations, parking and loading requirements, nonconformities, and other miscellaneous provisions. Articles II and III each address specific substantive areas: floodplain management, and signs. Articles IV, V, VI, VIII, and X each include regulations for specific uses. Article VII consists of procedural requirements for site plan review, and Article IX establishes the arts and entertainment district.

The current organization of the zoning ordinance is not logical or intuitive. Most modern zoning ordinances organize the regulations into a hierarchy based on procedural and substantive relationships. For example, all development review procedures might be consolidated into one article and all use-specific standards might be consolidated into another article. Within the procedures article, procedures might be further grouped based on whether approval is discretionary or administrative, and use-specific standards might be grouped based on the types of uses (commercial, residential, temporary, etc.). This type of organization allows a user to more easily find the relevant regulations.

This hierarchical organization is recommended for the rewritten zoning ordinance, as summarized below and set out in more detail in Chapter III: Annotated Outline.

Under the reorganized zoning ordinance structure, all procedures are consolidated into one article (Article 25-2: Administration), and the provisions common to all procedures are included in a standard procedures section. The zoning districts (Article 25-3: Zoning Districts) and use regulations (Article 25-4: Use Regulations) are consolidated into two integrated articles. All site development standards are consolidated and their applicability to different types of development organized in Article 25-5: Development

### PROPOSED OUTLINE OF DECATUR ZONING ORDINANCE

Article 25-1	General Provisions
Article 25-2	Administration
Article 25-3	Zoning Districts
Article 25-4	Use Regulations
Article 25-5	Development Standards
Article 25-6	Nonconformities
Article 25-7	Enforcement
Article 25-8	Definitions and Rules of Measurement

Standards. Nonconformity provisions are consolidated into Article 25-6: Nonconformities. Enforcement provisions are consolidated into Article 25-7: Enforcement. Finally all definitions are consolidated into one article and located at the back of the regulations (Article 25-8: Definitions and Rules of Measurement) since they typically serve as a supplementary reference tool rather than as the primary source of regulatory information.

## 1.2 Use Clear Language and Definitions

### Clear Language

Regulations are easier to read and understand when clear precise language is used. Standards, other requirements, and procedures that are unclear invite different interpretations and create uncertainty for development applicants as well as review boards, the public, and staff. For example, throughout the ordinance there are **decisions to be made “in the opinion of” a particular entity** without clear guiding standards. Although some regulations do not lend themselves to exact numbers, the use of numerical ranges, and elimination of general or aspirational language can ensure the regulations are consistently interpreted. Using clear and objective standards helps ensure the regulations are consistently applied to each project that comes forward for review.

During the rewrite, all procedures, standards, and ordinance language will be reviewed for general or imprecise language and conflicting direction. Where appropriate, language will be modified with clear, precise, and measurable standards, **consistent with the city’s goals.**

### Definitions and Rules of Construction, Interpretation, and Measurement

In the current zoning ordinance, definitions are mostly aggregated by article, including at least seven locations (Sec. 25-2, Sec. 25-34, Sec. 25-72, Sec. 25-92, Sec. 25-109; Sec 25-142; and Sec. 25-188). The definitions are sometimes one of the first sections of the article and sometimes one of the last sections of the article. Definitions are not formatted uniformly, with some numbered and some not. Rules of measurement or interpretation are sometimes mixed in with the definitions. Some terms have interpretations that have been developed through interpretation over time but not codified, such as building height which does not have a clear definition or rule of measurement in the ordinance.

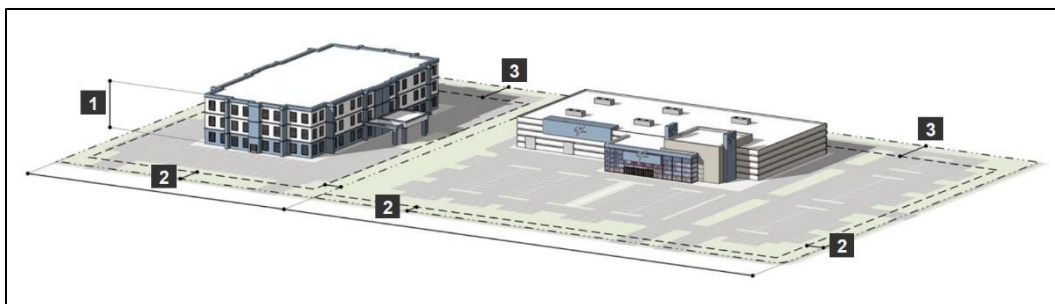


The current zoning ordinance includes a general statement on interpretation (Sec. 25-25 Interpretation and application of provisions) and the relation to other adopted ordinances that may pose conflicts. Responsibility for interpretation is sometimes implied as a part of the general administration of the regulations, and sometimes assigned to specific actors.

Over time, definitions and rules of measurement become a source of inconsistencies and confusion in many communities' zoning ordinances. In the new ordinance, we recommend consolidating all definitions in a single article, Article 25-8: Definitions and Rules of Measurement, to reduce the chance of inconsistency in future amendments and updates. Definitions will also be reviewed and where appropriate, modified, refined, and modernized. Where needed, additional definitions will be added. If some definitions are not used they may be removed. Others may be adjusted or added as appropriate. Rules for measurement and interpretation will also be located in one place and evaluated for clarity and modernity. Responsibility for interpretation will be clearly defined in Article 25-2: Administration. The result will be regulations that are easier to understand and more precise.

### 1.3 Incorporate Tables, Graphics, and Illustrations

Tables, graphics, and illustrations assist with communicating zoning concepts and improving the readability of the regulations. They can often convey information clearly and concisely, eliminating the need for lengthy, repetitive text. The current regulations do not take advantage of current graphic design concepts and tools, and recent thinking regarding how the use of clear illustrations and graphics can help explain or establish zoning requirements.



*Example of graphic illustrating zoning concepts from another community.*

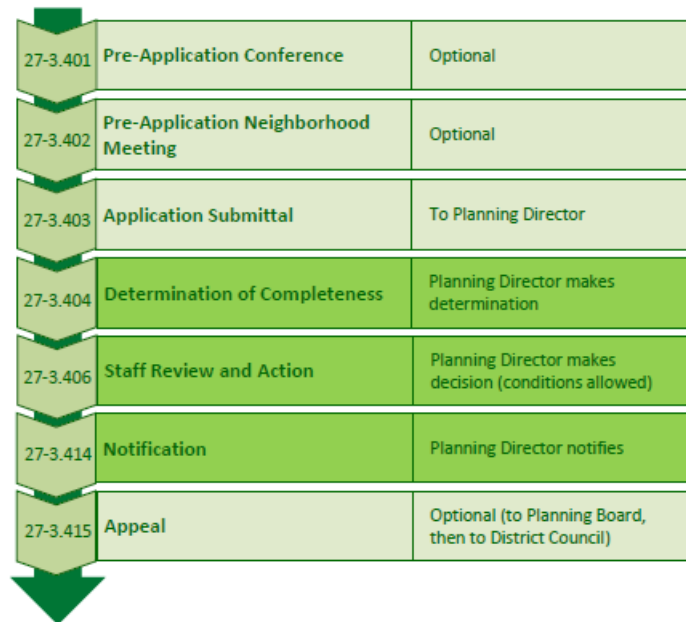
## Tables

Summary tables are helpful in presenting information succinctly and eliminating repetition or inconsistent terminology. The current regulations primarily utilize tables to display uses and dimensional standards in zoning districts. Those tables will be evaluated and revised as needed to make them more logical and easier to read.

We suggest the new regulations use tables where appropriate, consolidating as much information as practical. Use permissions would be consolidated in a single table for clarity. (See page II-52.) Other standards that would benefit from summary tables include landscaping, parking, open space set-asides, and exterior lighting.

## Graphics and Illustrations

The current zoning ordinance relies almost exclusively on text to convey regulatory concepts. This misses an opportunity to visually communicate the desired intent behind various provisions. Increasing the number and type of graphics throughout the regulations will make the regulations more user-friendly. Procedures, development form standards, and zoning concepts (such as landscaping and screening requirements) all benefit from this treatment. Dimensional illustrations, photographs, and flow charts and other techniques may be used.



*Example flowchart from another community's ordinance.*

## 1.4 Improve the Document Format and Numbering System

The current zoning ordinance is maintained on Municode, an online service used by many municipalities. Using a hosting service limits document and text formatting to the styles available from the host. While the options from online hosting services are improving, ordinances produced on word processing or publishing software allow a finer grain of detail that can help make tables easier to read, ensure text at varying levels stands out, and ensure pages break in optimal places when printing. However, using a hosting service can produce a familiar format for frequent users, provide easy access to older versions of code provisions, and are maintained in external, professionally managed cloud or server space to keep the ordinance accessible.

**Understanding that the city's intent** is to maintain the rewritten zoning ordinance on Municode, we suggest that the rewritten ordinance use a nested numbering system for section and subsection headings that is compatible with other portions of the city code on Municode. This will result in a more efficient and logical numbering system, eliminating the need for large sections of reserved numbering and awkward and cumbersome section numbering that is sometimes required when new provisions are added. We will draft the regulations using best practices for page layout and formatting, including headers and footers that quickly convey to the reader where the regulations fit in the larger zoning ordinance. The rewritten ordinance will also include a table of contents and active cross-references that provide a link when viewed digitally. An example **from another community's zoning ordinance** highlighting these features is provided on the following page. We understand some of the features may not carry forward into the online version of the code, but they will be of benefit during the drafting and review of the regulations nonetheless.

Dynamic Header

Prominent Titles

Nested Text

Balance Between Text and White Space

Illustrations with Captions

Adoption Date  
Page Numbers

District-Specific Development Standards  
Town Center Residential District  
Subsection 5.3. Site Layout and Building Organization

**5.3 Site Layout and Building Organization**

**A. INTENT**

(1) To ensure the layout and organization of infill development is compatible with the overall pattern of established residential development in the Town Center Residential District, and

(2) To facilitate a range of housing options within walking distance of the Main Street District.

**B. CONTEXTUAL FRONT YARD SETBACKS**

(1) Town Center Residential development shall comply with standards for Contextual Front Yard Setbacks as contained in Section 3 of this Article, (Figure 18)

(2) Where an established pattern of setbacks has not been established along the block by three or more homes, front yard setbacks shall be a minimum of:

(1) 10 feet for detached single-family, and

(2) 15 feet for townhouses and multi-family.

**Figure 18**

**SITE LAYOUT AND BUILDING ORIENTATION: TOWN CENTER RESIDENTIAL DISTRICT**

1 Contextual front yard setback not applicable where two New Home existing homes exist on a block

2 Minimum front yard setback applies

3 Existing homes situated towards street

4 Orientation of infill development is consistent with existing development

5 Multi-family building with multiple street frontages provide setbacks along each street frontage

Murrayville Town Center Code—Final Draft December 2009 FZB Recommendation Version 49

Example of page layout and formatting features from another community's ordinance.

### 1.5 Streamline Review Procedures

The current review procedures, including those specified in the zoning ordinance and other relevant procedures established by statute, are summarized in Table <>: Current Review Procedures.

TABLE II-1.1 : CURRENT REVIEW PROCEDURES									
A: Appeal D: Decision R: Review S: Staff Review <>: Public Hearing Required *: Statutory Requirements Referenced in Zoning Ordinance									
Review Procedure	City Council	Planning Commission	Board of Zoning Adjustment	Technical Review Committee <sup>1</sup>	Zoning Committee	Planning Department	Building Department	Building Director	Building Inspector
Discretionary Approval									
Text Amendment	<D> <sup>2</sup>	<R> <sup>3</sup>			R				
Zoning Map Amendment	<D> <sup>4</sup>	<R> <sup>5</sup>			R				
Planned Residential Development District <sup>6</sup>	<D> <sup>7</sup>	<R> <sup>8</sup>			R	S			
Development Plan		<D> <sup>9</sup>				S			
Minor Change				R			D		
Use Permitted on Appeal <sup>10</sup>			<D> <sup>11</sup>				S		

<sup>1</sup> The current zoning ordinance references the Subdivision Committee, which is a precursor to the Technical Review Committee.

<sup>2</sup> In the current ordinance, a public hearing is possible on City Council’s own initiative (Sec. 25-27). In the State code, all ordinances require public hearing (Sec. 11-52-77(3)).

<sup>3</sup> In current Planning Commission bylaws, all Planning Commission meetings and hearings are public.

<sup>4</sup> In current ordinance, public hearing possible on City Council’s own initiative (Sec. 25-27). In the State code, all ordinances require public hearing (Sec. 11-52-77(3)).

<sup>5</sup> In current Planning Commission bylaws, all planning commission meetings and hearings are public.

<sup>6</sup> Initial establishment of the PRD district is as a regular amendment to the zoning districts.

<sup>7</sup> In the State code, all ordinances require public hearing (Sec. 11-52-77(3)).

<sup>8</sup> A public hearing is possible on the Planning Commission’s own initiative (Sec. 25-10.1(E)). In current Planning Commission bylaws, all Planning Commission meetings and hearings are public.

<sup>9</sup> In current Planning Commission bylaws, all Planning Commission meetings and hearings are public.

<sup>10</sup> Also called “special use” in Sec. 25-2, Definitions.

TABLE II-1.1: CURRENT REVIEW PROCEDURES									
A: Appeal D: Decision R: Review S: Staff Review <>: Public Hearing Required *: Statutory Requirements Referenced in Zoning Ordinance									
Review Procedure	City Council	Planning Commission	Board of Zoning Adjustment	Technical Review Committee <sup>1</sup>	Zoning Committee	Planning Department	Building Department	Building Director	Building Inspector
Special Use Permit (Wireless) <sup>12</sup>	<D> <sub>13</sub>								
Site Development									
Site Plan		<D> <sub>14</sub>		R		S			
Site Plan (Administrative Approval)				R		S	D <sup>15</sup>		
Site Plan (R-4 Districts)		<D> <sub>16</sub>		R					
Permits and Licenses									
Building Permit									D
Certificate of Occupancy									D
Development Permit In Floodplain			<A>					D <sup>17</sup>	
Temporary Occupancy Business			<D>				S		
Relief									
Variance (General)			D*				S		

<sup>11</sup> A public hearing is only explicitly required for home day care (Sec. 25-95), temporary occupancy business (Sec. 25-110), home occupation (Sec. 25-143), or termination of previous approvals of this type.

<sup>12</sup> This procedure is located in Chapter 7 of the City Code (Sec. 7-306) and referenced by Sec. 25-28.1.

<sup>13</sup> In the State code, all ordinances require public hearing (Sec. 11-52-77(3))

<sup>14</sup> In current Planning Commission bylaws, all Planning Commission meetings and hearings are public.

<sup>15</sup> Also requires approval of Planning Director and City Engineer.

<sup>16</sup> In current Planning Commission bylaws, all Planning Commission meetings and hearings are public.

<sup>17</sup> Acting as Floodplain Administrator.

TABLE II-1.1 :CURRENT REVIEW PROCEDURES									
A: Appeal D: Decision R: Review S: Staff Review <>: Public Hearing Required *: Statutory Requirements Referenced in Zoning Ordinance									
Review Procedure	City Council	Planning Commission	Board of Zoning Adjustment	Technical Review Committee <sup>1</sup>	Zoning Committee	Planning Department	Building Department	Building Director	Building Inspector
Variance (In Floodplain)			D						
Appeal of Administrative Decision			<D>*						
Interpretation									
Interpretation (General) <sup>18</sup>									D
Interpretation (Zoning District Boundary Determination)			D						
Interpretation (Floodplain)								D	

Based on input received during project kick-off meetings and our independent review of the current procedures, we put forward a number of recommendations below to improve the clarity, consistency, and efficiency of the procedures.

### Consolidate Procedures and Administration into One Article

Procedural and administrative requirements are currently scattered in many locations in the zoning ordinance. For example, information on the procedure for uses permitted on appeal is found in Sec. 25-2 (Definitions), Sec. 25-4 (reference to state statute for Board of Adjustment), Sec. 25-95 (home day care), Sec. 25-113 (temporary occupancy business), and Sec. 25-25-146 (home occupation). As a result, some requirements are repeated multiple times and other information is difficult to find or is missing, making it difficult for the reader to determine the purpose of the approval

<sup>18</sup> Based on general authority granted in Sec. 25-3.

procedure, when it is required, what steps are required, and what criteria will be used to determine whether or not to approve the application.

We suggest consolidating all provisions for administration and development review procedures in one article, Article 25-2: Administration. The article would include standard procedures common to all development applications, as well as clear and measurable review standards and any special rules for individual development applications.

Article 25-2 would also include a section identifying each person or body that reviews applications for permits or development approval, setting forth their responsibilities and duties and including a summary table, similar to the tables above. As a part of this, we suggest that one administrative official be designated as responsible for administrative functions. This person would be designated by the City Council as the Director and would be assigned responsibilities currently assigned to the Planning Department, Building Department, Building Director, and Building Inspector in the zoning ordinance. A provision in the rewritten zoning ordinance would allow the Director to delegate responsibilities to any subordinate professional-level city staff. These changes would simplify the procedures and accommodate changes in personnel and titles in the future. We also suggest that Article 25-2 identify the review responsibilities and organization of the Technical Review Committee.

### Establish a Set of Standard Procedures

As discussed above, procedures for the review of development applications are scattered throughout the current zoning ordinance. Elements that are common to multiple review processes (e.g., public hearing requirements for uses on appeal for different uses) are repeated in multiple locations, resulting in redundancy and inconsistency. To address this problem, modern codes establish a set of standard review procedures, such as general application submission requirements, that apply to all development applications. We suggest including standard procedures in the new zoning ordinance that address review requirements relevant to all development applications. The procedural requirements included in the standard procedures section would address:

- Pre-application meetings and conferences;
- General application submission requirements;
- Application completeness determinations;



- Staff review;
- Deferral or withdrawal of applications;
- Public notification (by reference to state statutes);
- Procedures for review of application by advisory bodies and decisions on applications by the Planning Commission, the Board of Adjustment, and the City Council;
- Appeals; and
- Requirements after a decision is made on an application, including subsequent amendments and expiration of permits and approvals;

Several proposed standard procedures are highlighted in the following sections.

#### Pre-development Meeting

Pre-development meetings are currently encouraged by staff and held informally. The meetings often include the various departments that are a part of the existing Technical Review Committee. Many communities codify this practice and require it for more complex development proposals. We recommend codification and requiring for:

- Text amendment;
- Zoning map amendments;
- Planned developments;
- Major site plans; and
- Special exceptions for development of a certain size.

Pre-development meetings would be encouraged for other applications. The provision would also describe the purpose of the meetings, set basic ground rules when a pre-development meeting is conducted, and explain the effect of the meetings (i.e., discussions are not binding on the city and processing times do not start until a formal application is submitted and accepted).

#### Neighborhood Meeting

A neighborhood meeting is a tool used in some modern zoning ordinances to provide a process by which a development applicant meets on a more informal basis with neighbors and landowners surrounding a proposed development to resolve potential conflicts. At the neighborhood meeting the applicant meets with and educates

neighbors about a proposed project and **hears neighbors' concerns**. This provides a forum for applicants and neighbors to resolve conflicts and concerns about projects in a more informal setting, before an application is submitted.

The timing and requirements for neighborhood meetings vary across communities; however, the underlying goal of the meeting is to keep neighbors and applicants **informed of one another's perspectives, have them talk about concerns, and resolve** their differences, if possible. In some communities, the neighborhood meeting is optional, or encouraged. If the applicant decides to proceed with the neighborhood meeting, parameters are established in the regulations about how notice is to be given and how the meeting is conducted. In most ordinances, if neighborhood meetings are required, they are conducted either prior to submission of an application or prior to completion of the staff report on the application. In other instances a neighborhood meeting might not be required, but the ordinance authorizes the Director of Planning to require an applicant to conduct a neighborhood meeting prior to completion of the staff report if the development proposal is anticipated to generate a certain level of impact on adjacent lands, roads, or public facilities.

We suggest the city at minimum include an optional neighborhood meeting procedure and consider requiring neighborhood meetings prior to application submittal for:

- Zoning map amendments;
- Planned developments;
- Major site plans; and
- Special exceptions for development of a certain size.

If included in the new ordinance, we also suggest establishing procedures for how the neighborhood meeting is conducted. The procedures would require:

- The meeting be conducted before the application is submitted;
- The applicant be responsible for conducting the meeting and notifying affected land owners and organizations at least ten days in advance of the meeting;
- Meeting(s) be held in close proximity to the project site and at a time when neighbors could reasonably attend (usually after 6:00 pm during the weekday); and

- The applicant explain the development proposal and provide attendees an opportunity to ask questions and voice any concerns.

Informal resolution of any outstanding issues would be encouraged. Typically, where neighborhood meetings are required, the procedure also requires the applicant provide a written summary of the neighborhood meeting and that the summary be included as part of the application. In instances where the applicant provides a written summary of the application, any person attending the meeting is also allowed to respond in writing to the summary, which also becomes part of the application record.

#### Application Completeness Determination

We suggest the standard procedures also include a completeness determination requirement. Sometimes development review is slowed for both the individual applicant and the city when missing information, incomplete documents, or a misassembled petition requires applicants to repeat steps in the review once the application is submitted. Experience teaches that a **“complete application”** requirement is important to ensuring the development review process operates efficiently.

New regulations within a subsection of the standard procedures would function universally and authorize the Director or a designee to review submitted applications to determine whether **they are “complete.”** The provision would apply to all development applications and state that application processing does not begin until the determination has been made. Completeness means all relevant and appropriate application submittal requirements are received and fees paid.

The provisions would allow a specific maximum period (e.g. 5 business days) for the Director (or designee) to make a completeness determination. During that time, the Director or designee would notify the applicant as to whether the application is complete or incomplete. If it is complete, processing begins. If it is incomplete, written notice of deficiencies would be provided to the applicant. The applicant would then have a specific period of time to resubmit a revised application. If the application is not submitted in that timeframe it is considered withdrawn.

#### Review by Staff and Technical Review Committee

The current zoning ordinance is inconsistent and ambiguous in its requirements for staff review for the various application types. For example, staff review is framed as available on request by the planning commission for planned residential development

approval, while administrative approval of site plans cites general requirements and tasks three staff members with reviewing. In addition, certain development applications are reviewed by the Technical Review Committee (TRC), but this requirement is not identified in the zoning ordinance. Besides identifying the make-up and development review responsibilities of the TRC (see discussion under *Consolidate Procedures and Administration into One Article* on page II-11 above), we suggest including a standard procedure for staff and TRC review to clarify procedures when staff or TRC review are required.

