

ORDINANCE NO. 28-2019

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Appendix C – Zoning (Article VI), SmartCode, Article 1, Sections 1.4.3, 1.4.7, 1.4.9, 1.4.10, 1.4.11(a), 1.5.1, 1.5.2, and 1.5.3; Article 2, Section 2.1.3; Article 3, Section 3.1.3; Article 4, Sections 4.1.1, 4.1.2, 4.2.3 and 4.6.4; Article 5, Section 5.1.3; and Article 6, Section 6.3, be and are hereby amended to read as follows:

Article 1

1.4.3 The City of Montgomery Department of Economic & Community Development (Land Use Division) shall establish a Consolidated Review Committee (CRC) comprised of a representative from the Land Use Division, the City Engineer's Office, the City Traffic Engineer's Office, the City Fire Department, the Montgomery Water Works Board, a designee of the Mayor, a designee of the City Council member in whose district this Code is sought, and the Chairperson and Vice-Chairperson of the Montgomery Planning Commission.

1.4.7 **Violations**

Should a violation of an approved plan occur during construction, the Land Use Division has the right to require the landowner or developer to stop, remove, and or mitigate the violation, or to require the landowner or developer to secure an exception to cover the violation.

1.4.9 **Greenfield Development**

For a Greenfield project meeting the minimum contiguous acreage requirement (according to development type, see Article 3.2), the developer shall submit the following documents to the Land Use Division for CRC consideration before work may be done on the site:

- a. As described in Article 3, the initial site plan submission should show how proposed plan responds to existing conditions (i.e. topographic, adjacent developments and roads for connecting, natural and man-made features) (3.1.5, 3.1.6, 3.6.2, and Table 3)
- b. Designate type of community to be built (CLD, TND, RCD, TOD); illustrate location of the Transect Zones which will convey the intended density of the development pedestrian Sheds on site map.
- c. Identify on site plan locations for civic space and civic functions 3.7.1, 3.7.2
- d. Greenfields also require, before preliminary site and building approval, an Article 5.1.5a submission which illustrates building disposition (see Tables 14 and 15), building configuration (Table 8 and Table 14), building function (Table 10), and parking standards (Tables 11 and 12). Platting request and Article

- 5.1.5a submittal should be done concurrently. For final approval, an Article 5.1.5b submission which illustrates the architectural standards, landscape standards, signage standards, and ambient standards. These standards differ by Transect, refer to each Transect in Article 5 and the relevant Tables to determine project specific requirements.
- e. The initial submission may include the entire development design, including all the above elements, or it may be submitted as one (1), two (2), or three (3) separate documents over time, depending upon the needs of the developer to begin project, work out details of the Article 5.1.5a and 5.1.5.b requirements. See the referenced articles and tables for more in depth description of details for submission.

1.4.10 Infill Development

Any development in an area that has had previous development is infill development. An infill project may consist of a single building or a few buildings that are in an area already under SmartCode control. Or infill may be a large area (40 or more acres) that will require an area plan and rezoning to SmartCode. Upon CRC approving the plan for Article 4 and Article 5, the intended parcels for development will need to be submitted to the Land Use Division for application to change zoning to SmartCode. A single lot or building will abide by the general standards plus requirements specific to Transect in which project is located. If the project consists of forty (40) acres or more, the Land Use Division or developer shall prepare an Infill Plan to guide development (see Articles 4.1.1, 4.1.2, 4.1.3)

1.4.11 Modifications to Submitted Plan

- a. An applicant who wishes to alter or revise an approved Article 3, 4, 5.1.5a or 5.1.5b plan shall contact the Land Use Division.
- 1.5.1 There shall be two (2) levels of Variance: Warrants and Exceptions. The Land Use Division shall determine whether a variance requires a warrant or exception.
- 1.5.2 A Warrant permits a practice that is not consistent with a specific provision of this Code, but is justified by the Intent Section 1.2 (as determined by the Land Use Division) or by hardship. Warrants may be granted administratively by the CRC.
- 1.5.3 Exceptions permit practices that are not consistent with a provision of the Intent Section 1.2, as determined by the Land Use Division. Exceptions shall be granted only by the City of Montgomery Board of Adjustment.