Public Hearing and Public Notice

Some modern zoning ordinances include the specific notice requirements for public meetings. In some cases, the notice requirements are consolidated into a table for ease of reference. The benefit of this is that it provides the relevant information to staff and applicants in the same document as the other application and review requirements. Other communities choose to simply reference the relevant public notice requirements in the state statutes. Based on input from staff and stakeholders during kick-off meetings, we suggest this standard procedure include references to the statutory requirements.

Revise Procedures for Specific Approvals and Permits

Table <>: Proposed Review Procedures, summarizes recommended changes to review procedures for specific types of permits and approvals:

TABLE II-1.2: PROPOSED REVIEW PROCEDURES						
D: Decision R: Review A: Appeal <>: Public Hearing						
Review Procedure	City Council	Planning Commission	Board of Zoning Adjustment	Technical Review Committee	Zoning Committee	Director
Discretionary Approval						
Text Amendment	<D>	<R>			R	R
Zoning Map Amendment	<D>	<R>			R	R
Planned Development District	<D>	<R>			R	R
Minor Change				R		D
Special Exception			<D>			R

TABLE II-1.2: PROPOSED REVIEW PROCEDURES						
D: Decision R: Review A: Appeal <>: Public Hearing						
Review Procedure	City Council	Planning Commission	Board of Zoning Adjustment	Technical Review Committee	Zoning Committee	Director
Site Development						
Site Plan, Major <sup>19</sup>		D		R		
Site Plan, Minor				R		D
Special Use Permit (Wireless)	<D>					
Permits and Licenses						
Building Permit						D
Certificate of Occupancy						D
Floodplain Development Permit			<A>			D <sup>20</sup>
Temporary Use Permit			<A>			D
Relief						
Administrative Adjustment			<A>			D
Variance			D			R
Appeal of Administrative Decision			<D>			
Interpretations						
Interpretation			<A>			D

Recommended changes are discussed in more detail below.

Consolidate Administrative Review Responsibilities

As discussed on page II-17 above, administrative review responsibilities will be consolidated under the Director. Currently, authority for various administrative approvals is granted to the Planning Department, Planning Director, Building Director, and Building Inspector. The change eliminates unnecessary complexity and will accommodate changes in organization in city departments in the future.

<sup>19</sup> Generally decision by the Planning Commission, however for development in the Riverfront District, the current ordinance requires a recommendation by the Planning Commission and Decision by the Board of Zoning Adjustment. Current practice may vary from this procedure.

<sup>20</sup> Acting as Floodplain Administrator

### Modernize Planned Development Procedure

The intent of planned developments is to offer an applicant flexibility from zoning district regulations and development standards in return for greater development quality, and in some instances to ensure planned development is consistent with preferred development types.

As discussed on page II-48 below, the PRD districts, which are not currently being used, are recommended to be deleted and replaced by new planned development districts. Along with that change, we recommend that the planned development procedures be rewritten and modernized, consistent with zoning best practices. Specifically, we recommend:

- Revising the procedure for establishing a planned development district so that initial establishment by the City Council includes approval of a planned development plan and agreement. Subsequent site plans and subdivisions would have to be consistent with the approved plan and agreement.
- Establishing minimum requirements for planned development plans and agreements, including details about which development standards in the zoning ordinance may be varied, and which standards may not (for example, many planned developments do not allow variation in open space, environmental protection, and development form standards, which we suggest should be the case in the rewritten zoning ordinance).

### Refine Site Plan Requirements

The current zoning ordinance does not require site plan review for development that is not located on a collector street or above. Additionally, administrative review of site plans is allowed in some situations; however, the criteria for when administrative review is allowed include whether the development “change[s] the building footprint significantly,” or “negatively affect[s] the character of any surrounding residential neighborhood.” We suggest that the requirement for site plan approval and the threshold for allowing administrative site plan review be based on the scale and potential impacts of proposed development using objective criteria.

### Rename Use by Appeal

Use by appeal in the current regulations refers to uses that are only permitted if they meet certain development standard conditions. To develop the use, the Board of Zoning Adjustment must approve. In many communities, this would be called a

“special exception,” or “conditional use,” because the use is only permitted as an exception when certain conditions are met. We suggest renaming “use by appeal” to “special exception” to be clearer for users familiar with the development processes in other communities.

#### Add Temporary Use Permit Procedure

The zoning ordinance currently includes procedures for temporary occupancy business permits. We recommend that a temporary use permit procedure be established to address a wider variety of temporary uses such as garage sales, model homes, and special events. Temporary use permits would be approved by the Director. Standards for specific temporary uses would be included in Article 25-4: Use Regulations (see page II-52).

#### Add Administrative Adjustment Procedure

In communities where redevelopment is a priority, including a tool that allows administrative approval of minor modifications to dimensional and development standards, based on specific review criteria, helps provide needed flexibility.

The administrative adjustment allows such minor modifications (or adjustments) from dimensional standards (like setbacks, lot area, or height—for example adjusting a setback by 10 or 15 percent to save a tree) or development standards (like the reduction of one or two parking spaces to save a tree or provide a sidewalk) if the adjustment does not detrimentally affect the character of the area or surrounding lands, does not have an adverse impact on surrounding lands, and results in development that conforms with the general intent of the zoning district where the adjustment is proposed .

Administrative adjustments are typically used to adjust setbacks by a minor amount as a means of protecting resources, adjust height limits for greater compatibility, or preserving local development contexts like building façade rhythms . The adjustment would have threshold limits (e.g. ., the adjustment would not be able to exceed 10 or 15 percent of the standard) as well as specific criteria to ensure the provision is not abused . It would be decided administratively by the Director. Because it takes place outside of the variance process, it would not require the applicant to demonstrate “hardship.”

### *Include Procedures for Variances and Appeals*

Variance procedures are only explicitly referenced in Article II: Floodplain Management. More general variance authority relies on reference to state statutes. We recommend including both variance and appeals procedures within the ordinance. A single consolidated variance procedure would apply to the entirety of the zoning ordinance and provide specific standards for when a variance is appropriate.

### *Consolidate Interpretation Procedures*

As the administrator of the current ordinance, the building inspector has implied authority to make interpretations, while the building director has express authority in the floodplain (see Sec. 25-31), and no formal procedure to do so. A separate interpretation provision requires the Board of Zoning Adjustment to interpret boundaries between zoning districts (see Sec. 25-9). The Board of Zoning Adjustment has general authority to hear appeals from administrative decisions (see Sec. 25-82 for Signs, and generally Sec. 11-52-80 Code of Alabama, 1975).

We recommend a single consolidated administrative interpretation procedure with clear measurable standards to be decided by the Director. The Director could delegate this responsibility to subordinate professional level staff, which could include the transfer of some interpretation responsibilities from the Building Department to the Planning Department. A single appeal procedure from all administrative actions of the Director to the Board of Zoning Adjustment would cover the appeal of interpretation as well.

### *Use a Procedures Manual*

Many communities use a Procedures Manual to assist in the efficient administration of regulations. This involves consolidating detailed application content requirements, information about application fees, schedules for application processing, and information about nuts and bolts staff review processes in a manual that can be easily referenced by staff and applicants. Schedules and fees change, and application requirements are subject to changes as practices evolve and new technology becomes available. If the requirements are included in the regulations, a text amendment is necessary every time the requirements change. Including them in a Procedures Manual referenced in the regulations avoids both cluttering the regulations and the necessity of amending the regulations every time a minor change is made to application requirements.



While the preparation of a procedures manual is not a part of the zoning ordinance rewrite, we recommend the rewritten zoning ordinance include authorization for the Director to prepare a Procedures Manual, as well as references to the manual in appropriate locations throughout the zoning ordinance. The city could prepare the manual in tandem with or upon the completion of the rewritten zoning ordinance.

## 2. IMPLEMENT ONE DECATUR POLICIES

The city's comprehensive plan, *One Decatur*, was adopted in 2018 after a two-year process that included substantial community engagement and public outreach efforts. A major reason for the zoning ordinance rewrite is to ensure that the ordinance is consistent with *One Decatur's* policy direction. This section describes the major policies that pertain to the rewrite and provides recommendations for how each can be accomplished.

### 2.1 Policy Framework

*One Decatur* establishes a framework for addressing the challenges the city faces and for building on its assets. That framework centers on five core themes:

- Creating a quality place;
- Improving mobility;
- Advancing prosperity;
- Enhancing amenities; and
- Strengthening community.

For each of the five themes, a principal goal is stated. Supporting each goal are a set of objectives that serve to organize actions for accomplishing the goal.

While each theme has some relevance to the zoning ordinance update, the theme **"creating a quality place"** provides the majority of relevant policy direction. The goal for that theme is:

*"Efficient use of land resources that offers distinctive and desirable places to live, work and play, includes strategic revitalization throughout the community, maintains historic and natural assets, and supports a high level of community pride."*

In support of that goal, the plan includes nine objectives and 46 actions under those objectives to accomplish the goal. The listed objectives and actions are based in large

part on two maps created for the “creating a quality place” goal: the Development Strategy Map, and the Future Growth Map.

The Development Strategy Map is the less detailed and more conceptual of the two maps. The map highlights areas of the city where there are particular considerations for future growth (e.g., growing industry and employment, preserving natural areas, enhancing commercial development, and revitalizing neighborhoods). The Development Strategy Map also identifies places where more specific opportunities laid out for future growth to accomplish the “creating a quality place” goal.

The Future Land Use and Character Map provides more detailed direction on how land in the city should be used in the future. The plan defines 15 character types broadly in terms of purpose, uses of land, and characteristics of buildings and their surroundings. The Future Land Use and Character Map shows which character type is desired in each area of the city (and in the surrounding police jurisdiction areas). In this way, the map establishes a desired pattern for future growth.

## 2.2 Policy Direction and Rewrite Recommendations

Within the organization described above, the plan provides policy direction for the zoning ordinance rewrite. The major policy direction is summarized below.

### Encourage appropriate development Downtown

Downtown development should:

- Encourage infill development on vacant lots;
- Encourage residential development;
- Transition off-street parking over time from surface parking to multiple parking decks;
- Retain historic character;
- Encourage adaptive reuse of buildings; and
- Improve connections and transitions to surrounding neighborhoods.

A vertical mix of uses is desired with commercial uses on the first floor and office or residential uses above.

Under Theme 3, Modernize Districts and Uses (beginning on page II-45), the B-5 Business District is proposed to be carried forward with some substantive modifications, and renamed Central Business District (CB). The CB District would allow a broad range of commercial, office, restaurant, service distribution, higher-density residential, and mixed-use development that is walkable, pedestrian-oriented, mixed-use, and the most intense in the city. To ensure consistency with the desired character in Downtown, new buildings would be required to be brought up to the public right-of-way, and any off-street parking would be required to be located at the side or rear of buildings (see page II-46). The CB District standards would be modified to provide an incentive for new development to include both residential and non-residential components. In addition, development standards (see Theme 4, Improve Quality of Development, beginning on page II-55) would be tailored to Downtown where appropriate (e.g., parking and loading standards to more accurately reflect parking demand of proposed uses in relation to available off-street parking), and standards for specific uses (e.g., outdoor dining as an accessory use) would be refined.

To support adaptive reuse, provisions governing nonconforming lots, buildings, and site features would be updated to allow additional flexibility based on zoning best practices. Other provisions intended to provide flexibility in the context of infill development and redevelopment would include contextual compatibility standards, which would be applied in targeted areas to allow building setbacks based on the average building setback on neighboring parcels, and administrative adjustments, which allow minor deviations from some dimensional standards to be approved administratively, based on specific criteria (see page II-19).

### Establish stronger design standards for new development, particularly in key gateways and corridors

The plan recommends that standards for building design, landscaping, signs, and lighting be considered for the entire city, and that additional standards (emphasizing higher quality design and pedestrian-scaled development) be considered for key gateways and corridors.

Theme 4, Improve Quality of Development (beginning on page II-55) provides recommendations for improving the quality of development in the city, some of which would have specific applicability in key gateways and corridors. They include standards for:

- Mobility, circulation, and connectivity;
- Parking and loading;
- Form and design;
- Neighborhood compatibility;
- Open space set-asides;
- Landscaping; and
- Exterior lighting.

In addition to those standards, the proposed Urban Corridor Mixed Use (UC-MX) District would consolidate the current RD and RD-2 Districts, with substantive modifications to include basic form standards in gateway corridors leading into Downtown (see page II-47).

### Support mixed-use development in targeted areas

The plan calls for the creation of new zoning districts that allow a mix of uses. The new districts should be consistent with the intent and building parameters described for mixed use character types, specifically the Regional Mixed Use, Riverfront, and Urban Edge Mixed Use character types. Specific areas where mixed development is desired are described below.

#### *Intersection of I-65 and Highway 20 (Regional Mixed Use)*

Encourage development of a unique mixed-use area that can promote a positive brand for Decatur at the I-65/565/Hwy 20 gateway. Support a mix of uses including retail, office, and residential configured in a compact and walkable pattern. Retail and employment uses should be located along highway frontage areas, while high value industrial uses should occupy land near the rail line and existing industry. A mix of residential uses could be developed as a neighborhood with compact walkable development closest to commercial uses. Development should include an internal street access, and direct access to the Highway 20 corridor should be limited.

#### *Beltline (Regional Mixed Use)*

Commercial centers at major nodes (the US 31 intersection and Decatur Mall area) should evolve from single-use automobile-oriented character into walkable mixed-use centers that integrate commercial, employment, and residential uses and that are more accessible to public transportation, biking, and support park-once development.

Development should have a compact, walkable pattern. The center may include mixed use buildings where residential or office uses exist above ground-floor retail. Compatible uses should be allowed to share parking to minimize surface parking. Points of street access should be limited for pedestrian and vehicular safety.

*6th Avenue Corridor and Moulton Street Corridors (Urban Edge Mixed Use)*

Encourage revitalization of gateway corridors. Development should support adaptive reuse of existing buildings where feasible. New buildings should be located near the street on at least one side of the street. Parking should be located to the side or rear of buildings, and buildings should be clustered to consolidate and share surface parking. Street access-points should be limited for pedestrian and vehicular safety.

*Southeast riverfront from US 31 bridge toward Point Mallard (Riverfront Mixed Use)*

Encourage redevelopment of riverfront area with a mix of uses including recreation, housing, commercial, and employment with improved public access to the riverfront. Development should be compact and pedestrian-oriented and should provide community access to the river through parks, multi-use trails, public spaces, and amenities for water-based recreation. Development should also emphasize high quality design and building materials. Since this section of the riverfront is currently occupied by several large industrial employers, future development should be compatible with those uses (discouraging residential near existing heavy industry).

In order to allow the type of mixed use development described above, the rewritten zoning ordinance is proposed to include:

- A Commercial Regional (CR) District that carries forward and refines the current B-4 Business District. The CR District would allow higher-density/intensity, region-serving commercial, office, and mixed-use development and would encourage more pedestrian-oriented mixed use development (see page II-46).
- An Urban Corridor Mixed Use (UC-MX) District that consolidates the current RD and RD-2 Districts, with substantive modifications to support redevelopment of gateway corridors leading into Downtown (see page II-47).

Ensure that new neighborhoods are walkable, have a well-connected street network, include more housing choices, and provide adequate open space

The plan provides direction for supporting livability in new neighborhoods. Specifically, the rewritten zoning ordinance should:

- Clearly define criteria for mixed or “traditional” neighborhood development and allow such development through a standard approval process;
- Ensure that neighborhoods are pedestrian-friendly; and
- Establish a standard requiring open space that is integrated into new neighborhoods based on the size of the development.

Following are several recommendations to implement these policies in new neighborhoods:

- Include a new planned development district intended for neo-traditional neighborhood developments using the standard planned development approval process (see discussion on planned development procedure on page II-18). The new Traditional Neighborhood Planned Development (TN-PD) District would require what are sometimes called Traditional Neighborhood Design (TND) elements such as civic buildings, a town center, mixed uses, integrated open space, and a variety of housing types, in order to support meaningful public spaces and walkable urbanism.
- Include new districts that allow a mix of housing choices at varying densities (see discussion on the proposed Residential Mixed Medium Density (RM-M) and Residential Mixed High Density (RM-H) Districts on page II-44).
- Include standards for mobility, circulation, and connectivity (see page II-55); and
- Establish a comprehensive set of open space set-aside requirements (see page II-69).

Ensure Appropriate Development in Parts of Decatur Located in Limestone County

As *One Decatur* notes, much of the land in Limestone County that was annexed by the city in the mid 1980s remains undeveloped. Given the land’s access to I-65 and

proximity to Huntsville and the availability of utilities, it represents a prime opportunity for development. The plan provides direction for the types of development desired:

- A major node of mixed-use development serving as a gateway on the Highway 20 corridor, located on land surrounding the Highway 20 and I-65 interchange;
- Areas for the development of flexible employment centers that could accommodate market demand for various uses, including low-impact industrial, office, and commercial uses, extending north from Highway 20;
- Commercial and institutional/civic development along Highway 31; and
- A mix of residential development in areas south of Highway 20.

To implement this policy direction, it is proposed that the new zoning ordinance:

- Ensure that the regional business district allows a mix of uses and supports the creation of walkable places (see discussion on the proposed Commercial Regional (CR) District on page II-46).
- Carry forward the current light industrial district (see discussion on the Light Industrial (LI) District on page II-47) and establish new districts for light industrial, office, research and development, and other flex development in a campus-like setting (see discussions on the proposed Major Employment Center (MEC) District on page II-47 and Major Development Center Planned Development (MEC-PD) District on page II-48).
- Include form and design standards for industrial uses that would ensure a minimum quality of development in the Highway 20 corridor (see discussion on form and design standards on page II-60).
- Include zoning districts for community-serving commercial development and civic and institutional uses (see discussions on Community Commercial (CC) District on page II-46 and institutional districts on page II-44)
- Include new residential districts that allow a mix of housing types (see discussion on residential districts beginning on page II-42).



## 3. MODERNIZE DISTRICTS AND USES

### 3.1 Modernize and Align Zoning Districts with One Decatur

Zoning districts and allowable uses are core elements of a zoning ordinance. They establish the general development character of different geographical areas in the community, along with what uses may be developed in different locations. Based on the policy direction in *One Decatur*, additional input received during the project kick-off meetings, and our independent review of the zoning ordinance, we recommend a restructuring and modernization of the current zoning districts in order to better align the districts with development patterns in the city and plan policy direction, incorporate best practices tools, modernize the districts, and simplify and make the district structure more user-friendly. The key elements of the restructured districts include:

- A simpler zoning district structure with:
  - 19 base districts;
  - Three planned development districts; and
  - Three overlay districts;
- Base zoning district categories (Agricultural, Residential, Institutional, Business, and Industrial) with purpose statements and (if applicable) standards;
- Consolidation of certain districts where they achieve similar purposes, allow similar uses, and establish similar rules;
- Deletion of some districts that are not relevant or needed in the city;
- Establishment of several new business districts to implement *One Decatur* and establish a logical array of commercial and mixed-use development options in the city, including:
  - Commercial districts that also allow mixed-use development, at the neighborhood, community, and regional scales;
  - A mixed-use district to support redevelopment of gateway corridors leading into Downtown;

- A new district for light industrial, office, research and development, and other flex development in a campus-like setting;
- Modernization of the format of all the districts to better communicate their character and the zoning district regulations; and
- Restructuring, revision, modernization, and definition of the uses in each zoning district, to establish a more robust set of uses that are relevant to modern day Decatur and its growth and development goals;

As background, it is important to understand that in considering how best to restructure the zoning districts, a systematic evaluation was conducted that involved:

- First, evaluation of the current zoning district structure and uses allowed in each district;
- Second, evaluation of land use policy direction and land use classifications in *One Decatur*; and
- Third, consideration of the other key goals for the update project, including the desire to make the current regulations more user-friendly and efficient.

This analysis starts below in *Overview of Current Zoning Districts*. Then based on the above outlined considerations, the proposed structure for the updated zoning districts is outlined and discussed in *Proposed Zoning District Structure*. The section concludes with suggestions about how to reorganize and simplify the system for classifying and establishing uses and use-specific regulations (see *Identify and Classify Uses in a Simpler and More Flexible Way*) and how to improve the organization of zoning regulations generally (see *Modernize Format of Zoning Districts*).

### Overview of Current Zoning Districts

The current zoning ordinance includes 36 zoning districts: Thirty-four of the 36 districts are base districts and two are overlay districts.

- The 34 base zoning districts include:
  - Two Agricultural districts;
  - Eighteen Residential districts (of which 8 are planned residential districts);
  - One Institutional district; and

- Eleven Business districts
- The three overlay districts consist of an Historic district, a Sidewalk Café district, and an Arts and Entertainment district.

The current zoning districts and their general purpose and parameters are summarized in Table II-3.1.A: Zoning Districts in Current Zoning Ordinance.

<b>TABLE II-3.1 .A: ZONING DISTRICTS IN CURRENT ZONING ORDINANCE</b>	
CURRENT ZONING DISTRICT	PURPOSE
<b>BASE DISTRICTS</b>	
<b>Agricultural</b>	
AG-1 Agricultural District	Current zoning ordinance does not state what is the general purpose and character of the AG-1 district. Assume it is for primarily to provide lands for agricultural uses, which it does. It also allows for some uses that might be considered inconsistent with an agricultural character. District allows for farming uses, including horticulture, dairying, apiaries, livestock and poultry raising, fish hatcheries, and other similar enterprises; uses allowed in the R-1 district; aircraft landing fields; cemeteries; golf courses, country clubs, recreation buildings of a public or quasi-public character; sanatoriums; convalescent and nursing homes; charitable institutions; animal hospitals and kennels; private clubs and lodges; summer camps; and lodging and boarding houses.
AG-2 Agricultural District	Current zoning ordinance does not state what is the general purpose and character of the AG-2 district. Assume it is for primarily agricultural uses, but also serves as more of a catch-all district since it allows more uses than the AG-1 district. District allows uses permitted in the AG-1 and R-1 districts. In addition, it allows any use allowed on appeal in the AG-1 district, and manufacturing, storage and processing of natural resources indigenous to Decatur, roadside stands (under certain conditions), and livestock sales.
<b>Residential</b>	
R-1E Residential Estate District (Large Lot Open Space)	The R-1E district is a very low density single-family district that provides lands for detached single-family development in an open space setting or where topography, utility capacities, and/or natural amenities

TABLE II-3.1.A: ZONING DISTRICTS IN CURRENT ZONING ORDINANCE	
CURRENT ZONING DISTRICT	PURPOSE
	limit the use of the land. The district also allows by right, gardens, playgrounds, parks, and public buildings, including public schools and libraries ( <u>allowed in all R districts</u> ), and churches. The following uses are allowed on appeal: public utilities, hospitals, semi-public buildings, golf courses, government buildings, and the limited sale of alcoholic beverages by certain clubs ( <u>allowed in all R districts, on appeal</u> ). The minimum lot area is one acre (5 acres if there are horses). Maximum building height is 2 ½ stories or 35 feet. There is no maximum density.
R-1 Residential District (Single-Family)	The R-1 district allows single-family detached units, the uses allowed in all R districts (gardens, playgrounds, parks, and public buildings, including public schools and libraries), and the uses allowed in all R districts on appeal (public utilities, hospitals, semi-public buildings, golf courses, government buildings, and the limited sale of alcoholic beverages by certain clubs). The minimum lot area is 14,000 square feet. Maximum building height is 2 ½ stories or 35 feet. There is no maximum density.
R-2 Residential District (Single-Family)	The R-2 district allows single-family detached units, the uses allowed in all R districts (gardens, playgrounds, parks, and public buildings, including public schools and libraries), and the uses allowed in all R districts on appeal (public utilities, hospitals, semi-public buildings, golf courses, government buildings, and the limited sale of alcoholic beverages by certain clubs). The minimum lot area is 10,000 square feet. Maximum building height is 2 ½ stories or 35 feet. There is no maximum density.
R-3 Residential District (Single-Family)	The R-3 district allows single-family detached units, the uses allowed in all R districts (gardens, playgrounds, parks, and public buildings, including public schools and libraries), and the uses allowed in all R districts on appeal (public utilities, hospitals, semi-public buildings, golf courses, government buildings, and the limited sale of alcoholic beverages by certain clubs). The minimum lot area is 7,000 square feet. Maximum building height is 2 ½ stories or 35 feet. There is no maximum density.
R-4 Residential District (Multifamily)	The R-4 district allows multifamily, apartments, two and three family dwelling units, single-family detached dwellings, and the uses allowed in all R districts (gardens, playgrounds, parks, and public buildings, including public

**TABLE II-3.1.A: ZONING DISTRICTS IN CURRENT ZONING ORDINANCE**

CURRENT ZONING DISTRICT	PURPOSE
	<p>schools and libraries). The uses allowed in all R districts on appeal are also available (public utilities, hospitals, semi-public buildings, golf courses, government buildings, and the limited sale of alcoholic beverages by certain clubs ) as well as boarding and rooming houses and not-for profit clubs (also on appeal). The minimum lot area is 7,000 square feet for the first unit, and 2,000 square feet for each additional unit. Maximum building height is 35 feet and 3 stories. There is no maximum density.</p>
<p>R-4 Zero Lot Line Multifamily Residential District)</p>	<p>The R-4 Zero Lot Line MF district allows multifamily, apartments, one and two family dwelling units, and the uses allowed in all R districts (gardens, playgrounds, parks, and public buildings, including public schools and libraries). The uses allowed in all R districts on appeal are also available (public utilities, hospitals, semi-public buildings, golf courses, government buildings, and the limited sale of alcoholic beverages by certain clubs ) as well as boarding and rooming houses and not-for profit clubs (also on appeal). The minimum lot area is 7,000 square feet for one and two family dwellings, and 2,000 square feet for each additional unit. Maximum building height is 35 feet and 3 stories. There is no maximum density. Site plan approval is required if more than one building or more than four units are proposed to be developed, or the proposed development is not part of a subdivision.</p>
<p>R-MH Residential Manufactured Housing District</p>	<p>The R-MH district allows manufactured single family detached units, the uses allowed in all R districts (gardens, playgrounds, parks, and public buildings, including public schools and libraries ), and the uses allowed in all R districts on appeal (public utilities, hospitals, semi-public buildings, golf courses, government buildings, and the limited sale of alcoholic beverages by certain clubs ). The maximum density is 7 units an acre, and the minimum lot area is 5,000 square feet. Maximum building height is 35 feet.</p>
<p>R-5 Residential District (Single-Family Patio Home)</p>	<p>The R-5 district allows single-family patio home units, the uses allowed in all R districts (gardens, playgrounds, parks, and public buildings, including public schools and libraries ), and the uses allowed in all R districts on appeal (public utilities, hospitals, semi-public buildings, golf courses, government buildings, and the limited sale of alcoholic beverages by certain clubs ). The maximum density is 7</p>

TABLE II-3.1.A: ZONING DISTRICTS IN CURRENT ZONING ORDINANCE	
CURRENT ZONING DISTRICT	PURPOSE
	units an acre, and the minimum lot area is 5,000 square feet. Maximum building height is 35 feet.
R-5 Zero Lot Line Residential District (Single-Family Patio Home)	The R-5 Zero Lot Line district allows zero lot line single-family units, the uses allowed in all R districts (gardens, playgrounds, parks, and public buildings, including public schools and libraries), and the uses allowed in all R districts on appeal (public utilities, hospitals, semi-public buildings, golf courses, government buildings, and the limited sale of alcoholic beverages by certain clubs). The maximum density is 7 units an acre, and the minimum lot area is 5,000 square feet. Maximum building height is 35 feet.
R-6 Residential District (Single-Family Semi-Attached)	The R-6 district allows semi-attached units (connected single-family townhome units), the uses allowed in all R districts (gardens, playgrounds, parks, and public buildings, including public schools and libraries), and the uses allowed in all R districts on appeal (public utilities, hospitals, semi-public buildings, golf courses, government buildings, and the limited sale of alcoholic beverages by certain clubs). The maximum density is 12 units an acre, and the minimum lot area is 2,000 square feet. Maximum building height is 2 ½ stories or 35 feet.
PRD-1 Planned Residential Development District	The Planned Residential Development districts allow for flexibility in the development of tracts five acres or greater in area, by permitting a variety of residential uses in accordance with a specific plan for large scale developments, and the establishment of specific regulations for the approved district that varies from the general standards in the zoning ordinance. The different PRD districts allow for different densities/intensities, and heights for development (the greater the number of the district, the greater the intensity/density) Such an approach allows for more flexibility to allow for different residential development types, a greater preservation of open space, trees, and other natural features; the development of recreation areas; and the establishment of smaller networks of utilities and streets; and the creation of an environment of a stable character in harmony with surrounding development.
PRD-2 Planned Residential Development District	
PRD-3 Planned Residential Development District	
PRD-4 Planned Residential Development District	
PRD-5 Planned Residential	

TABLE II-3.1.A: ZONING DISTRICTS IN CURRENT ZONING ORDINANCE	
CURRENT ZONING DISTRICT	PURPOSE
Development District	
PRD-6 Planned Residential Development District	
PRD-7 Planned Residential Development District	
PRD-8 Planned Residential Development District	
Institutional	
I-D Institutional District	Current zoning ordinance does not state what is the general purpose and character of the B-1 district.. Regulations allow secondary schools; colleges and universities; fraternity and sorority houses; auditoriums and coliseums; religious, fraternal and charitable institutions; orphanages; gardens; playgrounds; parks; public buildings and book shops.
Business	
B-1 Business District (Local Shopping)	Current zoning ordinance does not state what is the general purpose and character of the B-1 district.
B-2 Business District (General Business)	Current zoning ordinance does not state what is the general purpose and character of the B-2 district.
B-3 Business District (Tourist Commercial)	Current zoning ordinance does not state what is the general purpose and character of the B-3 district.
B-3R Riverfront Commercial District	Current zoning ordinance does not state what is the general purpose and character of the B-3R district.
B-4 Business District (Regional Shopping)	Current zoning ordinance does not state what is the general purpose and character of the B-4 district.
B-5 Business District (Central Business District)	Current zoning ordinance does not state what is the general purpose and character of the B-5 district.
B-6 Business District (Office District)	Current zoning ordinance does not state what is the general purpose and character of the B-6 district.

TABLE II-3.1.A: ZONING DISTRICTS IN CURRENT ZONING ORDINANCE	
CURRENT ZONING DISTRICT	PURPOSE
MC Medical Center District	Current zoning ordinance does not state what is the general purpose and character of the MC district. Assume the general purpose of the district is to provide lands for medical related facilities (like hospitals, medical clinics, doctors and dentists offices, nursing homes, and the like)
M-1A Expressway Commercial District	Current zoning ordinance does not state what is the general purpose and character of the M-1A district. It allows for wide variety of somewhat disparate uses, that include public and semi-public uses, including governmental buildings, hospitals, clinics, churches, schools, academies, and clubs; a number of retail businesses; on premises sale and off premises sale of alcoholic beverages; and businesses licensed under the Deferred Presentment Services Act, and/or Pawnshop Act, and/or Dealers in Gold or Precious Items Act, under certain circumstances.
Redevelopment District (RD)	The purpose of the RD district is allow for the establishment of a mixed-use (residential, commercial, and light industrial) zoning district that is designed to allow property owners to maximize the use of their property through flexible development standards (e.g. amended parking, lot line setbacks lot coverage, landscaping, lighting, signage, etc.) and without having to seek a zoning change from the Planning Commission and the City Council. The rules are set down in the district. Allowed uses include all residential types except mobile homes, retail and commercial trade uses, service-oriented facilities, light manufacturing, and the on and off-premises sales of alcoholic beverages.
Redevelopment District-2 (RD-2)	The purpose of the RD-2 district is to recognize the need to redevelop the property that fronts the Sixth Ave. corridor on the east side. A majority of the area is directly across from RD district lands on the west side of 6th Avenue. It allows for the establishment of a mixed-use (residential, commercial, and light industrial) zoning district that is designed to allow property owners to maximize the use of their property through flexible development standards (e.g. amended parking, lot line setbacks lot coverage, landscaping, lighting, signage, etc.). Allowed uses include all residential types except condos, apartments, and mobile homes, retail and commercial trade uses, service-oriented facilities, light manufacturing, and the on and off-premises sales of alcoholic beverages. It also includes a limited



TABLE II-3.1.A: ZONING DISTRICTS IN CURRENT ZONING ORDINANCE	
CURRENT ZONING DISTRICT	PURPOSE
	number of uses allowed on appeal.
Industrial	
M-1 Industrial District (Light Industry)	Current zoning ordinance does not state what is the general purpose and character of the M-1 district. Assume its general purpose is to provide lands for light industrial uses. Current regulations allow for light industrial uses; also allow for off premises sale of alcoholic beverages; clubs; and on premises and off premises sale of alcoholic beverages by clubs when duly licensed as a class I club by the city and the Alabama Alcoholic Beverage Control Board.
M-2 Industrial District (General Industry)	Current zoning ordinance does not state what is the general purpose and character of the M-2 district. Allows any industrial or commercial use unless the Building Inspector determines it would cause noise, smoke, gas, vibration, fumes, dust or other objectionable conditions; also allows for off premises sale of alcoholic beverages; clubs; and on premises and off premises sale of alcoholic beverages by clubs when duly licensed as a class I club by the city and the Alabama Alcoholic Beverage Control Board.
OVERLAY DISTRICTS	
Historic (H) District	Current zoning ordinance does not state the general purpose and H district, but the ordinance establishing the district does (Ordinance No. 90-2882A [Chapter 18, Article II]). The provisions state the uses, area, bulk and height in the overlay district are controlled by the underlying base district. Also requires new construction and all alterations and demolition and any material changes in the exterior appearance of buildings in the H overlay district comply with the district requirements in Ordinance No. 90-2882A [Chapter 18, Article II]). Those provisions require development or demolitions receive approval of a certificate of appropriateness (COA) from the Historic Preservation Commission (the provisions also authorize the City Council to establish an Architectural Review Board for that purpose). If a COA is denied by the HPC, it may be appealed to the City Council; additionally, the applicant can <b>also demonstrate "economic hardship," in which case relief</b> in the form of allowing some type of development or demolition must be approved. The provisions incorporate the Secretary of the Interior's "Standards for Rehabilitation"

TABLE II-3.1.A: ZONING DISTRICTS IN CURRENT ZONING ORDINANCE	
CURRENT ZONING DISTRICT	PURPOSE
	as general design guidelines for properties within the district; they also authorize the City Council to establish design guidelines to preserve historic character in each district established.
Sidewalk Café District	This district allows for the extension of restaurant dining areas into the public right-of-way if certain criteria are met.
Arts and Entertainment District	This district allows dispense establishments that are allowed to sell alcoholic beverages to sell an alcoholic beverage in a paper or plastic container, or other container other than a can, bottle, or glass, for removal from the premises, as authorized by Section 28-3A-17.1 of the Code of Alabama 1975. Dispensing alcoholic beverages in the district is subject to specific limitations.

### Proposed Zoning District Structure

Based on this evaluation of the current zoning district structure, land use policy directed in *One Decatur*, and a key project goal of making the updated zoning ordinance more user-friendly and efficient, we suggest the city consider restructuring the zoning districts in the updated zoning ordinance as outlined in Table II-3.1.B: Proposed Zoning District Structure. The table organizes the districts into the following groups:

- Base districts:
  - Agricultural District
  - Residential Districts
  - Institutional Districts
  - Business Districts;
  - Industrial Districts;
- Planned Development Districts; and
- Overlay Districts.

The proposed changes are discussed in further detail following the table.

So the reader can better compare the current zoning district structure to the proposed structure, the first column in the table outlines the current zoning districts. Where current districts are proposed to be deleted or consolidated, that is noted. The listing of the districts under each group generally starts with the least intense districts, extending to the highest-intensity districts. In addition, so the reader can relate the proposed zoning district structure to the Future Land Use and Character Map in *One Decatur*, the final column in the table shows the corresponding character type(s) from that map that are being implemented by the proposed zoning districts.

TABLE II-3.1.B: PROPOSED ZONING DISTRICT STRUCTURE		
EXISTING DISTRICTS	PROPOSED DISTRICTS	CHARACTER TYPE
BASE DISTRICTS		
Agricultural		
AG-1 Agricultural District	Agricultural District (AG) [CONSOLIDATED]	Rural / Agriculture
AG-2 Agricultural District		
Residential		
R-1E Residential Estate District (Large Lot Open Space)	Residential Single-Family Estate (RSF-E)	Residential Low Density
R-1 Residential District (Single-Family)	Residential Single-Family 10 (RSF-10) [CONSOLIDATED]	Residential Low Density, Mixed Neighborhood
R-2 Residential District (Single-Family)		
R-3 Residential District (Single-Family)	Residential Single-Family 7 (RSF-7)	Mixed Neighborhood, Core Neighborhood
R-4 Residential District (Multifamily)	[DELETE]	
R-4 Zero Lot Line Multifamily Residential District	[DELETE]	
R-5 Residential District (Single-Family Patio Home)	Residential Single-Family 5 (RSF-5)	Mixed Neighborhood, Core Neighborhood
R-5 Zero Lot Line Residential District (Single-Family Patio Home)	[DELETE]	
R-MH Residential Manufactured Housing District	Residential Manufactured Housing (RMFD)	Residential Medium-High Density

TABLE II-3.1.B: PROPOSED ZONING DISTRICT STRUCTURE		
EXISTING DISTRICTS	PROPOSED DISTRICTS	CHARACTER TYPE
R-6 Residential District (Single-Family Semi-Attached)	Residential Townhouse (RT)	Residential Medium-High Density
	Residential Mixed Medium Density (RM-M) [NEW]	Residential Medium-High Density, Mixed Neighborhood, Core Neighborhood
	Residential Mixed High Density (RM-H) [NEW]	Residential Medium-High Density
PRD-1 Planned Residential Development District	[DELETE]	N/A
PRD-2 Planned Residential Development District	[DELETE]	N/A
PRD-3 Planned Residential Development District	[DELETE]	N/A
PRD-4 Planned Residential Development District	[DELETE]	N/A
PRD-5 Planned Residential Development District	[DELETE]	N/A
PRD-6 Planned Residential Development District	[DELETE]	N/A
PRD-7 Planned Residential Development District	[DELETE]	N/A
PRD-8 Planned Residential Development District	[DELETE]	N/A
Institutional		
I-D Institutional District	Institutional District (INST)	Major Institution / Civic Campus
MC Medical Center District	Major Campus Institutional District (MC-INST) [NEW]	Major Institution / Civic Campus
Business		

TABLE II-3.1.B: PROPOSED ZONING DISTRICT STRUCTURE		
EXISTING DISTRICTS	PROPOSED DISTRICTS	CHARACTER TYPE
B-1 Business District (Local Shopping)	Commercial Neighborhood District (CN)	Neighborhood Commercial
B-2 Business District (General Business)	Commercial Community District (CC) [CONSOLIDATED]	Community Commercial
M-1A Expressway Commercial District		
B-3 Business District (Tourist Commercial)	[DELETE]	
B-3R Riverfront Commercial District	[DELETE]	
B-4 Business District (Regional Shopping)	Commercial Regional District (CR)	Regional Mixed Use, Riverfront Mixed Use
B-5 Business District (Central Business District)	Central Business District (CB)	Urban Core Downtown
Redevelopment District (RD)	Urban Corridor Mixed Use District (UC-MX) [CONSOLIDATED]	Urban Edge Mixed Use
Redevelopment District-2 (RD-2)		
B-6 Business District (Office District)	Office Mixed Use District (O-MX)	Flex Employment Center
	Major Employment Center District (MEC) [NEW]	Flex Employment Center
<b>Industrial</b>		
M-1 Industrial District (Light Industry)	Light Industrial District (LI)	Flex Employment Center
M-2 Industrial District (General Industry)	Industrial District (I)	General Industrial
<b>PLANNED DEVELOPMENT DISTRICTS</b>		
	Residential Planned Development District (R-PD) [NEW]	Mixed Neighborhood
	Major Employment Center Planned Development District (MEC-PD) [NEW]	Regional Mixed Use or Flex Employment Center
	Traditional Neighborhood Planned Development District (TN-PD) [NEW]	Mixed Neighborhood

TABLE II-3.1.B: PROPOSED ZONING DISTRICT STRUCTURE		
EXISTING DISTRICTS	PROPOSED DISTRICTS	CHARACTER TYPE
OVERLAY DISTRICTS		
Historic (H) District	Historic Overlay District (H-O)	
Sidewalk Café District	Sidewalk Café Overlay District	
Arts and Entertainment District	Arts and Entertainment Overlay District (AE-O)	
	Neighborhood Conservation Overlay District (NC-O) [NEW]	

Base Districts

Agricultural District

Even though Decatur is becoming more developed, and a significant amount of new growth is expected in future years, there are still areas of the city where agricultural activities are prominent and should be protected and maintained. For these reasons, the current AG-1 Agricultural District and AG-2 Agricultural District are carried forward and consolidated and renamed the Agricultural District (AG). The district provides lands for agricultural production, agricultural support uses, golf courses and country clubs, and single-family detached residential dwelling units. It is rural in character. Minimum lot area for the consolidated district is 15,000 square feet, with a maximum density of 2.3 dwelling units an acre.

Residential Districts

The residential districts are primarily intended to accommodate lands for residential development, both single-family and more moderate and higher density residential development. To accomplish this objective, the current low and medium density residential districts are generally carried forward (and renamed to better align with their character), with some consolidation where appropriate. The R-MH Residential District and the R-5 Residential District are also carried forward to provide lands for manufactured homes and small lot single-family detached houses, respectively. The two zero lot line districts, R-5 Zero Residential and R-4 Zero Residential, are proposed

to be deleted. Instead, a zero lot line development option will be included separately in the code and made applicable in the medium and high density residential districts.

The R-4 Multi-family Residential District is proposed to be deleted and replaced by two new residential districts that allow a mix of housing types. The reason for this is that the current districts are not logical in their organization. They make distinctions that are not based on different impacts, and they do not reflect a clear progression from less intense to more intense development. The eight existing planned residential districts are also proposed to be deleted and replaced by the Residential Planned Development District (R-PD) (see discussion in this section under Planned Developments).

The proposed district structure is outlined below.

The R-1E Residential Estate District (Large Lot Open Space) is carried forward and renamed consolidates and renamed Residential Single-Family Estate District (RSF-E), to better align with its character. It is a very low density single family district with a minimum lot area of one acre (five acres if horses are kept).

The current R-1 Residential District (Single-Family) and R-2 Residential District (Single-Family) are carried forward, consolidated, and renamed Residential Single-Family 10 (RSF-10) to better align with **the consolidated district's** character. The consolidated district is primarily a single-family district with a minimum lot area of 10,000 square feet.

The current R-3 Residential District (Single-Family) is carried forward and renamed Residential Single-Family 7 District (RSF-7) to better align with its character. The consolidated district is primarily a single-family district with a minimum lot area of 7,000 square feet.

The current R-5 Residential District (Single-Family) is carried forward and renamed Residential Single-Family 5 District (RSF-5) to better align with its character. The consolidated district is primarily a single-family district with a minimum lot area of 5,000 square feet.

The current R-MH Residential Manufactured Housing District is proposed to be carried forward and renamed Residential Manufactured Housing District (RMFD), with minor refinements. It would allow manufactured homes, certain civic uses, along with

limited neighborhood serving commercial and business uses (as a special exception). The minimum lot area would be 5,000 square feet.

The current R-6 Residential District (Single-Family Semi-Attached) is carried forward and renamed Residential Townhouse (RT) District. It will allow two-family dwellings, triplexes, quadplexes, and townhouses, with a maximum density of 12 dwelling units per acre.

The new Residential Mixed Medium Density District (RM-M) would allow single-family detached and two-family dwellings, triplexes and quadplexes, townhouses, and limited-scale multifamily, with a maximum density of eight dwelling units per acre. The new Residential Mixed High Density (RM-H) District would allow two-family dwellings, triplexes and quadplexes, townhouses, and multifamily, with a maximum density of 18 dwelling units per acre.

### *Institutional Districts*

Institutional districts help account for key services and entities that benefit the community but often have **mission-driven development types that don't always fit in** other zoning district categories. The proposed lineup of institutional district carries forward the current I-D district, and adds a new Major Campus Institutional district

The current I-D Institutional District is carried forward, refined, and renamed Institutional District (INST). The district would allow traditional institutional uses like secondary schools, government buildings, other public buildings, gardens, playgrounds, parks, auditoriums and coliseums. It would not allow hospitals or colleges and universities since they are allowed in the new Major Campus Institutional District (MC-INST).

The new Major Campus Institutional District (MC-INST) would be applied to large medical complexes like hospitals, and colleges and universities. This type of district is used by a number of communities in modern development codes for these types of large and more complex institutional uses, since it is necessary to provide more flexible development requirements, as long as the use is comprehensively planned. The district would require approval of a plan for development of the hospital or college/university, which typically would include buildings and other future development plans, along with how traffic, parking, other infrastructure, and development form and compatibility issues will be addressed. Once the plan of development is approved, the major campus can proceed with development on their



own schedule, as long as the development substantially conforms with the approved plan. Substantial changes to the approved plan would require approval of an amendment to the plan.

### Business Districts

The purpose of the business districts is to provide lands that accommodate commercial and office development, and where appropriate, mixed-use development. The districts are centers of commerce, employment, and entertainment, and in some cases, destinations for people throughout the city and region. Based on the policy direction in One Decatur, they are intended to result in high quality form and design, higher densities and intensities, and to support multiple modes of travel in appropriate places.

Based on plan policy direction, and even though some of the current districts are carried forward, a fairly significant restructuring and renaming of the Business districts is proposed in the update, primarily to:

- Ensure a broad array of development options are available, by right, to support economic development opportunities;
- Ensure development is more walkable and pedestrian-friendly, and supports multiple modes of mobility;
- Encourage mixed use development;
- Improve development quality generally, consistent with the **city's** development goals; and
- Ensure development form is consistent and compatible with the desired context of development where it is located.

Business districts that are proposed to be deleted are the B-3 Business District, which is not currently used, and the B-3R Riverfront Commercial District, which is duplicative of the proposed Commercial Community and Commercial Regional Districts.

The proposed district structure is outlined below.

The current B-1 Business District (Local Shopping) is carried forward with some modifications and renamed Commercial Neighborhood District (CN). The district provides lands to accommodate a limited range of neighborhood-scale residential and

nonresidential uses (residential would be allowed in the second floor above a nonresidential use; stand-alone residential would not be allowed). It is characterized by small pockets of commercial and mixed-use development within the **city's** neighborhoods and along roadways at the edge of neighborhoods. The district may apply to portions of a block, consisting of a few storefronts with limited on-site parking. Uses are intended to be neighborhood-serving. Basic form and design standards would be included to ensure development scale is consistent with the character of adjacent or surrounding residential neighborhoods.

The current B-2 Business District (General Business) and the M-1A Expressway Commercial District are proposed to be consolidated, with modifications, and renamed Commercial Community District (CC). The district would provide lands to accommodate a range of community-scale nonresidential uses, as well as residential uses, if they are integrated with the nonresidential development (stand-alone residential would not be allowed). The district would support stand-alone general commercial, office, recreation, and restaurant development, at a moderate-scale, as well as mixed-use development. Some auto-oriented uses would be allowed, but would be required to include basic pedestrian amenities

The B-4 Business District (Regional Shopping) is carried forward with modifications, and renamed Commercial Regional District (CR). It provides lands to accommodate higher-density/intensity, region-serving commercial, office, and mixed-use development. It would allow auto-oriented uses while also encouraging more pedestrian-oriented mixed use development. Allowed uses would primarily be commercial and office, but high-intensity residential multifamily development, either as stand alone or mixed-use development, is also appropriate.

The B-5 Business District (Central Business District) is carried forward with some substantive modifications, and renamed Central Business District (CB). The district serves as the focal point for commerce, government, entertainment, and cultural events in the city. Development form is walkable, pedestrian-oriented, mixed-use, and the most intense in the city. New buildings would be required to be brought forward to the public right-of-way; any off-street parking would be required to be located at the side or rear of buildings. The district allows a broad range of commercial, office, restaurant, service distribution, higher-density residential, and mixed-use development. Development standards focus on development form (versus dimensional standards).

The current Redevelopment District (RD) and Redevelopment-2 District (RD-2) are proposed to be consolidated and renamed Urban Corridor Mixed Use District (UC-MX), with substantive modifications to support redevelopment of gateway corridors leading into Downtown, **in a context that meets the city's development goals, as** outlined in One Decatur. The goals of the district would be to foster redevelopment and development that establishes unique destinations rather than strip development patterns, achieve high quality development and redevelopment, and encourage and support mixed-use, pedestrian-friendly development. The district would allow community and neighborhood commercial, office, lodging, government, and residential (in a mixed-use context only) development. To support walkable urbanism, higher development quality, and a more pedestrian-friendly environment, measurable design and form standards would be included as requirements, new buildings would be required to be brought up to the public right-of-way, any off-street parking would be required to be located to the side or rear of buildings, and flexible dimensional standards requirements would be established to support redevelopment while also protecting neighboring residential development.

The current B-6 Business District (Office District) is proposed to be carried forward with modifications, and renamed Office Mixed Use District (O-MX). It would accommodate stand-alone office development, as well as mixed-use development with offices. To ensure a high quality of design and form, basic form and design standards would be applied in the district.

The Major Employment Center District (MEC) is a new base district that would establish a development option for light industrial, office, research and development, and other flex development in a campus-like setting. Limited amounts of eating and drinking establishments would also be allowed. Multifamily development would be allowed as a special use. To ensure a minimum-level of development quality, the district would include some basic form and design standards.

### Industrial Districts

**The industrial districts support Decatur's economic base** by providing a full range of industrial development opportunities.

The M-1 Industrial District (Light Industry) is carried forward with refinements, and renamed Light Industrial District (LI). It would allow a mix of light industrial, office, and commercial uses. Residential uses would not be allowed.

The M-2 Industrial District (General Industry) is carried forward with minor refinements, and renamed Industrial District (I).

### Planned Development Districts

Planned development districts are intended to offer flexibility to modify the zoning district regulations and development standards in return for innovative design, greater development quality, and in some instances community benefits. Currently the city has eight planned residential districts, which are not used very often for a variety of reasons. We suggest all of the current planned residential districts be deleted and replaced with the following three planned development districts:

- The Residential Planned Development District (R-PD);
- The Major Employment Center Planned Development District (MEC-PD);  
and
- The Traditional Neighborhood Planned Development District (TN-PD).

Additionally, we suggest that the current procedures for planned development be refined, incorporating best practices, as discussed in Theme 1 (see page II-18). There would be a general expectation that any planned development project would propose high quality and innovative form and design. It would allow the development applicant to propose for consideration a broad mix of uses, and vary a number (but not all) of the development standards and would also require or encourage the provision of community benefits.

### Overlay Districts

The current Historic District (H) is carried forward and renamed Historic Overlay District (H-O), with no substantive changes, and minor refinements to clarify language.

The standards for sidewalk cafés in Article VIII are carried forward as the Sidewalk Café Overlay District (SC-O), with no substantive changes. Standards for outdoor dining areas outside of that district will also be included as use-specific standards (see page II-53). The current Arts and Entertainment District is carried forward and renamed Arts and Entertainment Overlay District (AE-O), with no substantive changes, and minor refinements to clarify language.

The new NC-O: Neighborhood Conservation Overlay district is intended to ensure the desired character of a neighborhood is protected. The district can be an appropriate tool in both stable traditional neighborhoods and at-risk neighborhoods to improve, re-build, preserve, and protect desired neighborhood character. A framework for the establishment of the district would be included in the regulations so that the community could tailor and adopt individual NC-O district standards for different neighborhoods. Standards for an NC-O district would have to conform to a neighborhood plan established prior to the creation of the district. The neighborhood plan would help **identify the neighborhood's defining character features** to be protected. Standards would then be developed for the specific NC-O district, to implement the neighborhood plan. Standards might address such issues as: building height, setbacks, roof pitch, garage location, setbacks, front porches, driveway access, street trees, and landscaping. Typically, only a handful of character-defining features are regulated. Once the standards for the neighborhood are adopted, all development and redevelopment within the overlay must comply. Development review is conducted and decided administratively, by the Director (see discussion on administrative approval on page II-17).

### 3.2 Modernize Format for Updated Districts

In discussing the restructuring of the zoning districts, it is also important to recognize the current layout of zoning district regulations is confusing and could also be improved. In the current zoning ordinance, districts are generally organized and placed together, and arranged in order by type (agricultural, residential, commercial, industrial, and historic), except for the Arts and Entertainment District (Sec. 25-187), which is found at the end of the code. However, in many instances the dimensional standards (like for the Residential districts) are aggregated under a general heading (e.g., Sec. 25-10, Residential District Requirements), and the uses allowed by right uses and by appeal are found in other sections where special rules for each zoning district are established (and in many instances include other dimensional standards that apply in the specific zoning district). The information is generally laid out in textual form. Clearly, as currently presented, it is difficult to digest and understand.

Modern approaches to laying out zoning district regulations include attractive layout, consistent structure, and effective use of tables and graphics. We recommend each district in the updated zoning ordinance include a purpose statement, a reference to the use table and use-specific standards, the intensity and dimensional standards applicable in the district, and form standards, where appropriate. In addition, graphics

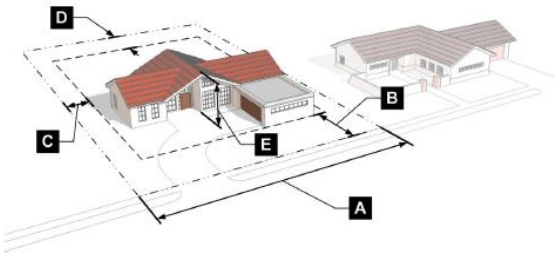
and photos should depict the desired character of development within the district, typical lot patterns, and the application of dimensional standards. Examples of this suggested zoning district layout are included below and in Appendix A.

### 2.4. RS-18: Single-Family Residential<sup>27</sup>

**A. Purpose**

The RS-18 district is intended to accommodate and preserve lower-density to medium-density single-family residential uses with limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between low- and medium-density residential to higher-density residential zoning districts.

B. RS-18 Lot and Building Standards		C. Other Standards	
Lot Standards		Other Standards	Location in LDC
<b>A</b> Width (minimum)	100 feet	Measurements and Exceptions	Section 2.23
Area (minimum)	18,000 sq. ft.	Use-Specific Standards	Section 3.3
Density (maximum)	2 du/acre	Off-Street Parking	Section 5.5
<b>Setbacks (minimum)</b>		Landscaping, Buffering	Section 5.6
<b>B</b> Front	25 feet [1]	<b>Notes:</b>	
<b>C</b> Side	10 feet	[1] Currently 30 feet in RS-18a	
Side, abutting street	15 feet	[2] Currently 30 feet in RS-18a	
<b>D</b> Rear	25 feet [2]	[3] Currently 25 percent in RS-18a	
<b>Height (maximum)</b>			
<b>E</b> Building height	22 feet		
<b>Impervious Coverage (maximum)</b>			
Building coverage	35 percent [3]		
Total coverage	60 percent		



<sup>27</sup> This district is a consolidation of the RS-18a and the RS-18b districts.

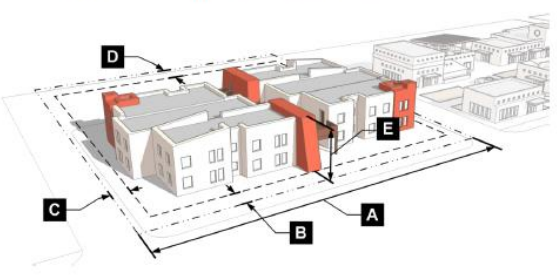
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### 2.10. RM-3: High-Density Multifamily<sup>27</sup>

**A. Purpose**

The RM-3 district is intended to accommodate high-density multifamily residential uses, with limited single-family uses and duplexes. The RM-3 district may include limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between other multifamily and commercial or mixed-use zoning districts.

B. RM-3 Lot and Building Standards		C. Other Standards	
Lot Standards		Other Standards	Location in LDC
<b>A</b> Width (minimum)	100 feet	Measurements and Exceptions	Section 2.23
Area (minimum)	8,000 sq. ft. [1] <sup>28</sup>	Use-Specific Standards	Section 3.3
Density (maximum)	20 du/acre	Off-Street Parking	Section 5.5
<b>Setbacks (minimum)</b>		Landscaping, Buffering	Section 5.6
<b>B</b> Front	10 feet [2] <sup>29</sup>	Site and Building Design	Section 5.7
<b>C</b> Side [3]	8 feet [4]	<b>Notes:</b>	
<b>D</b> Rear	20 feet [5]	[1] Currently 23,780 sq. ft. (1/2 acre)	
<b>Height (maximum)</b>		[2] Currently 20 feet	
<b>E</b> Building height	25 feet	[3] Did not carry forward the side setback abutting a street, which is currently 15 feet	
<b>Impervious Coverage (maximum)</b>		[4] Currently 10 feet	
Building coverage	40 percent [6] <sup>30</sup>	[5] Currently 25 feet	
Total coverage	70 percent	[6] Currently 25 percent	



<sup>27</sup> This district is carried forward from the current RM-3 district.  
<sup>28</sup> The current lot size requirement can act as a barrier to achieving higher densities than the lower intensity districts RM-1 and RM-2.  
<sup>29</sup> A shallower setback will encourage more walkable and dense development in key areas throughout the city.  
<sup>30</sup> Revised to match the proposed limits in the RM-1 and RM-2 districts.

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Example page layout for zoning district regulations from another community.

### 3.3 Simplify the Layout of Uses by Adding a Summary Use Table

In the current zoning ordinance, uses allowed by right and by appeal for each zoning district are generally set down in text form under the specific rules set out for each zoning district.

Best practices in modern codes locates all rules governing uses in one place in the ordinance (in the updated ordinance, we suggest in Article 25-4: Use Regulations), organizes the rules governing uses around one or several summary uses tables (using as few use tables as possible), and presents the use information succinctly -- eliminating repetition and inconsistent terminology. A summary use table (or several use tables) allows users to quickly compare how a certain use is treated in different zoning districts. It also cuts down on repetition, which reduces confusion, reduces potential conflict between text and tables, and helps maintain document integrity over time, as the document requires fewer changes when future amendments are made. Examples of a summary use table are included below and in Appendix B.

We suggest this approach in the updated zoning ordinance. In addition, and unlike the current zoning ordinance, we suggest that a summary table and use specific standards be included separately for principal, accessory, and temporary uses.<sup>21 / 22</sup>

Use Category		Use Type	Table 4-2(e): Principal Use Table																				Use-Specific Standards												
			C-1	A-1	R-0	R-0A	R-1	R-1A	R-2	R-2A	R-3	R-3A	R-4	R-4A	R-5	R-5A	R-6	RTH	O-1	O-2	O-3	O/S		B-1	B-2	B-3	UMU	M-1	M-2	M-3	G-PD	SRM-PD	UMU-PD	TND-PD	
<b>Residential Use Classification</b>																																			
<b>Household Living</b>	Dwelling, duplex	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Dwelling, live/work	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Dwelling, mansion apartment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Dwelling, manufactured home	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Dwelling, multi-family	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Dwelling, single-family detached	-	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Dwelling, townhouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Group Living</b>	Dwelling, upper story	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Assisted living facility	-	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Continuing care retirement community	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Lodging house	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Public, Civic, and Institutional Use Classification</b>																																			
<b>Community Services</b>	Auditorium, conference and convention center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Club or lodge	-	U	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Community center, private	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

*Example of summary use table from another community's ordinance.*

<sup>21</sup> There are few rules governing accessory and temporary uses in the current zoning ordinance.

<sup>22</sup> We also suggest refining and modernizing the few use specific standards in the current zoning ordinance, and adding new use specific standards, where appropriate (e.g., for self storage establishments). See section 3.5 below.

The principal use table(s) should identify permitted uses, uses allowed by appeal, and prohibited uses, and also include a cross-reference to any applicable use-specific standards, which would be located after the table.<sup>23</sup> An example portion of a use table from another community's code is shown below.

### 3.4 Classify Uses in a Simpler and More Flexible Way, and Modernize and Provide More Specificity to the Use Structure

The structure for uses set down in the current zoning ordinance relative to the use structure used in modern zoning ordinances is very basic, with limited detail and a number of inconsistencies (e.g., "camera and photographic supplies," "picture framing," and "photographic studios" allowed in the RD District compared with "photograph studios and photo retail sales" allowed in the B-1 District). In addition, the current arrangement includes some antiquated uses, and in other instances fails to include a number of modern uses. This makes it difficult for code users to determine whether a use is allowed in a specific zoning district. In some instances it results in a landowner/developer requesting an interpretation from the Building Inspector on whether a specific use is allowed in a specific zoning district. Of course, such an interpretation is difficult for the Building Inspector to make when the use is not identified in the ordinance, or the current uses identified lack precision and specificity. For these reasons, and based on best practices, we suggest the updated zoning ordinance make some significant changes to the structure and treatment of uses to provide more clarity and certainty.

First, the updated ordinance should incorporate a three-tiered use classification system that organizes uses at three different levels:

- Use Classifications (broad general classifications such as Agricultural, Residential, Business, and Industrial);
- Use Categories (major subgroups within Use Classifications that are based on common characteristics, such as "Group Living" and "Household Living" under the Residential classification; and

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<sup>23</sup> The current zoning ordinance has a very limited number of use specific standards; we suggest additional uses specific standards be added to the updated ordinance, as appropriate, based on best practices.



- Uses (specific uses within the Use Categories, such as single-family dwelling, duplex dwelling, multi-family dwelling, and townhouse dwelling under the Household Living category and Residential classification).

Many communities are moving to this type of use classification approach due to its more robust structure and flexibility. In addition, we suggest the use regulations in the updated zoning ordinance define use categories broadly. This allows staff more flexibility in determining whether a proposed use is allowed and reduces the number of developments that must go through a rezoning or text amendment process just because the proposed use is not expressly listed.

Second, we suggest the use listed be updated, provided more detail and precision, and modernized. This means the outdated uses in the current ordinance would be deleted or updated, as appropriate, and new uses added where the current ordinance does not identify either traditional or modern uses typically found in either the Residential, Business, or Industrial districts (e.g., group homes).

Finally, we suggest that each individual use be defined.

As an example, consider the discussion under Theme 2 above regarding *One Decatur's* call for more housing choices (see page II-27). Currently, the R-5 and R-6 districts are characterized as “single-family patio home” and “single-family semi-attached,” respectively. Unfortunately, neither type of housing is defined in the ordinance. Modern zoning ordinances clearly define a range of housing types (e.g., single-family detached, two-family, three-family, and townhouses). In conjunction with establishing two new mixed residential zoning districts (see page II-44), the rewritten zoning ordinance will include a clear set of definitions for the types of housing allowed in each district.

### 3.5 Add and Refine Standards for Specific Uses<sup>24</sup>

Zoning ordinances typically include specific standards that apply to specific uses. Examples in the current zoning ordinance include provisions regulating home day care facilities (Article IV) and home occupations (Article VI). As a part of the process of reorganizing and defining the uses in the new zoning ordinance, the current use-specific standards will be evaluated and refined to ensure that they address impacts of the use, are as streamlined as possible, and are consistent with zoning best practices.

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<sup>24</sup> **General standards will also clearly state that development must comply with the city's adopted building codes.**

Based on input received during kick-off meetings, standards for the following uses are proposed to be included in the rewritten zoning ordinance to ensure their compatibility with surrounding uses and consistency with the desired character for the area:

- Multifamily residential development;
- Mini-warehouses/self-storage establishments;
- Car sales on small lots;
- Automobile-related uses (e.g., tire sales, repair shops, trailer sales);
- Microbreweries and wineries; and
- Accessory uses (accessory dwelling units, outdoor dining, etc.).

## 4. IMPROVE QUALITY OF DEVELOPMENT

### 4.1 Add Standards for Mobility, Circulation, and Connectivity

Today, many communities across the country are modifying their transportation and development policies to support and require an approach that calls for a connected network of streets, sidewalks, and pedestrianways. The city recognizes this in *One Decatur* by supporting a connected network of streets, sidewalks, and pedestrianways in appropriate locations (see discussion on connectivity and walkability in new neighborhoods on page II-27, and in the CB and CR Districts on page II-46). To implement this plan policy direction, the updated zoning ordinance should consider supporting the establishment of streets, sidewalks, and pedestrianways in the city that are designed to enable safe, convenient, and comfortable travel for users of all ages and abilities, regardless of whether their mode of transportation is walking, driving, or bicycling. The approach also acknowledges the use of streets not only for vehicular travel, but, in certain places, as destinations (e.g., for sidewalk dining and social gathering in the Downtown) as well as links between places. It also considers the use of streets, sidewalks, and pedestrianways in the context of the surrounding development and the zoning districts in which they are located. The following summarizes the characteristics of this connected system:

- Pedestrian infrastructure such as sidewalks, textured crosswalks, median crossing islands, Americans with Disabilities Act of 1990 compliant facilities, and sidewalk bulb-outs; and
- Traffic calming measures to lower speeds of automobiles and define the edges of automobile travel lanes in residential and mixed use areas—including center medians, shorter curb corner radii, elimination of free-flow right-turn lanes, on-street parking, street trees, planter strips, and ground cover.

The current zoning ordinance includes minimal requirements for these kinds of provisions.

Understanding that there are clear limits on what can be achieved in the community in the current development context, we suggest the city consider including the following refinements in the updated zoning ordinance.

- Multimodal (pedestrian, vehicle, and bicycle) access and circulation, where appropriate. Access and circulation standards that expressly encourage new development and redevelopment, where appropriate, to provide integrated multimodal access and circulation that addresses anticipated pedestrian and vehicular demands.
- Sidewalk and related pedestrianway standards. Provisions that new development and certain redevelopment place sidewalks and street trees on both sides of a street, where infrastructure layout allows for it.
- Connected access and circulation systems. Add, as appropriate, connectivity standards to ensure extensions of streets and sidewalks from developments to adjoining undeveloped land, connections of pedestrianways, and cross-access requirements between the internal access and circulation systems of adjoining commercial and office developments. Additionally, standards that would encourage areas being redeveloped to dedicate additional connections between existing streets, where appropriate.
- Community form standards. A basic set of community form standards that would apply to all new development located outside the Central Business (CB), Urban Corridor Mixed Use (UC-MX), and Industrial (I) districts, and would be triggered based on defined development thresholds. Such standards would ensure that new development establish a basic development template that supports strong, well-connected street and pedestrian networks. Suggestions for the types of standards to include in these new regulations are outlined in Table II-4.1: Potential Community Form Standards.

**TABLE II-4.1 : POTENTIAL COMMUNITY FORM STANDARDS**

Standard	Potential Requirements
Street Connectivity Standards	Application of a street connectivity index to ensure a minimum level of street connections
	Where constructed, limit cul-de-sacs to a maximum length of 500 feet, and provide pedestrian access to any adjacent pedestrian system or other local streets
	Limit the average block length in a development (when blocks are used) to not more than 1,100 feet,-- except in cases where environmental constraints (e.g. wetlands, lakes, streams, and rivers, etc.) make it impossible or impracticable to design such block lengths
	Establish minimum external street connectivity provisions, by requiring that a roadway connection be provided for new subdivision development at a specified distance for each direction (north, south, east, west) in which the development abuts a similar or compatible use
Minimum Number of Entry Points	Require at least two ingress/egress points from all subdivisions with 50 units or more. These points must actually be open full time, preferably providing access that is not only to the subdivision.
	Require one additional entry for every 200 dwellings
	Establish limitations on placement of driveways within 500 linear feet of an entrance/exit to the subdivision
Traffic Calming Techniques	Require interruption of long straight street segments over 1,200 feet in length
	Encourage utilization of street jogs, off-sets, and mini-roundabouts at intersections of local streets
	Encourage the use of neck-downs and medians along wide streets
Sidewalks	Require sidewalks on both sides of every street, except in cases where environmental features make such provision impractical, when a public pedestrian way can serve the same function as a sidewalk, or the development lies on an arterial or major thoroughfare and there are no connecting sidewalks within 500 feet
	Require connections be made to existing or planned sidewalks at the property boundaries
Lot Access Standards	Prohibit driveways from having direct access to arterial streets unless no alternative means of access (e.g. alleys or parallel access streets) exists, and it is unreasonable or impractical to require a parallel access street from an adjacent arterial
	Limit driveway access to collector and local streets, where appropriate

TABLE II-4.1: POTENTIAL COMMUNITY FORM STANDARDS	
Standard	Potential Requirements
	Limit or prohibit driveway access in new residential subdivisions with lot widths that are 50 feet or less -- for pedestrian safety and aesthetic purposes (access to be provided by alleys)
Cross Access Standards	Require all nonresidential and multi-family development be designed to allow for cross access (across or through vehicular use areas) to adjacent sites with compatible uses (to encourage shared parking and shared access to streets) -- except in situations where environmental, topographic, or safety hazard issues make it impossible or impracticable

#### 4.2 Update and Modernize Parking and Loading Standards

The current off-street parking standards are located in Sec. 25-16, Off-street parking, and Sec. 25-17, Off-street loading and unloading, in the current zoning ordinance. Section 25-16 lists minimum parking space requirements for off-street parking, and establishes basic minimum dimensional standards for off-street parking spaces. The parking space standards are set out in text, and only address parking space demands for some of the uses allowed. It appears they have not been updated in a number of years. The parking space dimensional standards are likewise basic, and do not include the types of measurable dimensional standards found in modern codes. There are no flexibility provisions that allow for modifications to minimum parking requirements when they can be technically justified. The loading and unloading standards are found in the zoning district standards, and are also very basic in nature.

We suggest in the update the city consider modernizing the current parking standards, based on best practices, and **tailor them to the city’s needs. This would include the following.**

First, review and modernize the minimum parking space requirements to bring them **into conformity with best practices. This involves comparing the city’s parking requirements with standards recommended in the Institute of Transportation Engineers’ Parking Generation Manual, other national standards, and recent standards adopted by other local governments to determine the appropriate quantity of required parking spaces for various uses.** Where parking standards for specific uses are not included in the current ordinance, they will be added. We suggest three sets of parking standards be included: one for the Central Business (CB) District, one for the

Urban Corridor Mixed Use (UC-MX) District, and one for the rest of the city. We also suggest that the city consider establishing a maximum number of spaces for some uses (e.g., mixed-use, retail, office, and multi-family) in some locations.

Second, place the modernized parking standards in a unified parking table that sets out the parking requirements for all allowable uses based on the uses in the principal use table, along with provisions for uses with variable parking demands, and provisions that allow the Director to require preparation of a parking demand study for unusual uses where there is no reliable parking demand data.

Third, provide more measurable standards on parking space and parking lot dimensional standards, including but not limited to the treatment of drive aisles, driveways, wheel stops, parking lot surface materials, and the like.

Fourth, establish a set of flexibility provisions based on modern best practices. This would include:

- Shared parking and off-site parking provisions, that are subject to limitations on distance from the site and requirements for good pedestrian access from the off-site or shared parking location to the site;
- Deferred parking provisions;
- Valet and tandem parking provisions; and
- A general provision that allows an applicant to submit an alternative parking plan demonstrating how parking requirements can be met for a development through alternatives different than those spelled out in the regulations.

Fifth, require large parking lots of 200 or more spaces to be broken up into sections and to incorporate pedestrian-friendly features such as sidewalks to the principal entrance of buildings and enhanced landscaping that provides shade for pedestrians and vehicles and contributes to reduction of stormwater runoff.

Sixth, consider adding bicycle parking standards in the CB and CR districts, requiring a minimum amount of bicycle parking on-site. Also encourage and incentivize the use of bicycle parking in certain other zoning districts that permit a minimum amount of intensity. These basic requirements should also specify acceptable types of bicycle storage, consistent with standards recommended by the Association of Pedestrian and Bicycle Professionals.

Finally, based on input received during kick-off meetings, we suggest that the parking standards include provisions limiting parking in the front yard of single-family residential lots to light-duty trucks and cars on improved driveways.

### 4.3 Add Form and Design Standards

*One Decatur* calls for walkable, pedestrian-oriented development in the Downtown and regional commercial areas, for higher quality design and pedestrian-scaled development in key gateways and corridors, and for higher quality design generally. Most of the development codes that have been updated in the past decade have included some type of form and design standards, primarily to support different forms of mobility, increase pedestrian-friendliness, and improve development quality generally. We suggest the updated zoning ordinance add new basic form and design standards for several different types of development that would be applied to specific locations and to targeted commercial corridors.

During the project kick-off meetings, multifamily development emerged as a frequent topic of discussion, in particular the need for more robust standards. In addition to other standards discussed in this assessment (e.g., parking, neighborhood compatibility, open space set-asides, and landscaping), form and design standards would address the quality of development and impacts on neighboring properties. Table II-4.3.A: Potential Multifamily Form and Design Standards, provides a sampling of the types of multifamily form and design standards we suggest be considered for inclusion.

TABLE II-4.3.A: POTENTIAL MULTIFAMILY FORM AND DESIGN STANDARDS	
Standard	Potential Requirements
Building Orientation and Configuration	Orient primary building entrance to a street rather than a parking area, where practicable
	Avoid long linear corridors and hidden entrances
Building Size	Limit the length and footprint area of individual buildings
Building Facades	Provide wall offsets and other articulation features (recessed entrance, covered porch, pillars and columns, bay windows, eaves, integrated planters) along long building facades



**TABLE II-4.3.A: POTENTIAL MULTIFAMILY FORM AND DESIGN STANDARDS**

Standard	Potential Requirements
Roofs	Limit pitch of sloped roofs
	Conceal flat roofs with parapets
	Locate and configure roof-based mechanical equipment to minimize view from street
Materials	Provide changes in building material where building forms meet
	Locate heavier façade materials below lighter materials
Parking Placement and Configuration	Limit parking areas between buildings and the streets they face
	Locate guest and overflow parking for townhouse units to side or rear of the building with the unit
	Limit frontage taken up by parking located to the sides of buildings
	Locate detached garages to the side or rear of buildings
Transition	Limit the size of multifamily structures within 100 feet of single-family homes; also establish rules governing roof treatment, windows/glazing, and façade treatment in the edge areas adjacent to single-family development.
Storage and Service Areas	Locate storage buildings, garbage and recycling facilities, and other service areas to be conveniently accessible to residents, yet minimize noise and odor impacts on the residents and on adjacent residential development
	Enclose or otherwise fully screen outdoor garbage and recycling facilities, and other outdoor service areas to minimize views from dwelling units and adjacent residential development
Open Spaces	Locate and configure open spaces so they are visible from dwelling units

Table II-4.3.B: Potential Nonresidential and Mixed Use Form and Design Standards, identifies the types of form and design standards we suggest the city consider for nonresidential and mixed-use development.

TABLE II-4.3.B: POTENTIAL NONRESIDENTIAL AND MIXED-USE FORM AND DESIGN STANDARDS	
Standard	Potential Requirements
Building Orientation and Configuration	Orient buildings to front streets, not parking areas
	Orient around a central spine street or accessway (for multi-building developments)
	Locate and configure outparcels and their buildings to define street edges, development entry points, and gathering spaces
	Use design features (canopies, recesses, arcades, raised parapets, roof forms, adjacent display windows) to establish clearly defined, highly visible, primary building entrances
Building Facades	Use design features to configure tall buildings with a clearly recognizable base, middle, and top
	Provide wall offsets and other articulation features (changes in color, recessed entrance, awnings, pillars and columns, bay windows, eaves, integrated planters) along front building facade and along facades facing residential development
Transparency	Incorporate windows and doors along the front building facade to cover a certain percentage of the façade area (with separate standards for ground floors and upper floors)
	Ensure ground-level windows that are transparent, allowing views into the building
Roofs	Incorporate roof line changes reflecting the required façade massing changes
	Locate and configure roof-based mechanical equipment to

TABLE II-4.3.B: POTENTIAL NONRESIDENTIAL AND MIXED-USE FORM AND DESIGN STANDARDS	
Standard	Potential Requirements
	minimize view from street
Parking Placement and Configuration	Locate surface parking areas to the side or rear of buildings, in targeted places or districts, or limit parking areas between buildings and the street
	Limit frontage taken up by parking located to the sides of buildings
	Organize large surface parking lots (250 or more spaces) into a series of parking bays surrounded by buildings, landscaped medians, or accessways designed to look like streets
Storage and Service Areas	Locate storage buildings, garbage and recycling facilities, and other service areas to be conveniently accessible to occupant, yet minimize noise and odor impacts on the occupants and on adjacent residential development
	Enclose, incorporate into overall building design, or otherwise fully screen outdoor storage, garbage and recycling facilities, and other service areas from view from the street and adjacent residential development
Open Spaces	Provide outdoor gathering spaces such as courtyards, plazas, pocket parks
	Provide pedestrian amenities such as plazas, seating areas, or gathering spaces between buildings
	Locate and configure open spaces so they are visible from buildings
Transition	Limit the size of nonresidential structures within 100 feet of single-family homes; also establish rules governing roof treatment, glazing, and façade treatment in the edge areas adjacent to single-family development.
Operational Hours	Limit the hours of operations involving outdoor areas

TABLE II-4.3.B: POTENTIAL NONRESIDENTIAL AND MIXED-USE FORM AND DESIGN STANDARDS	
Standard	Potential Requirements
	adjacent to residential development

#### 4.4 Add Neighborhood Compatibility Standards

Decatur is blessed with a number of well-established single-family neighborhoods. The community generally concurs that protecting, maintaining, and improving the **quality and character of the city’s existing single-family neighborhoods** is key to **maintaining the community’s quality of life**. It should be an important goal in the update.

As is the case in many communities, preservation of the **city’s neighborhoods does not** come without conflict, especially regarding development proposals at the edge of single-family neighborhoods, or in the transition areas between single-family neighborhoods and the commercial corridors. Sometimes the conflict between old and new can be especially jarring, such as when a large new office, retail, or multi-family building is erected adjacent to single-family backyards. The potential for these conflicts could increase, as the city continues to grow and develop into the future. The conflicts typically line up neighbors or neighborhood groups against development applicants over issues the neighbors believe would affect the character and quality of their neighborhoods—building height, mass, or design; site lay-out; parking or parking location; lighting; land uses; and expected (or feared) volumes of traffic.

There are few measurable and predictable minimum standards in the current zoning ordinance to ensure development located adjacent to single-family neighborhoods is **compatible with the character of the neighborhood**. **The result is that the city’s review** of development proposals, especially in these edge/transition areas can be controversial and frustrating to the neighbors, the developer, and the review boards.

Based on best practices, we suggest the city consider adding two specific tools to the rewritten regulations, to address these concerns:

- Neighborhood compatibility standards; and
- A framework for application of a Neighborhood Character Overlay (NC-O) District

## Neighborhood Compatibility Standards

An increasing number of communities across the nation have included neighborhood compatibility standards in their regulations to protect the character of established single-family neighborhoods. If included in the updated regulations, they would typically apply to any new nonresidential development (e.g., commercial, industrial, or office), mixed-use development, and multi-family development above a certain size that is adjacent to, across the street from, or within a certain distance from single-family residential development or a single-family residential zoning district. Table II-4.4: Potential Neighborhood Compatibility Standards, includes a sampling of the types of neighborhood compatibility standards the city should consider including in the updated regulations.

**TABLE II-4.4: POTENTIAL NEIGHBORHOOD COMPATIBILITY STANDARDS**

Site Layout	Requires structures to maintain consistent façade directions and building orientations as existing homes along the same block face.
	Requires the primary entrance of a new building to face the street from which the building obtains its street address or mailing address.
Building Façade Standards	Requires construction of a similar roof type as single-family development in terms of slope and arrangement to prevent abrupt changes in roof form
	Requires porches, balconies, outdoor space, and other site attributes such as vending machines associated with multi-family and nonresidential development to be oriented away from adjacent single-family development
	Requires adjacent development to use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations as that included on adjacent single-family development
Building Dimension Standards	Requires that no building be higher than a certain number of feet within 100 or 150 feet of a single-family development, and that buildings over that height be stepped back in height, so that the tallest part of the structure is the furthest from the single-family development
	Requires massing standards for building facades visible from single-family development -- that include articulation of the façade in the form of projections or recesses with a minimum depth so that no single wall plane extends for more than 40 linear feet without some form of projection or recess. Covered porches, building wings, bay windows, pilasters, masonry chimneys, and cantilevered bump-outs would meet these requirements.
Site Design Standards	Requires when dealing with multi-building development, a continuum be established of use intensity, where uses of lowest-

**TABLE II-4.4: POTENTIAL NEIGHBORHOOD COMPATIBILITY STANDARDS**

	intensity are located closest to the single-family development, and the moderate intensity uses are sited between high-intensity uses and the lowest intensity uses
Location of Drive-Throughs and Outdoor Dining	Requires drive-through facilities and outdoor dining areas to be located away from single-family development, to the maximum extent practicable.
Parking and Driveway Area Standards	Requires parking spaces be oriented away from single-family development
	Requires a fully-opaque vegetated buffer or fence, or a comparable buffer between single-family development and nonresidential and multi-family development
	Requires parking structure facades adjacent to single-family development receive enhanced design treatment to soften their visual impact
Loading and Refuse Storage Area Standards	Requires loading and refuse storage areas be located beyond a certain distance from single-family development
	Requires loading and refuse storage areas be screened from view of single-family development using materials that are the same as, or of equal quality to, the materials used for the principal building
Lighting Standards	Requires reduction of foot-candle values by 1/3 at lot lines
Signage Standards	Limits the sign area and maximum height of all signs by 25 percent of that normally allowed
Open Space Set-Aside Standards	Requires open space set-asides be located in a transition area between the nonresidential, mixed-use, or multi-family development and the single-family development, unless there is a compelling reason for it to be located elsewhere on the site

## Neighborhood Character Overlay District

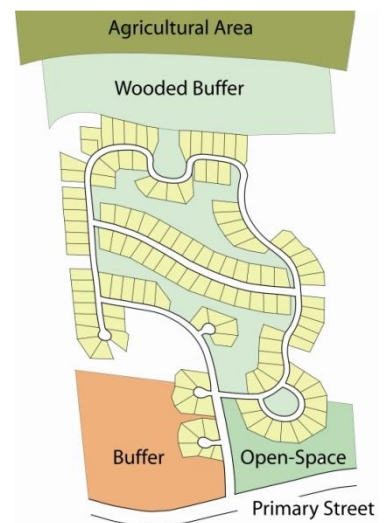
Another regulatory tool many local governments use is Neighborhood Character Overlay (NC-O) districts, as recommended in *Proposed Zoning District Structure*. NC-Os are primarily used to ensure the desired character of a neighborhood is protected and can be an appropriate tool in both stable traditional neighborhoods and at risk neighborhoods to improve, re-build, preserve, and protect desired neighborhood character. NC-O standards typically require infill and redevelopment to comply with additional modest development standards to protect neighborhood character. A framework for the establishment of an NC-O district is included in the zoning district regulations so that the community can tailor and adopt individual NC-O district standards for different neighborhoods, based on a pre-approved area or neighborhood plan.

### 4.5 Add Agricultural Compatibility Standards

The preceding section, *Add Neighborhood Compatibility Standards*, suggests the addition of new transitional standards to ensure that nonresidential, mixed use, and more intense multifamily development proposed adjacent to single-family development is designed and arranged so it is compatible with the single family development. We suggest a similar strategy for addressing compatibility issues between existing agricultural or resource-based land uses in the Agricultural (AG) district and new residential subdivisions located next to these activities.

Example standards that could be included in the updated zoning ordinance might require such residential developments in the AG district to:

- Provide a 75 or 50 foot-wide buffer of canopy and understory trees along all lot lines abutting an existing agricultural use.
- Configure residential lots so that the largest lots abut the vegetated buffer, and are sufficiently large to allow for a harmonious transition.
- Provide fences along the boundary with the agricultural use that are designed to prevent access (both human and animal) between the agricultural activity and adjacent residential development.





## 4.6 Enhance Open Space Set-Aside Standards

The current development regulations include limited provisions related to the provision of open space set-asides. In fact, open space, in many respects, is equated to the yard setback requirements found in the zoning districts (see Sec. 25-14, Building lots, yards, and open space). The only other open space set-aside<sup>25</sup> requirements are found in the general Planned Residential District provisions, which require a minimum of 10 percent open space be included in planned residential developments (Sec. 25-10.1. H (2)). As noted earlier, these districts have not been used very often over the years. These current regulations limited direction on what does and does not constitute open space for purposes of the set-aside requirements.

Establishment of a comprehensive set of open space set-aside requirements and provision of land for recreation are key components to quality development and a healthy community. To further improve the open space set-aside requirements in the current regulations, we recommend the city consider establishing a uniform and comprehensive set of open space set-aside standards that are context-sensitive. This would be accomplished by establishing a set of open space standards, based on zoning district or geographical location and development type (e.g., new residential, nonresidential development, or mixed-use development). The different geographical locations that we propose for consideration are:

- The Central Business (CB) and Urban Corridor Mixed-Use (UC-MX) districts; and
- All other locations in the city.

The open space set-aside **standards would ensure a minimum level of “green” area** and site amenities. The open space set-asides would be defined to include:

- Required landscaping and buffer areas;
- Environmentally sensitive lands, floodplains, other natural areas;

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<sup>25</sup> Open space set-asides are private lands on a development site that are set aside in perpetuity for the purpose of preserving environmentally sensitive lands, buffer areas, tree canopy, recreational lands (passive and active), meeting or gathering places, and the like. These lands can be maintained in perpetuity through a variety of tools—including, but not limited to, easements, covenants, dedication (donation of the land to a public agency for public use), conveyance of the lands to a third party beneficiary, etc. It is a concept used in modern development codes to ensure the maintenance and preservation of different types of open space while at the same time conforming to the requirements of the federal and state law on exactions and the imposition of conditions of approval on development.

- Stormwater management areas that are designed as site amenities;
- Trails and greenways; and
- Areas set-aside for passive and active recreation.

They, however, would recognize that open space needs and functions are different in the CB and UC-MX districts versus the other areas in the city. For example, open space standards in the Downtown and urban corridors leading to Downtown might require a lower set-aside percentage than in the other areas and would be flexible enough to allow features more prevalent in compact, mixed-use urban environments to count as open space (e.g., plazas and other public gathering spaces, fountains, use of stormwater infrastructure as site amenities, sidewalk furniture, roof-top or terrace gardens). In more urban areas, green roofs might also count towards meeting open space requirements, and might even be further incentivized through additional development intensity or building height.

Open space set-aside standards would also reflect the different needs of various types of development. For example, multi-family residential development would be generally subject to higher open space set-aside requirements than mixed-use, commercial, or industrial development, and open space is generally more focused on recreational uses.

LANDS COUNTED AS OPEN SPACE SET-ASIDES		
AREA COUNTED AS COMMON OPEN SPACE SET-ASIDES	DESCRIPTION	DESIGN AND MAINTENANCE REQUIREMENTS
<b>Natural Resource and Hazard Areas (wetlands, floodplains, flood hazard areas, shorelines)</b>		
	Natural water resources, including wetlands, shorelines, streams, estuarine areas, riparian buffers, flood hazard areas, existing tree canopy and important wildlife habitat areas.	<ul style="list-style-type: none"> <li>• Preservation of any existing natural resource, wetland, floodplain, and flood hazard areas shall have highest priority for locating open space.</li> <li>• Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.</li> <li>• See tree protection standards (Section 5.6, Tree Protection)</li> <li>• See CBPA-O district regulations (Section 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay)</li> </ul>
<b>Active Recreational Areas</b>		
	Land occupied by areas and facilities used for active recreational purposes, such as pools, playgrounds, tennis courts, jogging trails, ball fields, and clubhouses, including required public recreation area.	<ul style="list-style-type: none"> <li>• Land shall be compact and contiguous unless used to link or continue an existing or planned open space resource.</li> <li>• Areas shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the public or the development's occupants and users.</li> </ul>

Regardless of the location and type of development, standards should ensure that required open space set-asides are usable and functional for designated open space purposes—and **do not merely consist of undevelopable “leftover” land**. This can be achieved by adding locational and design rules governing the location, configuration, and usability of the open space. Those rules would give priority to protecting natural resources, and environmentally sensitive areas, floodplains, riparian buffers, and natural hazard areas.

Finally, open space set-aside standards would include provisions addressing the ownership of and maintenance responsibilities for required open space set-asides

#### 4.7 Enhance Landscaping Standards

The current landscaping standards are primarily found in the off-street parking section under a provision establishing landscaping for parking areas (Sec. 25-16 (O)). The provision generally establishes landscaping standards for the frontages or parking areas, foundation planting requirements, interior landscaping requirements, and buffer requirements for parking lots of a certain size, and parking lots adjacent to Residential districts. The section also includes some rules governing planting and the type and size of trees and shrubs that are to be planted.

While the city's landscaping standards are generally sound, there are areas that should be considered for change to improve development quality and incorporate best practices.

First, some basic foundation landscaping standards might be established for multi-family, commercial, office, and light industrial development (without allowing them to be transferred to the interior of a parking area).

Second, the interior parking lot landscaping requirements might be refined and increased, to provide for more interior parking lot landscaping.

Third, the approach to buffers between incompatible land uses might be broadened by first clarifying where such buffers apply (expanding situations where there are potential incompatibilities), and then focusing more on performance-oriented buffers based on opacity, that are designed in ways that are more sensitive to the different contexts in the city (urban versus suburban). That way, specific options can be provided that allow buffer widths to be reduced if additional landscaping and fencing can be provided, which is more context sensitive than the current regulations.

Fourth, add additional requirements for large parking lots (over 200 parking spaces) to ensure they incorporate elements to break the lot into pods, and provide pedestrian **features to improve access to the building's entrance.**

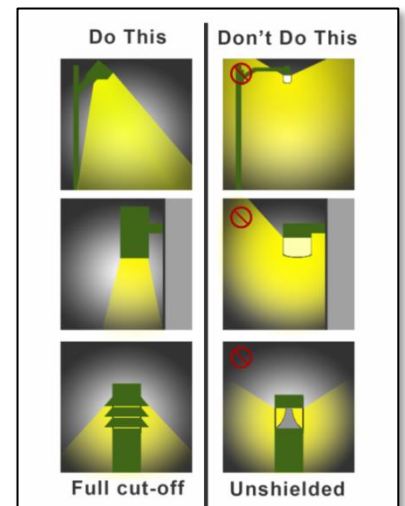
Fifth, expand the basic planting standards to include species diversity requirements and encourage the use xeriscape (to minimize the need for irrigation).

## 4.8 Enhance Exterior Lighting Standards

The current exterior lighting provisions are found in the off-street parking section (Sec. 25-16 (O)), and only apply to lighting in parking lots. They include a general requirement that lighting include cutoffs to direct lighting downward, and include footcandle limits and height limits (30 feet) for light poles (with an exception that allows for the poles to exceed that height in larger parking lots). This is a good start for protecting the night sky, and the city is to be commended. We suggest in the update these provisions be expanded to apply to exterior lighting throughout the community, and refined to incorporate certain basic provisions found in other modern development codes.

Clear and enforceable exterior lighting standards that apply throughout the city are not hard or lengthy to draft. Such standards would be objective and measurable, and address all of the key elements to protect the night sky and reduce glare. They would include:

- Mandatory use of full cutoff light fixtures to prevent light overflow and glare on adjacent lands;
- Minimum energy efficiency standards, all of which are achievable through off-the-shelf products;
- Minimum and maximum foot-candle limits to ensure adequate lighting of parking and other areas, and to prevent glare;
- Maximum light fixture pole or mounting heights that vary for different development contexts (shorter in residential areas and taller in commercial and industrial areas);
- Prohibitions on canopy lighting that extends below the edge of the canopy;
- Prohibitions on full floodlighting of uniquely colored or designed facades (which turns an entire building façade into a form of signage);
- Prohibitions on the up-lighting of signs, monument features, buildings, and the like;



- Light uniformity standards, to ensure that parking areas and pedestrian areas do not create edges where brightly lit areas are adjacent to dark areas (which provide opportunities for crime and mischief); and
- A provision that would allow modifications to the requirements for safety reasons.

#### 4.9 Refine Sign Regulations

The sign regulations are currently located in Article III of the zoning ordinance. In multiple kick-off meeting discussions, concerns about the current regulations were expressed. Based on that input, we suggest the sign regulations in the rewritten zoning ordinance should:

- Be revised for consistency with recent court rulings on First Amendment protections as they apply to local sign regulations;
- Include appropriate setback requirements that reduce the need for variances;
- Be simplified and streamlined where possible;
- Be updated to address types of signs and sign characteristics (e.g., brightness of digital signs) that are not currently addressed; and
- Better address the use of existing signs by new owners.

#### 4.10 Remove Obstacles and Add Incentives for Green Building

The current zoning ordinance, for the most part, does not mention green building practices. In addition, it includes few incentives for developments that incorporate green building elements. For example:

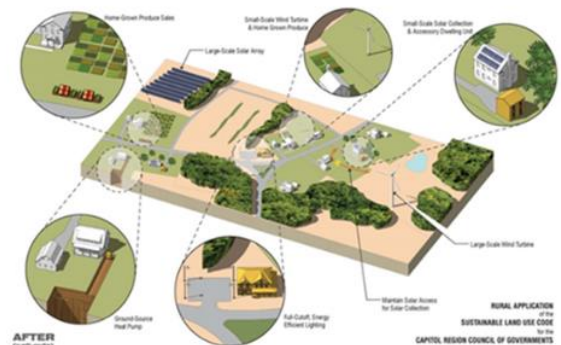
- Solar panels, solar arrays, or solar energy are not mentioned in the ordinance;
- Low impact development, rain gardens, and bioswales are not mentioned or defined;
- Bio-retention areas are not mentioned;
- Green roofs are not mentioned;
- Cool roofs are not mentioned;



- Universal design is not mentioned or defined;
- Environmental site design is not mentioned;
- There are no tree protection standards; and
- Programs like Certification for Leadership in Energy and Environmental Design (LEED), Green Globe, National Green Building Standards (NGBS), Energy Star, and Envision, are not mentioned.

*One Decatur* provides some support for adding provisions to the zoning ordinance to support and incentivize green building practices. One example is action 9.2, under Creating a Quality Place, which calls for the application of Low Impact Development techniques.

Experience teaches that green building practices involves much more than the design of individual buildings. In fact, by the time specific buildings are being designed, many opportunities to improve energy conservation (e.g., through ground-mounted solar facilities) or storm water management (e.g. through low impact development or environmental site design) or to reduce vehicle miles traveled through better site design will have been lost unless a code makes it clear such practices are allowed and supported, or development incentives for including such practices are provided.



We suggest the city consider in the update 1) making it expressly clear that green building practices are allowed (thereby removing a potential obstacle for such practices), and 2) providing incentives for developments that include green building elements for:

- Alternative energy systems that would include, but are not be limited to, solar energy systems, solar collectors, solar arrays, wind energy conversion systems (WECs), geothermal systems, and electric vehicle charging stations;
- Energy conservation techniques and devices including, but not limited to, green roofs, roof gardens, cool roofs, and subdivision design (To take advantage of solar and passive energy);

- Water conservation techniques and devices including, but not limited to, xeriscape, drip irrigation systems, bioswales, rain gardens, rain barrels, and water cisterns;
- Low impact development/environmental site design standards for stormwater management;
- Conservation of green infrastructure including, but not limited to, more stringent tree protection requirements and the provision of open space-set-asides;
- Urban agriculture activities including, but not limited to, community gardens, produce stands, farmers markets, and vegetable gardens and the raising of a limited number of animals (like chickens, ducks, and rabbits) in specified residential zoning districts;
- Compact, walkable urbanism that supports market driven and higher development densities with a mix of uses in key places;
- Housing diversity. These types of housing might include small-scale forms of attached dwellings (duplexes, triplexes, quadplexes, mansion apartments, courtyard apartments, senior housing, and ECHO housing) that not only promote affordability but limit the impact of new development on the land; and
- Increasing opportunities for urban agriculture, and increasing opportunities for people to live in place as they get older (universal design).

More specifically this would mean doing several things in the updated regulations. First, providing explicit definitions in the regulations for key terms like solar energy systems, environmental site design, universal design, natural stormwater infrastructure, connectivity, bioswales, rain gardens, rain barrels, electric vehicle charging stations, and recycling collection, transfer, treatment, and disposal facilities.

Second, removing barriers to market driven innovations in these areas, like expressly addressing where and how solar, geothermal, and wind energy systems may be installed – both as accessories to another primary use of the land, and as primary uses of the land – and not requiring variances or approvals for installing smaller and accessory devices, and removing the requirements for building permits for those

devices where possible. For larger and primary devices, it means establishing objective standards and allowing by right development subject to those standards, where possible.

And third, creating meaningful incentives for those features that are most expensive and hardest to achieve. This means resisting the temptation to write an incentive for each desired site feature, because most of them will be ignored, and resisting the temptation to give token incentives that do not begin to offset the added cost of installing the facility just to say that the regulations include an incentive. Development incentives must be designed strategically, and must be balanced with incentives needed to achieve other important goals.





# ANNOTATED OUTLINE

This part of the Assessment provides an overview of the proposed structure and general substance of the updated zoning ordinance if the issues identified in Part II: Evaluation are addressed as suggested. As part of the review of and discussions on the Assessment, the annotated outline serves as a backdrop for the city to provide more detailed direction about the nature and scope of the updated zoning ordinance, and specific provisions. When this process is completed, the actual drafting of the ordinance will begin.

The following pages are a general outline of the rewritten zoning ordinance. We view the annotated outline and the previous parts of the Assessment as vehicles for helping to define expectations about what is to be accomplished before beginning the detailed drafting work. In addition to providing a road map for drafting the updated zoning ordinance, the outline provides an organizing framework for continued conversations with the city about key issues.

## ARTICLE 25-1. GENERAL PROVISIONS

Article 25-1: General Provisions plays an important part in making the zoning ordinance user-friendly by including certain overarching principles and establishing a clear basis for the authority by which the regulations are adopted **and administered**. These “boilerplate” sections will state the title of the document, the legal authority by which Decatur regulates development, and the general purposes for the ordinance. The sections will clarify who is subject to the ordinance, establish transitional provisions, address the severability of individual provisions, and establish a date when the updated zoning ordinance becomes effective.

### SECTION 25-1.1. TITLE

This section carries forward and builds on Sec. 25-1, Short title, zoning map adopted, of the current zoning ordinance. It will set forth the official name by which the regulations may be cited (e.g., “The Zoning Ordinance of the City of Decatur”) as well as any acceptable shortened references (e.g., “the Ordinance” or “this Ordinance”).

### SECTION 25-1.2. AUTHORITY

This section carries forward and builds on authority distributed in Secs. 25-3, 25-5, and 25-6, of the current zoning ordinance. The section will contain explicit references to the authority by which the city has to adopt the zoning ordinance in accordance with the Alabama constitution and Alabama Statutes. It will also include a provision stating that if the regulations cite a provision of the Alabama Statutes or federal law that is amended or superseded, the regulations will be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

### SECTION 25-1.3. GENERAL PURPOSE AND INTENT

A general purpose and intent section can inform decision-makers and the courts in future years about the intent of the City Council when it adopted the new zoning ordinance. This section will build on Secs 25-29, 25-70, 25-90, 25-140, 25-160, and 25-195 in the current regulations, and relocate provisions related to purpose and scope to

## ARTICLE 25-1 GENERAL PROVISIONS

- Sec. 25-1.1 Title
- Sec. 25-1.2 Authority
- Sec. 25-1.3 General Purpose and Intent
- Sec. 25-1.4 Applicability
- Sec. 25-1.5 Comprehensive Plan
- Sec. 25-1.6 Relationship with Other Laws, Covenants, or Deeds
- Sec. 25-1.7 Official Zoning District Map
- Sec. 25-1.8 Transitional Provisions
- Sec. 25-1.9 Severability
- Sec. 25-1.10 Effective Date

this new section. It will include statements of intent, as appropriate, to reflect the **goals, objectives, and policies in the city's comprehensive plan**. Purpose statements related to the zoning districts, the development standards, and the procedures will be located in those specific sections.

#### SECTION 25-1.4. APPLICABILITY

This section makes clear who is subject to the requirements of the zoning ordinance. It builds on and clarifies authority distributed in Secs. 25-3, 25-5, and 25-6 and explicitly provided in Secs. 25-71, 25-93, 25-110, 25-143, 25-161, and 25-197, of the current ordinance, and relocates provisions related to applicability to this new section. It will state that unless stated otherwise or exempted, the standards and requirements of the regulations apply to all development within the corporate limits of the city. It will also include a section on exemptions.

#### SECTION 25-1.5. COMPREHENSIVE PLAN

This new section sets out that the zoning ordinance is in accordance with the city's comprehensive plan.

#### SECTION 25-1.6. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DEEDS

This section provides that in case of conflict between the zoning ordinance and other legislative enactments of the federal government, the state, or city, the stricter provision applies, to the extent allowed by law. The section will also express that it is not the intent of the ordinance to annul private covenants, easements, or other agreements, but if the regulations establish stricter requirements, they control. The section will also clarify that the city will not be responsible for monitoring or enforcing private easements, covenants, and restrictions, though it may inquire into private easements and restrictions when reviewing plans for the purpose of ensuring consistency with city requirements.

#### SECTION 25-1.7. OFFICIAL ZONING DISTRICT MAP

This section incorporates by reference the Official Zoning District Map as well as any related maps. It will provide for amendment of the Official Zoning District Map upon the approval of a rezoning application. It will clarify that the Official Zoning District Map is now maintained in a digital format. It will also:

- Incorporate and refine the provisions in the existing regulations that relate to boundary interpretations;
- Identify the Director as the person authorized to interpret the Official Zoning District Map and determine where the boundaries of the different zoning

districts fall, if in dispute. It will also provide that appeals from the **Director's** interpretations may be made to the Board of Zoning Adjustment; and

- Set forth rules for establishing zoning classifications on newly-annexed land.

### SECTION 25-1.8. TRANSITIONAL PROVISIONS

This is a new section that does two things. First, it outlines the translation from the current line-up of zoning districts to the new line-up of zoning districts with the adoption of the updated zoning ordinance. This is done by including a table of the former zoning districts along with the corresponding new districts and overlays being adopted by the updated zoning ordinance. Table 25-3.1: Proposed Zoning District Structure (in Article 25-3: Zoning Districts, of the Annotated Outline), which sets out the current zoning districts and how they would be treated in the updated zoning ordinance, would serve as the basis for the translation table.

Second, the section establishes rules governing continuing violations of the regulations, pending development applications at the time of adoption, and existing development approvals. More specifically, subsections provide the following:

- Violations of the current regulations continue to be violations under the new regulations (unless they are no longer considered violations) and are subject to the penalties and enforcement provisions set forth in Article 25-7: Enforcement.
- Completed applications that are already in the development approval pipeline at the time the regulations become effective, may be processed under the prior regulations. If an applicant seeks to proceed under the new regulations (instead of the regulations in place at the time the application was originally submitted), the applicant may do so, but will need to withdraw the application and resubmit it.
- Existing development approvals and permits will be recognized as valid. These approvals and permits may proceed with development, as long as they comply with the terms and conditions of their approvals, and the rules in existence at the time of their approval. Substantial amendments to the approvals will subject the development to the new regulations.
- Applications submitted after the effective date of the updated zoning ordinance are subject to the procedures and standards of the updated zoning ordinance.

### SECTION 25-1.9. SEVERABILITY

This standard provision states that if any part of the updated zoning ordinance is ruled invalid, the remainder of the ordinance is not affected and continues to apply, and that if application of an ordinance provision to a particular

circumstance is ruled invalid, that decision does not affect its application to other circumstances.

#### SECTION 25-1.10. EFFECTIVE DATE

This section establishes the effective date of the updated zoning ordinance.

## ARTICLE 25-2. ADMINISTRATION

For regulations to be effective, it is important that development review processes are efficient and that the community's substantive planning and development goals are embedded in the development review standards. An efficient process is achieved when the general framework for review is not redundant, the procedures used and the review standards included result in a reasonable degree of certainty, and the review process for each type of development approval or permit is streamlined to the greatest extent possible without sacrificing assurance that the relevant substantive planning and development goals are used in making development decisions.

As discussed in *Make the Structure More Logical and Intuitive*, page II-3 of the Assessment, this article consolidates all development review procedures and creates a set of standard procedures that apply to all development applications. It also makes changes to the development review procedures to streamline and simplify the review process. Article 25-2: Administration includes the following three sections:

- Advisory and Decision-Making Bodies and Persons, which summarizes the
- development review responsibilities of the review boards and staff;
- Standard Application Requirements and Procedures, which establishes a standard set of review procedures for the review of development applications; and
- Application Specific Review Procedures and Decision Standards, which includes the specific review standards and any unique procedural review requirements for each individual application.

Each section is outlined and discussed in more detail below.

### ARTICLE 25-2 ADMINISTRATION

- Sec. 25-2.1 Advisory and Decision-making Bodies
- Sec. 25-2.2 Standard Application Requirements and Procedures
- Sec. 25-2.3 Application Specific Review Procedures and Decision Standards

### SECTION 25-2.1. ADVISORY AND DECISION-MAKING BODIES AND PERSONS

The first section in the article identifies the advisory and decision-making bodies and persons responsible for the review and administration of development under the zoning ordinance. Provisions such as these help establish clear lines of authority in the decision-making procedures. This section will identify the specific responsibilities of each review board or staff person. For clarity, the position of the Development Director (“the Director”) consolidates previous approvals described as different officials such as the Building Director and Building Inspector, and is empowered to delegate to appropriate staff. Table 25-2.1: Proposed Development Review Procedures, City of Decatur, provides an overview of the proposed new review procedures, and which board or person is responsible for review, advice, or making the decision.

TABLE 25-2.1: PROPOSED DEVELOPMENT REVIEW PROCEDURES, CITY OF DECATUR						
	D: Decision R: Review A: Appeal <>: Public Hearing					
Review Procedure	City Council	Planning Commission	Board of Zoning Adjustment	Technical Review Committee	Zoning Committee	Director
Discretionary Approval						
Text Amendment	<D>	<R>			R	R
Zoning Map Amendment	<D>	<R>			R	R
Planned Development District	<D>	<R>			R	R
Minor Change				R		D
Special Exception			<D>			R
Site Development						
Site Plan, Major <sup>26</sup>		D		R		
Site Plan, Minor				R		D
Special Use Permit (Wireless)	<D>					
Permits and Licenses						
Building Permit						D
Certificate of Occupancy						D

<sup>26</sup> Generally decision by the Planning Commission, however for development in the Riverfront District, recommendation by the Planning Commission and Decision by the Board of Zoning Adjustment.

TABLE 25-2.1: PROPOSED DEVELOPMENT REVIEW PROCEDURES, CITY OF DECATUR						
D: Decision R: Review A: Appeal <>: Public Hearing						
Review Procedure	City Council	Planning Commission	Board of Zoning Adjustment	Technical Review Committee	Zoning Committee	Director
Floodplain Development Permit			<A>			D <sup>27</sup>
Temporary Use Permit			<A>			D
Relief						
Administrative Adjustment			<A>			D
Variance			D			
Appeal of Administrative Decision			<D>			
Interpretations						
Interpretation			<A>			D

## SECTION 25-2.2. STANDARD APPLICATION REQUIREMENTS AND PROCEDURES

### SEC. 25-2.2.1. PRE-DEVELOPMENT MEETING

See discussion on *Pre-development Meeting*, page II-13 of the Assessment.

### SEC. 25-2.2.2. NEIGHBORHOOD MEETING

See discussion on *Neighborhood Meeting*, page II-13 of the Assessment.

### SEC. 25-2.2.3. APPLICATION SUBMISSION

This subsection includes procedures related to submitting application materials and required fees, which is what many consider the **“beginning” of the development review process**. It establishes general requirements for who may file an application and requires that development applications be submitted according to the form and content requirements established by the Director. It is proposed that Section 2.1, Advisory and Decision-making Bodies and Persons, authorize the Director to establish application requirements and a submission and review schedule for all development applications. It is also recommended that the new regulations follow the modern trend in zoning administration with respect to application forms and content requirements by authorizing the Director to consolidate forms, application

<sup>27</sup> Acting as Floodplain Administrator



requirements, fee information, and review and submittal schedules in a separate Procedures Manual (see *Use a Procedures Manual*, page II-20 of the Assessment). An alternative would be to include them in an appendix to the zoning ordinance. Applicants can refer to the Procedures Manual to determine what materials and fees must be included in the application submission. If the Procedures Manual is used, the city will be able to respond much more easily to changing needs for application requirements.

This subsection also includes provisions governing the revision or withdrawal of applications, including rules governing the administrative/staff withdrawal of an application that has been inactive for an established period of time. It also establishes basic guidance concerning the timing under which the application fee for a withdrawn application may be refunded, and the review procedures for resubmitted applications containing substantial changes.

In addition, this subsection includes a provision that allows simultaneous processing of applications, at the discretion of the Director of Planning, whenever two or more forms of review and approval are required under the regulations, so long as all applicable state and local requirements are satisfied. It concludes with rules governing the examination and copying of application documents and related materials by members of the public.

#### SEC. 25-2.2.4. APPLICATION COMPLETENESS DETERMINATION

See discussion on *Application Completeness Determination*, page II-15 of the Assessment.

#### SEC. 25-2.2.5. STAFF REVIEW AND ACTION

This subsection establishes the standard review procedures for staff (the Director or a designee and the Technical Review Committee). See discussion on *Review by Staff and Technical Review Committee*, page II-15.

#### SEC. 25-2.2.6. SCHEDULING OF PUBLIC HEARING AND PUBLIC NOTIFICATION

This subsection will provide reference to state provisions regulating public hearing and public notice. See discussion on *Public Hearing and Public Notice*, page II-16 of the Assessment.

#### SEC. 25-2.2.7. ADVISORY BODY REVIEW AND RECOMMENDATION

For applications subject to review by an advisory body (e.g., the Board of Zoning Adjustment and the Planning Commission) this subsection establishes the procedures for review and recommendation.

#### SEC. 25-2.2.8. DECISION-MAKING BODY REVIEW, AND DECISION

This subsection includes procedures pertaining to review and decision of an application before a decision-making body (e.g., City Council, Planning Commission,

and the Board of Zoning Adjustment). It also describes generally the types of conditions that may be attached to certain forms of approvals granted under the article, written to reflect state law, federal law, and case law, where the procedure **expressly allows applications to be “approved with conditions.”** It also establishes **“lapse of approval” provisions.** Depending upon the specific type of approval, rules governing extensions are also included, where appropriate. These specify that an applicant may request an extension (for a period up to a limit stated in the zoning ordinance) by submitting a request prior to the expiration period, and that the extension is granted upon a showing of good cause by the applicant. Extensions may be granted by the person or body that granted the approval of the application.

#### SEC. 25-2.2.9. NOTIFICATION TO APPLICANT OF DECISION

This subsection explains the various ways in which an applicant receives notification of a decision made by a decision-making body or person.

#### SEC. 25-2.2.10. POST DECISION ACTIONS

This subsection describes actions that occur after a decision has been rendered, including appeals. For additional discussion on appeals see *Include Procedures for Variances and Appeals*, page II-20 of the Assessment.

### SECTION 25-2.3. APPLICATION SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS

#### SEC. 25-2.3.1. DISCRETIONARY REVIEW

##### SEC. 25-2.3.1.(A) Text Amendment

This subsection establishes the review procedure for a text amendment to the zoning ordinance. The City Council makes a decision after review by the Planning Commission and the Director.

##### SEC. 25-2.3.1.(B) Zoning Map Amendment

This subsection establishes the procedure for a zoning map amendment. The City Council makes a decision after review by the Planning Commission and the Director.

##### SEC. 25-2.3.1.(C) Planned Development District

This subsection establishes a procedure for review of planned developments. It builds on the procedures for planned residential development districts in Sec. 25-10.1(E), Plan review, of the current ordinance. There is a decision by City Council after review by the Director and the Planning Commission. See further discussion on *Modernize Planned Development Procedure*, page II-18 of the Assessment.

## SEC. 25-2.3.1.(D) Special Exception

This subsection will rename and consolidate the procedure for use permitted by appeal from the current ordinance as decided by the Board of Zoning Adjustment after review by the Director. For discussion on renaming the procedure, see *Rename Use by Appeal*, page II-18 of the Assessment.

## SEC. 25-2.3.2. SITE DEVELOPMENT

## SEC. 25-2.3.2.(A) Site Plan, Major

This subsection establishes a consolidated procedure for approval of a major site plan. It will also set the threshold between major and minor site plans. The application is decided by the Planning Commission, after review by the Technical Review Committee. See further discussion at *Refine Site Plan Requirements*, on page II-18 of the Assessment.

## SEC. 25-2.3.2.(B) Site Plan, Minor

This subsection establishes a consolidated procedure for administrative approval of a minor site plan. The application is decided by the Director, after review by the Technical Review Committee. See further discussion at *Refine Site Plan Requirements*, on page II-18 of the Assessment.

## SEC. 25-2.3.3. PERMITS AND LICENSES

## SEC. 25-2.3.3.(A) Building Permit

This subsection carries forward procedural requirements in Sec. 25-5 of the current ordinance for the issuance of a Building Permit. It **references the permitting requirements in the city's adopted Building Codes**.

## SEC. 25-2.3.3.(B) Certificate of Occupancy

This subsection carries forward a brief procedure from Secs. 25-3 and 25-7 of the current ordinance, for the issuance of a Certificate of Occupancy by the Director.

## SEC. 25-2.3.3.(C) Floodplain Development Permit

This subsection establishes a newly separated floodplain development permit, to replace the general discussion of permits for development within the floodplain in Sec. 25-31 of the current ordinance. The procedures are carried forward with decision by the Director and appeal available to the Board of Zoning Adjustment.

SEC. 25-2.3.3.(D) Temporary Use Permit

This subsection builds on the procedure for approval of Temporary Occupancy Businesses from Article V of the current ordinance

SEC. 25-2.3.4. RELIEF

SEC. 25-2.3.4.(A) Administrative Adjustment

This subsection establishes a procedure for administrative adjustments as decided by the Director with an appeal available to the Board of Zoning Adjustment. See further discussion at *Add Administrative Adjustment Procedure*, page II-19 of the Assessment.

SEC. 25-2.3.4.(B) Variance

This subsection establishes a procedure for a variance, consolidating the procedure for a variance in the floodplain (Sec. 25-33 of the current ordinance) with the variance generally available by state statute

SEC. 25-2.3.4.(C) Appeal of Administrative Decision

This subsection establishes appeal of administrative decisions to the Board of Zoning Adjustment. See further discussion at *Include Procedures for Variances and Appeals*, page II-20 of the Assessment.

SEC. 25-2.3.5. INTERPRETATIONS

SEC. 25-2.3.5.(A) Interpretation

This subsection establishes the procedures for an interpretation to the text of the ordinance, the zoning district boundaries, and unlisted uses. The Director makes a decision on an interpretation, with appeal available to the Board of Zoning Adjustment. See further discussion at *Consolidate Interpretation Procedures*, page II-20 of the Assessment.

## ARTICLE 25-3. ZONING DISTRICTS

Article 25-3: Zoning Districts, and Article 25-4: Use Regulations, are a central feature of the zoning ordinance. They define what may be built on a **landowner’s property or on the property next door.**

Article 25-3: Zoning Districts, includes provisions that establish all zoning districts and describes the purpose of each. It also sets out, in tabular and graphic format, the principal intensity and dimensional standards, and any special regulations unique to a district (if appropriate).

In accordance with discussions and suggestions in *Theme 2: Implement One Decatur*, this article consolidates, eliminates, and adds new districts. Like the current regulations, it organizes the districts into base districts, planned development districts, and overlay districts.

<b>ARTICLE 25-3</b>	
<b>ZONING DISTRICTS</b>	
Sec. 25-3.1	General Provisions
Sec. 25-3.2	Base Districts
Sec. 25-3.3	Planned Development Districts
Sec. 25-3.4	Overlay Districts

### SECTION 25-3.1. GENERAL PROVISIONS

This section starts with a subsection that describes base zoning districts, planned development districts, and overlay districts, and explains how they relate to one another. For example, the subsection describes overlay zoning districts as superimposed over portions of an underlying base zoning district, which applies additional or alternative development regulations to those applied by the underlying zoning district.

The second subsection establishes the various zoning districts, typically with a summary table that identifies the zoning district by name and official abbreviation. The table has a hierarchical format, organizing zoning districts by base districts (agricultural, residential, business, and industrial) planned development districts, and overlay districts. Within each group, zoning districts are generally listed from the least to the most intensive. Table 25-3.1: Proposed Zoning District Structure, shows both the current and proposed line-up of zoning districts.

TABLE 25-3.1: PROPOSED ZONING DISTRICT STRUCTURE	
PROPOSED DISTRICTS	CHARACTER TYPE
BASE DISTRICTS	
Agricultural	
Agricultural District (AG) [ <i>CONSOLIDATED</i> ]	Rural / Agriculture
Residential	
Residential Single-Family Estate (RSF-E)	Residential Low Density
Residential Single-Family 10 (RSF-10) [ <i>CONSOLIDATED</i> ]	Residential Low Density, Mixed Neighborhood
Residential Single-Family 7 (RSF-7)	Mixed Neighborhood, Core Neighborhood
Residential Single-Family 5 (RSF-5)	Mixed Neighborhood, Core Neighborhood
Residential Manufactured Housing (RMFD)	
Residential Townhouse (RT)	Residential Medium-High Density
Residential Mixed Medium Density (RM-M) [ <i>NEW</i> ]	Residential Medium-High Density, Mixed Neighborhood, Core Neighborhood
Residential Mixed High Density (RM-H) [ <i>NEW</i> ]	Residential Medium-High Density
Institutional	
Institutional District (INST)	Major Institution / Civic Campus
Major Campus Institutional District (MC-INST) [ <i>NEW</i> ]	Major Institution / Civic Campus
Business	
Commercial Neighborhood District (CN)	Neighborhood Commercial
Commercial Community District (CC) [ <i>CONSOLIDATED</i> ]	Community Commercial
Commercial Regional District (CR)	Regional Mixed Use, Riverfront Mixed Use
Central Business District (CB)	Urban Core Downtown
Urban Corridor Mixed Use District (UC-MX) [ <i>CONSOLIDATED</i> ]	Urban Edge Mixed Use
Office Mixed Use District (O-MX)	Flex Employment Center

**TABLE 25-3.1: PROPOSED ZONING DISTRICT STRUCTURE**

PROPOSED DISTRICTS	CHARACTER TYPE
Major Employment Center District (MEC) [NEW]	Flex Employment Center
Industrial	
Light Industrial District (LI)	Flex Employment Center
Industrial District (I)	General Industrial
PLANNED DEVELOPMENT DISTRICTS	
Residential Planned Development District (R-PD) [NEW]	Mixed Neighborhood
Major Employment Center Planned Development District (MEC-PD) [NEW]	Regional Mixed Use or Flex Employment Center
Traditional Neighborhood Planned Development District (TN-PD) [NEW]	Mixed Neighborhood
OVERLAY DISTRICTS	
Historic Overlay District (H-O)	
Sidewalk Café Overlay District (SC-O)	
Arts and Entertainment Overlay District (AE-O)	
Neighborhood Conservation Overlay District (NC-O) [NEW]	

## SECTION 25-3.2. BASE DISTRICTS

### SEC. 25-3.2.1. AGRICULTURAL DISTRICT

#### SEC. 25-3.2.1.(A) General Purpose of Agricultural District

This subsection sets out the general purpose of the Agricultural District.

#### SEC. 25-3.2.1.(B) Agricultural District (AG)

See discussion on the *Agricultural District*, page II-42.

### SEC. 25-3.2.2. RESIDENTIAL DISTRICTS

#### SEC. 25-3.2.2.(A) General Purpose of Residential Districts

This subsection sets out the general purpose of the Residential Districts.

SEC. 25-3.2.2.(B) Residential Single Family-Estate (RSF-E)  
See discussion on the *Residential Districts*, page II-42.

SEC. 25-3.2.2.(C) Residential Single Family-10 (RSF-10)  
See discussion on the *Residential Districts*, page II-42.

SEC. 25-3.2.2.(D) Residential Single Family-7 (RSF-7)  
See discussion on the *Residential Districts*, page II-42.

SEC. 25-3.2.2.(E) Residential Single Family-5 (RSF-5)  
See discussion on the *Residential Districts*, page II-42.

SEC. 25-3.2.2.(F) Residential Manufactured Housing (RMFD)  
See discussion on the *Residential Districts*, page II-42.

SEC. 25-3.2.2.(G) Residential Townhouse (RT)  
See discussion on the *Residential Districts*, page II-42.

SEC. 25-3.2.2.(H) Residential Mixed Medium Density (RM-M)  
See discussion on the *Residential Districts*, page II-42.

SEC. 25-3.2.2.(I) Residential Mixed High Density (RM-H)  
See discussion on the *Residential Districts*, page II-42.

#### SEC. 25-3.2.3. INSTITUTIONAL DISTRICTS

SEC. 25-3.2.3.(A) General Purpose of Institutional District  
This subsection sets out the general purpose of the Institutional Districts.

SEC. 25-3.2.3.(B) Institutional District (INST)  
See discussion on the *Institutional Districts*, page II-44.

SEC. 25-3.2.3.(C) Major Campus Institutional District (MC-INST)  
See discussion on the *Institutional Districts*, page II-44.

#### SEC. 25-3.2.4. BUSINESS DISTRICTS

SEC. 25-3.2.4.(A) General Purpose of Business Districts  
This subsection sets out the general purpose of the Business Districts.

SEC. 25-3.2.4.(B) Commercial Neighborhood District (CN)  
See discussion on the *Business Districts*, page II-45.

SEC. 25-3.2.4.(C) Commercial Community District (CC)  
See discussion on the *Business Districts*, page II-45.

SEC. 25-3.2.4.(D) Commercial Regional District (CR)  
See discussion on the *Business Districts*, page II-45.



SEC. 25-3.2.4.(E) Central Business District (CB)

See discussion on the *Business Districts*, page II-45.

SEC. 25-3.2.4.(F) Urban Corridor Mixed Use District (UC-MX)

See discussion on the *Business Districts*, page II-45.

SEC. 25-3.2.4.(G) Office Mixed Use District (O-MX)

See discussion on the *Business Districts*, page II-45.

SEC. 25-3.2.4.(H) Major Employment Center District (MEC)

See discussion on the *Business Districts*, page II-45.

SEC. 25-3.2.5. INDUSTRIAL DISTRICTS

SEC. 25-3.2.5.(A) General Purpose of Industrial Districts

This subsection sets out the general purpose of the Industrial Districts.

SEC. 25-3.2.5.(B) Light Industrial District (LI)

See discussion on the *Industrial Districts*, page II-47.

SEC. 25-3.2.5.(C) Industrial District (I)

See discussion on the *Industrial Districts*, page II-47.

SECTION 25-3.3. PLANNED DEVELOPMENT DISTRICTS

SEC. 25-3.3.1. GENERAL PROVISIONS FOR ALL PLANNED DEVELOPMENT DISTRICTS

This subsection sets out the purpose of and general requirements for Planned Development Districts.

SEC. 25-3.3.2. RESIDENTIAL-PLANNED DEVELOPMENT DISTRICT (R-PD)

See discussion on *Planned Development Districts*, page II-48.

SEC. 25-3.3.3. MAJOR EMPLOYMENT CENTER-PLANNED DEVELOPMENT DISTRICT (MEC-PD)

See discussion on *Planned Development Districts*, page II-48.

SEC. 25-3.3.4. TRADITIONAL NEIGHBORHOOD DEVELOPMENT –PLANNED DEVELOPMENT DISTRICT (TND-PD)

See discussion on *Planned Development Districts*, page II-48.

SECTION 25-3.4. OVERLAY DISTRICTS

SEC. 25-3.4.1. GENERAL PURPOSE OF OVERLAY DISTRICTS

This subsection sets out the general purpose of Overlay Districts.

SEC. 25-3.4.2. HISTORIC OVERLAY DISTRICT (H-O)

See discussion of *Overlay Districts*, page II-48.

SEC. 25-3.4.3. SIDEWALK CAFÉ OVERLAY DISTRICT (SC-O)

See discussion of *Overlay Districts*, page II-48.

SEC. 25-3.4.4. ARTS AND ENTERTAINMENT OVERLAY DISTRICT (AE-O)

See discussion of *Overlay Districts*, page II-48.

SEC. 25-3.4.5. NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NC-O)

See discussion of *Overlay Districts*, page II-48.

## ARTICLE 25-4. USE REGULATIONS

This is a new article in the updated zoning ordinance that organizes and establishes the rules governing what uses are allowed by right, and what use are allowed with approval of a special use permit (previously use by appeal, see page II-18). Article 25-4 is organized into four sections. It begins with a section containing general provisions; this is followed by sections on principal uses, accessory uses and structures, and temporary uses and structures.

ARTICLE 25-4 USE REGULATIONS	
Sec. 25-4.1	General Provisions
Sec. 25-4.2	Principal Uses
Sec. 25-4.3	Accessory Uses and Structures
Sec. 25-4.4	Temporary Uses and Structures

### SECTION 25-4.1. GENERAL PROVISIONS

This section outlines the article’s organization and the relationship among its sections.

### SECTION 25-4.2. PRINCIPAL USES

#### SEC. 25-4.2.1. GENERAL

This section sets out the purpose of the Principal Use Table(s) and outlines its organization.

#### SEC. 25-4.2.2. PRINCIPAL USES

This includes the heart of the article, a principal use table that builds on the current list of uses outlined in the text in the current regulations, but consolidates all the principal uses into one or several tables. The section begins with introductory material explaining how to use the table. The table will reflect revisions to the lineup of zoning districts as discussed in *Proposed Zoning District Structure*, page II-38, and the new classification system for principal uses (see Sec. 25-4.2.3. , Classification of Principal Uses, below). The current line-up of principal uses—and their designation as permitted, or allowed subject to appeal (special use), or prohibited—will serve as a starting point for modernizing the uses in each zoning district. The principal use table will also include new uses that do not appear in the current regulations. In addition, a final column of the principal use table will contain references to applicable use-specific standards (see Sec. 25-4.2.4. , Standards Specific to Principal Uses, below) for those uses that are subject to specific regulations in addition to general development standards. Below is an example excerpt from a principal use table prepared for another jurisdiction (see Appendix B for a complete use table from another jurisdiction).

Table 4-2(e): Principal Use Table																																					
P=Permitted by right   C=Allowed subject to conditional use permit   U=Allowed subject to provisional use permit - =Prohibited   A=Allowed subject to an approved PD Master Plan and PD Terms and Conditions Document																																					
Use Category	Use Type	C-1	A-1	R-0	R-0A	R-1	R-1A	R-2	R-2A	R-3	R-3A	R-4	R-4A	R-5	R-5A	R-6	RTH	O-1	O-2	O-3	O/S	B-1	B-2	B-3	UMU	M-1	M-2	M-3	G-PD	SRM-PD	UMU-PD	TND-PD	Use-Specific Standards				
<b>Residential Use Classification</b>																																					
<b>Household Living</b>	Dwelling, duplex	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Dwelling, live/work	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 4-3(b)(1)a	
	Dwelling, mansion apartment	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 4-3(b)(1)b	
	Dwelling, manufactured home	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 4-3(b)(1)c	
	Dwelling, multi-family	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 4-3(b)(1)d	
	Dwelling, single-family detached	-	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Dwelling, townhouse	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 4-3(b)(1)e	
<b>Group Living</b>	Dwelling, upper story	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Assisted living facility	-	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 4-3(b)(2)a	
	Continuing care retirement community	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 4-3(b)(2)b	
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Lodging house	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
<b>Public, Civic, and Institutional Use Classification</b>																																					
<b>Community Services</b>	Auditorium, conference and convention center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Club or lodge	-	U	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 4-3(c)(1)a
	Community center, private	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

In an effort to provide better organization, precision, clarity, and flexibility to the principal uses listed in the principal use table and the administration of the table, the table and use-specific standards will be organized around the three-tiered concept of use classifications, use categories, and uses (see discussion in Section 2.2.6, Use a Three-tiered System to Classify Uses). This subsection describes each use category, outlining the principal characteristics of uses in the category and noting examples of included uses and examples of uses and structures deemed accessory to the included uses.

SEC. 25-4.2.3. CLASSIFICATION OF PRINCIPAL USES  
 Use classifications, the broadest category, organize land uses and activities into general use classifications such as “Residential Uses,” “Civic and Institutional Uses,” “Commercial Uses,” and “Industrial Uses.” Use categories, the second level or tier in the system, is composed of groups of individual types of uses with common characteristics, such as “Household Living” and “Group Living” (under Residential Uses). Use categories are further divided into specific uses based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. Example uses under the Household Living category include “single-family detached dwelling” and “multifamily dwelling.” All uses identified in the Principal Use Table will be defined in Article 25-8: Definitions and Rules of

Measurement. This three-tiered system of use classifications, use categories, and uses provides a systematic basis for assigning present and future land uses into zoning districts.

SEC. 25-4.2.4. STANDARDS SPECIFIC TO PRINCIPAL USES

This subsection sets out standards that always apply to certain principal uses (or if appropriate, apply to certain principal uses in particular zoning districts). If there are exceptions to the use-specific standards, they are identified. Special attention is paid to standards for new principal uses, new standards for carried-forward principal uses, and improving the use-specific standards scattered throughout the current zoning ordinance.

SECTION 25-4.3. ACCESSORY USES AND STRUCTURES

Accessory uses or structures are those uses or structures that are subordinate to the principal use of a building or land, located on the same lot as the principal use, and customarily incidental to the principal use. For example, a stand-alone automated teller machine is considered as an accessory use to a commercial use. This section will consolidate the rules governing accessory uses in the current zoning ordinance (e.g., barns and stables allowed in the existing R-1E Residential Estate District), and add additional accessory uses, where they are appropriate, not found in the current ordinance. The rules governing accessory uses will be organized around a table of accessory uses and structures. Below is an example of an accessory use table from another community’s code.

**Table 4.3.4: Accessory Use/Structure Table**  
 P = Permitted as exempt from Site Plan Approval or with Minor Site Plan Approval by Town staff  
 A = Allowed subject to a PD Plan/Agreement  
 Blank Cell = Prohibited (except Overlay Districts) X = Prohibited (Overlay Districts only)

Use Type	Base/Conditional Districts																Overlay Districts				Use-Specific Standard				
	PGO	VLDL	LDR	MDR	HDR	NAC	BAC	CAC	RAC	TOD	HCV	MS	TCC	TGR	RT	RNP	CC	OI	IM	MUPD		AO-A	AO-B	FO	TCCO
Accessory Apartment		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	X				4.3.5.B.1
Agritourism Activity		P	P								P									P	A				
Amateur Ham Radio Antenna		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A				4.3.5.B.2
Arbor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A				
Art	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A				
Automated Teller Machine (ATM)				P	P	P	P	P	P	P	P	P	P							P	P	P	A		4.3.5.B.3
Bike Rack	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A				
Canopy, Nonresidential						P	P													P	P	P	A		4.3.5.B.4
Carport		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A				4.3.5.B.5
Clothesline (as accessory to residential uses)		P	P	P	P	P	P	P	P	P	P		P	P	P	P	P				A				4.3.5.B.6
Composting Facility, Small	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A				
Drive-Through Service Facility								P				P					P	P	P	A					4.3.5.B.7
Electric Vehicle (EV) Charging Station, Level 1 or 2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A				4.3.5.B.8
Electric Vehicle (EV) Charging Station, Level 3					P	P	P	P									P	P	P	A					4.3.5.B.9

#### SEC. 25-4.3.1. GENERAL

This subsection sets out the purpose of the section and outlines its organization.

#### SEC. 25-4.3.2. ACCESSORY USE/STRUCTURE TABLE

This subsection includes an accessory use and structure table that lists common accessory uses and structures (such as home occupations, swimming pools, satellite dish antennas, outdoor storage), shows the zoning districts in which each is allowed, and references any accessory use-specific standards applicable to the accessory use or structure. The table will carry forward the accessory uses and structures in the current regulations, add accessory uses and structures that are typically found in a code (but missing in the current ordinance), and add other modern accessory uses and structures (such as solar panels, wind conversion systems, water cisterns, backyard gardens, etc.).

#### SEC. 25-4.3.3. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

This includes a set of general standards that generally apply to all accessory uses and structures.

#### SEC. 25-4.3.4. STANDARDS SPECIFIC TO ACCESSORY USES AND STRUCTURES

This sets out standards that always apply to certain accessory uses or structures (or if appropriate, apply to certain accessory uses or structures in particular zoning districts). As with the standards specific to principal uses, special attention is paid to standards for new accessory uses and structures, new standards for carried-forward accessory uses and structures, and improving the standards specific to accessory uses and structures that are found in the current ordinance.

### SECTION 25-4.4. TEMPORARY USES AND STRUCTURES

Temporary uses are uses or structures that are proposed to be located in a zoning district only for a limited duration. They include uses such as food trucks and temporary vendors, portable storage containers, and special, or temporary events, which typically last for a short duration and are intended to attract large numbers of people at one time (e.g., concerts, fairs, circuses, large receptions or parties, and community festivals), but do not include private parties attracting less than a certain number of persons, nor events normally associated with the permitted principal or accessory use (such as a wedding reception at a reception hall or a funeral at a funeral home). This section will add a table of temporary uses and structures, and more detail about their use and application.

#### SEC. 25-4.4.1. GENERAL

This subsection sets out the purpose of the section and outlines its organization.

SEC. 25-4.4.2. TEMPORARY USE/STRUCTURE TABLE

This subsection includes a temporary use/structure table that lists allowed temporary uses and structures, and references any use-specific standards applicable to the temporary use or structure.

SEC. 25-4.4.3. STANDARDS SPECIFIC TO TEMPORARY USES AND STRUCTURES

This subsection sets out standards that always apply to certain temporary uses, structures, or events (or if appropriate, apply to certain temporary uses or structures in particular zoning districts).

## ARTICLE 25-5. DEVELOPMENT STANDARDS

Article 25-5: Development Standards, contains all of the development standards in the updated zoning Ordinance related to the physical layout of development. New, modernized, or revised standards incorporated into this article are shown in the bar to the right.

### SECTION 25-5.1. MOBILITY, CIRCULATION, AND CONNECTIVITY STANDARDS

See discussion in *Add Standards for Mobility, Circulation, and Connectivity*, page II-55 of the Assessment.

### SECTION 25-5.2. OFF-STREET PARKING AND LOADING STANDARDS

See discussion in *Update and Modernize Off-Street Parking and Loading Standards*, page II-58 of the Assessment.

### SECTION 25-5.3. LANDSCAPING AND BUFFER STANDARDS

See discussion in *Enhance Landscaping and Buffer Standards*, page II-71 of the Assessment.

### SECTION 25-5.4. OPEN SPACE SET-ASIDE STANDARDS

See discussion in *Enhance Open Space Set-Aside Standards*, page II-69 of the Assessment.

### SECTION 25-5.5. FENCE AND WALL STANDARDS

There are currently only a few standards for fences and walls in various places in the zoning ordinance. They will be consolidated and refined in this section, and additional standards added as appropriate for height, material, placement, etc.

## ARTICLE 25-5 DEVELOPMENT STANDARDS

- Sec. 25-5.1 Mobility, Circulation, and Connectivity Standards
- Sec. 25-5.2 Off-street Parking and Loading Standards
- Sec. 25-5.3 Landscaping and Buffer Standards
- Sec. 25-5.4 Open Space Set-Aside Standards
- Sec. 25-5.5 Fence and Wall Standards
- Sec. 25-5.6 Exterior Lighting Standards
- Sec. 25-5.7 Development Form and Design Standards
- Sec. 25-5.8 Neighborhood Compatibility Standards
- Sec. 25-5.9 Agricultural Compatibility Standards
- Sec. 25-5.10 Sign Standards
- Sec. 25-5.11 Floodplain Management Standards
- Sec. 25-5.12 Green Building Incentives



#### SECTION 25-5.6. EXTERIOR LIGHTING STANDARDS

See discussion in *Enhance Modernize Exterior Lighting Standards*, page II-72 of the Assessment.

#### SECTION 25-5.7. DEVELOPMENT FORM AND DESIGN STANDARDS

See discussion in *Add Form and Design Standards*, page II-60 of the Assessment.

#### SECTION 25-5.8. NEIGHBORHOOD COMPATIBILITY STANDARDS

See discussion in *Add Neighborhood Compatibility Standards*, page II-64 of the Assessment.

#### SECTION 25-5.9. AGRICULTURAL COMPATIBILITY STANDARDS

See discussion in *Add Agricultural Compatibility Standards*, page II-68 of the Assessment.

#### SECTION 25-5.10. SIGN STANDARDS

See discussion in *Refine Sign Regulations*, page II-73 of the Assessment.

#### SECTION 25-5.11. FLOODPLAIN MANAGEMENT STANDARDS

This section will carry forward Article II, Floodplain management, of the current zoning ordinance, with no substantive changes. There will be refinements to conform the article to the format and structure used in the updated ordinance.

#### SECTION 25-5.12. GREEN BUILDING INCENTIVES

See discussion in *Remove Obstacles for and Add Green Building Incentives*, page II-73 of the Assessment.

## ARTICLE 25-6. NONCONFORMITIES

### SECTION 25-6.1. GENERAL APPLICABILITY

This article sets out the rules governing nonconformities. It builds on the rules in the current regulations governing nonconformities (Secs 25-13, 25-80 and 81, and 25-9.2). It refines some of the current provisions, adds additional detail, includes best practice provisions that are found in modern codes, and where appropriate, adds a few provisions to better support the project goals of supporting redevelopment in certain areas of the city.

#### SEC. 25-6.1.1. PUPOSE AND SCOPE

This subsection establishes that the article addresses legally established uses, structures, lots, signs, and site features (off-street parking and landscaping) that do not comply with requirements in the zoning ordinance.

#### SEC. 25-6.1.2. AUTHORITY TO CONTINUE

This subsection recognizes all lawfully established nonconformities will be allowed to continue in accordance with the standards of this article.

#### SEC. 25-6.1.3. DETERMINATION OF NONCONFORMITY

This subsection includes a standard provision stating that the landowner, not the city, has the burden of proving the existence of a lawful nonconformity.

#### SEC. 25-6.1.4. MINOR REPAIRS AND MAINTENANCE

This subsection will state that routine maintenance of nonconforming structures, structures housing nonconforming uses, and nonconforming signs, will be allowed to keep these nonconformities in the same condition they were at the time the nonconformity was established.

#### SEC. 25-6.1.5. CHANGE OF TENANCY OR OWNERSHIP

This subsection will state that change of tenancy or ownership will not, in and of itself, affect nonconformity status.

### SECTION 25-6.2. NONCONFORMING USES

This section will establish specific rules governing nonconforming uses. It will build on Sec. 25-13 Uses, permitted and nonconforming, and Sec. 25-9.2, Nonconforming establishments, in the current zoning ordinance, with some refinements and

## ARTICLE 25-6 NONCONFORMITIES

Sec. 25-6.1	General Applicability
Sec. 25-6.2	Nonconforming Uses
Sec. 25-6.3	Nonconforming Structures
Sec. 25-6.4	Nonconforming Lots of Record
Sec. 25-6.5	Nonconforming Signs
Sec. 25-6.6	Nonconforming Site Features

clarification. The section will address enlargement, abandonment, relocation, and reconstruction after damage, and generally carry forward the current rules.

### SECTION 25-6.3. NONCONFORMING STRUCTURES

This section will establish specific rules governing nonconforming structures. It will build on Sec. 25-13, Uses, permitted and nonconforming, of the existing ordinance. It will address enlargement, abandonment, relocation, and reconstruction after damage.

### SECTION 25-6.4. NONCONFORMING LOTS OF RECORD

This new provision established rules for lots of record that were platted prior to the effective date of the zoning ordinance, but that do not meet the dimensional requirements of the zoning district where they are locate.

### SECTION 25-6.5. NONCONFORMING SIGNS

This section will build on Sec. 25-80 and 81, and establish rules governing the treatment of nonconforming signs.

### SECTION 25-6.6. NONCONFORMING SITE FEATURES

This would be a new section that applies the concept of scaled compliance for two specific site features: off-street parking and landscaping. The provisions will establish a sliding scale requirement, based on the value of the remodeling or the extent of the expansion of the structure. The greater the value of the remodel, or the greater the expansion, the more the developer has to bring the non-compliant site feature into compliance. The city selects the breakpoints at which the sliding scale increases.

As an example, the provision might establish a rule that remodels costing less than 15 **percent of the structure's assessed value might not trigger the need to address any** nonconforming site features that the section applies to; remodels costing more than 15 percent and up to 50 **percent of the structure's assessed value would require a developer to bring the site's compliance up to current standards by a percentage** amount equivalent to the amount being spent; and remodels costing in excess of 50 percent of the assessed value would require full compliance. With respect to expansions, the rule might be that an expansion of 15 percent or less would not be required to bring the site further into compliance; expansions greater than 15 percent up to 50 percent would **require a developer to bring the site's compliance up to** current standards by a percentage amount equivalent to the expansion; and expansions greater than 50 percent would require full compliance.

Finally, the standards would include an important **"safety valve" provision that allows** for a waiver of requirements in cases where there are physical constraints on the site that prevent upgrading certain nonconforming elements (e.g., where there is insufficient room to accommodate all required parking spaces), but would require compliance to the maximum extent practical.



## ARTICLE 25-7. ENFORCEMENT

Article 25-7: Enforcement, builds on, consolidates, and refines provisions in the current zoning ordinance (Secs 25-3, 25-24, 25-26, 25-30, 25-33, and 25-82) , and adds some new sections in an effort to clarify and better organize the enforcement provisions, and help make the enforcement process more efficient and effective.

### SECTION 25-7.1. PURPOSE

This new section sets forth the purpose of the enforcement article.

### SECTION 25-7.2. COMPLIANCE REQUIRED

This new section clearly states that compliance with all provisions of the zoning ordinance is required.

### SECTION 25-7.3. VIOLATIONS

This new section explains that failure to comply with any provision of the zoning ordinance, or the terms or conditions of any development approval or authorization granted in accordance with the zoning ordinance shall constitute a violation. The section also more specifically identifies both general violations as well as specific violations.

### SECTION 25-7.4. RESPONSIBLE PERSONS

This new section indicates who is responsible for a violation when it occurs. It will be made as broad as legally possible, and state that any person who violates the zoning ordinance shall be subject to the remedies and penalties set forth in the article.

### SECTION 25-7.5. ENFORCEMENT GENERALLY

This section will build on Secs 25-3, 25-24, 25-26, 25-30, 25-33, and 25-82. It will recognize that the primary responsibility for enforcement is carried out by the Director. Based on current practices and Alabama statutes, it will provide additional detail about the city's **process for enforcing alleged violations** of the ordinance.

### SECTION 25-7.6. REMEDIES AND PENALTIES

This section will build on Secs 25-24 and 25- 26. Based on a review of the Alabama statues and discussion with city officials, those provisions will be updated, as appropriate. The general intent is to provide the city with all legal means to enforce

## ARTICLE 25-7 ENFORCEMENT

Sec. 25-7.1	Purpose
Sec. 25-7.2	Compliance Required
Sec. 25-7.3	Violations
Sec. 25-7.4	Responsible Persons
Sec. 25-7.5	Enforcement Generally
Sec. 25-7.6	Remedies and Penalties

the ordinance. The section will clearly express that all remedies available to the city are cumulative.

## ARTICLE 25-8. DEFINITIONS AND RULES OF MEASUREMENT

Article 25-8: Definitions and Rules of Measurement is the last article in the updated zoning ordinance. It builds on a number of the provisions and defined terms in at least seven locations (Sec. 25-2, Sec. 25-34, Sec. 25-72, Sec. 25-92, Sec. 25-109; Sec 25-142; and Sec. 25-188) from the current zoning ordinance. It will consolidate the definitions found in all parts of the current regulations into this article (with the possible exception of those in the floodplain regulations), and add, modernize, and refine definitions, as appropriate. It will also enhance the definitions and use of definitions through:

- Including rules of construction in a section;
- Consolidating all rules of measurement in a section;
- Incorporating a table of abbreviations;
- Adding definitions of all uses identified in the Principal Use Table(s) in Article 25-4: Use Regulations; and
- Removing standards from the definitions, and placing them in the appropriate place in the updated ordinance.

Clear definitions of important words and phrases not only make life easier for those who must interpret and administer the zoning ordinance, and for those who must make decisions and consider appeals—they also make it much easier for the public to know what is required. We will review, evaluate, and then refine and modernize the definitions, and add new definitions, as appropriate, so the updated zoning ordinance has a clear, modern, and workable set of definitions.

### SECTION 25-8.1. GENERAL RULES FOR INTERPRETATION

This section addresses general issues related to interpretation of language, including:

- **The meaning of standard terms such as “shall,” “should,” “will,” and “may”;**

## ARTICLE 25-8 DEFINITIONS AND RULES OF MEASUREMENT

- Sec. 25-8.1 General Rules for Interpretation
- Sec. 25-8.2 Rules of Measurement
- Sec. 25-8.3 Definitions

- The use of plural and singular nouns;
- The meaning of conjunctions;
- How time is computed; and
- Other general issues that arise in interpreting and administering the ordinance and its procedures.

## SECTION 25-8.2. RULES OF MEASUREMENT

This section consolidates and establishes the rules for measuring bulk and dimensional requirements like height, width, setbacks, lot area, how encroachments into required yards will be determined and regulated, and the other measurements that are required to interpret standards. The result is a central location where the user can go if there is a need to apply a rule of measurement. Graphics are used in this section to assist in the explanation of the different rules of measurement.

## SECTION 25-8.3. DEFINITIONS

As noted above, this section includes definitions of terms used throughout the regulations. It will begin with an evaluation of all existing definitions, and then refine and modernize the definitions, and add new definitions, as appropriate, so the updated zoning ordinance has a clear, modern, and workable set of definitions. We use the definitions found in the current regulations as a starting point for the definitions section, but will add numerous definitions related to the uses and the development standards, as necessary. We also revise definitions as necessary to ensure that the definitions do not contain substantive or procedural requirements. We verify that key definitions conform to state and federal law, and constitutional requirements.



# Appendix A: Example Page Layout for Zoning District Regulations

**(e) RS-L: Residential Single-Family Low-Density District<sup>i</sup>**

**(1) Purpose<sup>ii</sup>**

The purpose of the RS-L: Residential Single-Family Low Density District is to provide lands primarily for single-family residential development having a maximum density of 2 dwelling units per acre. Development allowed in this district includes single-family detached dwellings, manufactured homes, and limited public, civic, and institutional uses that support single-family residential development.

**(2) Concept**



**(3) Use Standards**

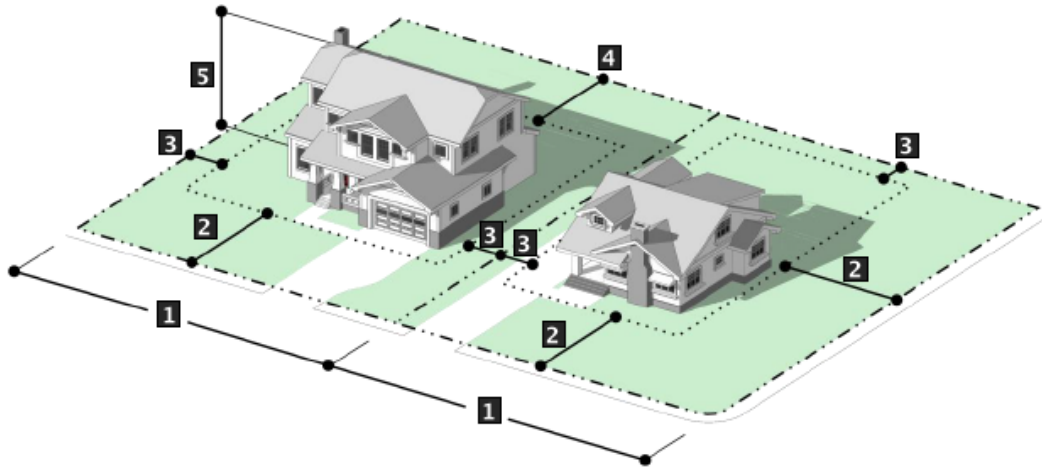
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

**(4) Density and Dimensional Standards<sup>iii</sup>**

Standard	All Uses
Density, max. (du/acre)	2
<b>1</b> Lot Width, min. (ft)	100
<b>2</b> Front Yard Setback, min. (ft)	35
<b>3</b> Side Yard Setback, min. (ft)	10 <sup>1a</sup>
<b>4</b> Rear Yard Setback, min. (ft)	30
<b>5</b> Building Height, max. (ft)	45

NOTES:

[1] Unless modified in accordance with Sec. 26-3.1(f)(4), Zero Lot Line Development.



**(5) Reference to Other Standards**

Article 26-4	Use Regulations	Sec. 26-5.7	Neighborhood Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.8	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.9	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.10	External Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.11	Water Quality
Sec. 26-5.5	Conservation Development	Sec. 26-5.12	Green Development Incentives
Sec. 26-5.6	Design and Form Standards	Article 26-6	Land Development (Subdivision) Standards

<sup>i</sup> As discussed on page II-43 of the Code Assessment, this district carries forward and renames the Residential Single-Family Estate (RS-E) District in the current LDC, except a maximum density of 2 dwelling units per acre is proposed to replace the minimum lot size of 20,000 square feet for the RS-E District in the current LDC. This district corresponds to the "Neighborhood (Low-Density)" future land use designation in *Plan Richland County*.

<sup>ii</sup> This language replaces the current purpose identified for the RS-E District, consistent with the allowed density in this district.

<sup>iii</sup> This carries forward the current dimensional standards, except the minimum lot size as described in note i above.



# Appendix B: Example Summary Use Table

**Article 3: Use Regulations**

**3.2 Table of Allowed Uses | 3.2.E. Table of Allowed Uses**

**Table 3.1**  
**Table of Allowed Uses**  
 P = permitted C = conditional use permit required A = accessory Blank Cell = use prohibited

	Residential									Non-Residential						Other			Use-Specific Standards
	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3	M1	M2	M3	CO	IN	L	CF	OS	OC	
<b>RESIDENTIAL</b>																			
<b>Household Living</b>																			
Dwelling, Co-Housing							P	P	C	P								P	3.3.A(1)
Dwelling, Duplex							P	P	C	P	P							P	
Dwelling, Live/Work										P	C	P	C	C	C			P	3.3.A(2)
Dwelling, Multifamily							P	P	P	P	P	P	P	P	P			P	3.3.A(3)
Dwelling, Single-Family Attached							P	P	C	P	P		C		C			P	3.3.A(4)
Dwelling, Single-Family Detached	P	P	P	P	P	P	P	P	C	C								P	3.3.A(5)
Manufactured Home					P	P	C	C	C										3.3.A(6)
<b>Group Living</b>																			
Assisted Living Facility										P	P	P	P		P	P			
Dormitory							C	C	C	C	P	P	C						
<b>PUBLIC, INSTITUTIONAL, AND CIVIC USES</b>																			
<b>Community and Cultural Facilities</b>																			
Cemetery or Interment Facility																C			
Club or Lodge	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P		P	3.3.B(1)
Day Care	C	C	C	C	C	C	C	C	C	C	P	P	P			A			
Funeral Facility												P	P	P	P	P			
Library										C	C	P	P	P	P	C			
Museum										C	C	P	P	P	P	C		P	
Park, Active	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Park and Open Space, Passive	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious Assembly	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P		P	
<b>Educational Facilities</b>																			
School, Public or Private	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P		P	3.3.B(2)
School, Vocational or Trade										C	P	P	P	P	P	P		P	3.3.B(2)
<b>Healthcare Facilities</b>																			
Hospital											P	P	P		P				
Medical or Dental Clinic										C	P	P	P		P				
<b>COMMERCIAL USES</b>																			
<b>Animal-Related Uses</b>																			
Kennel, Commercial													C	P					3.3.C(1)

**Article 3: Use Regulations**

**3.2 Table of Allowed Uses | 3.2.E. Table of Allowed Uses**

**Table 3.1**

**Table of Allowed Uses**

P = permitted C = conditional use permit required A = accessory Blank Cell = use prohibited

	Residential									Non-Residential					Other			Use-Specific Standards	
	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3	M1	M2	M3	CO	IN	L	CF	OS		OC
Stable, Commercial	P	P																	3.3.C(2)
Veterinary Hospital or Clinic										C	P	P	P	P					3.3.C(3)
<b>Recreation and Entertainment</b>																			
Campground or RV Park															C	C		P	3.3.C(4)
Indoor Recreation Facility								A	A	P	P	P	P	P	P	P			3.3.C(5)
Outdoor Recreation Facility	CA	CA	CA	CA	A	A	A	A	A		C	C	C	C	C	C	C	P	3.3.C(6)
<b>Food and Beverage Services</b>																			
Bar, Tavern, Lounge, or Tasting Room										C	P	P	P	P	P			P	3.3.C(7)
Catering Establishment											P	P	P	P	P				
Microbrewery, Distillery, or Winery										C	P	P	P	P	P			P	3.3.C(8)
Mobile Food Vending											P	P	P	P	P	P		C	3.3.C(9)
Restaurant											P	P	P	P	P			P	3.3.C(10)
Restaurant with Drive-Through												C	P	P	P				3.3.C(11)
<b>Office, Business, and Professional Services</b>																			
Administrative, Professional, or Government Office											P	P	P	P	P	P		P	3.3.C(12)
Financial Institution											P	P	P	P	P				3.3.C(13)
<b>Lodging</b>																			
Lodging, Fewer than Seven Units											P	P	P	P	P			P	3.3.C(14)
Lodging, Medium-Density															P			P	3.3.C(14)a.3
Lodging, High-Density															See 3.3				3.3.C(14)c
<b>Personal Services</b>																			
Personal Services, General											P	P	P	P	P	P		P	3.3.C(15)
Laundromat, Self-Service								A	A	A	P	P	P	P	P				3.3.C(16)
<b>Retail Sales</b>																			
Auction House											P	P	P	P	P				3.3.C(17)
Building Materials and Supply Store													P	P					
General Retail, Less than 10,000 Square Feet											P	P	P	P	P			P	3.3.C(18)
General Retail, 10,000 Square Feet to 25,000 Square Feet														P	P				
General Retail, More than 25,000 Square Feet													C	C					
Medical Marijuana Dispensary													P	P					3.3.C(19)

**Article 3: Use Regulations**

**3.2 Table of Allowed Uses | 3.2.E. Table of Allowed Uses**

**Table 3.1**  
**Table of Allowed Uses**  
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	Residential									Non-Residential					Other			Use-Specific Standards	
	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3	M1	M2	M3	CO	IN	L	CF	OS		OC
Medical Marijuana Dispensary, Off-Site Cultivation Location													P	P					3.3.C(19)
Nursery or Garden Supply Store											C	P	P	P	P			P	3.3.C(20)
<b>Transportation, Vehicles, and Equipment</b>																			
Equipment Sales and Rental													C	P					3.3.C(21)
Fleet Services													C	P	C	C			3.3.C(22)
Parking Facility											P	P	P	P	C				
Transit Terminal or Station																C			
Vehicle Fuel Sales												C	P	P					3.3.C(23)
Vehicle Repair, Major													P	P					3.3.C(24)
Vehicle Repair, Minor											C	C	P	P	P				3.3.C(25)
Vehicle Sales and Leasing													P	P	C				3.3.C(26)
Vehicle Service Station												C	C	P	P	P			3.3.C(26)
Vehicle Wash												C	P	P	P	P			
<b>Adult Entertainment Establishments</b>																			
Adult Entertainment													C	C					3.3.C(28)
<b>INDUSTRIAL USES</b>																			
<b>Manufacturing and Processing</b>																			
Food Processing											C	C	P	P	P	P			3.3.D(1)
Manufacturing, Artisan											C	C	P	P	P	P		P	3.3.D(2)
Manufacturing, Light													P	P					3.3.D(3)
<b>Storage and Warehousing</b>																			
Contractor Office or Equipment Storage Yard													C	P					
Outdoor Storage													C	P		C			3.3.D(4)
Self-Storage Facility													P	P					3.3.D(5)
Warehousing and Wholesale Facility													P	P					3.3.D(6)
<b>PUBLIC AND SEMI-PUBLIC UTILITY USES</b>																			
Flood Control Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	
Public Utility, Major	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P			
Public Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	
Water Storage Tank	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	
Wireless Telecommunications Facility	See Article 4: Wireless Communication Facilities																		