Article 2

- 2.1.3 Regional Plans shall be prepared by the Land Use Division or under its supervision. The process shall involve citizen participation and the approval of the Planning Commission and adoption by the City Council.

Article 3

- 3.1.3 New Community Plans may be prepared by a landowner, a developer, or by the Land Use Division.

Article 4

- 4.1.1 Within the G-4 Infill Growth Sector of the Regionall Plan (Article 2), or other infill projects, the Land Use Division shall prepare or have prepared on its behalf, infill plans to guide further development.

- 4.1.2 Infill plans shall be prepared in a process of public consultation, as determined and organized by the Land Use Division. Infill plans shall require approval by the Montgomery City Council except for infill plans prepared pursuant to Section 4.1.3 or infill plans on property located on the Downtown Transect Map (which shall not be subject to 4.1.4, 4.1.5, or 4.5). The requirements of such plans are mandatory.

4.2.3 **Specialized Districts (SD)**

Districts shall be areas dedicated for certain uses that by virtue of size or function cannot meet the requirements for any transect zone or combination of transect zones. Districts should be created by the Land Use Division in the process of preparing an Infill Plan.

- 4.6.4 Where buildings exist on adjacent lots, the Land Use Division may require that a proposed building match one or the other of the adjacent setbacks and heights rather than the provisions of this Code.

Article 5

- 5.1.3 Landowners and developers following Building Plans in full compliance required only administrative approval by the Land Use Division.

Article 6

- 6.3 Overlays are defined and written by the Department of Economic & Community Development to enhance or protect a specific characteristic. An Overlay Zone provides these specific enhancements and characteristics as specified but the Overlay Zone has no definite boundaries or locations until designated by the Department of Economic & Community Development or requested by either the public and approved by the Planning Commission and City Council.

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SECTION 2. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Appendix C – Zoning (Article VI), SmartCode, Article 7, Table 10 and Illustrations 14C and 14D, be and are hereby amended to read as follows:

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SMARTCODE ARTICLE 7: TABLE 10 – BUILDING FUNCTION, SPECIFIC

Montgomery, Alabama

R = By Right E = By Exception W = By Warrant

	T1	T2	T3	T4-R	T4-O	T4-C	T5
a. RESIDENTIAL							
Apartment Building				R	R	R	R
Ancillary Unit		R	R	R	R		
Assisted Living		R	R	R	R	R	R
Community Residence			W	W	W	W	W
Duplex House				R	R	R	R
Edgeyard House		R	R	R			
Halfway House						W	W
Live-Work			R	R	R	R	R
Manufactured House			E				
Outbuilding		R	R	R	R		
Rearyard House				R	R	R	R
Sideyard House			R	R	R		
Temporary Tent	E	E	E	E	E	E	E
b. LODGING							
Bed and Breakfast		W	W	W	W	W	W
Boarding House			E	E	E	E	E
Hotel (no room limit)					R	R	R
Inn (up to 12 rooms)		E	E	R	R	R	R
Inn (up to 5 rooms)		E	R	R	R	R	R
S.R.O. Hostel			E	E	E	E	E
School Dormitory				R	R	R	R
c. OFFICE							
Office Building				R	R	R	R
d. RETAIL							
Open-Market Building		R	R	R	R	R	R
Retail Building				R	R	R	R
Restaurant				R	R	R	R
Kiosk				R	R	R	R
Push Cart				R	R	R	R
e. CIVIC							
Bus Shelter			R	R	R	R	R
Convention Center						E	R
Conference Center					E	R	R
Fountain or Public Art		R	R	R	R	R	R
Library				R	R	R	R
Movie Theater					W	W	W
Museum					W	W	R
Outdoor Auditorium		E	R		R	R	R
Parking Structure						R	R

SMARTCODE ARTICLE 7: TABLE 10 – BUILDING FUNCTION, SPECIFIC

Montgomery, Alabama

Passenger Terminal						E	R
Playground		R	R	R	R	R	R
Sports Stadium						E	R
Surface Parking Lot				E	E	E	R
Religious Assembly				R	R	R	R

SMARTCODEARTICLE 7: TABLE 10 – BUILDING FUNCTION, SPECIFIC, cont.

Montgomery, Alabama

R = By Right E = By Exception W = By Warrant

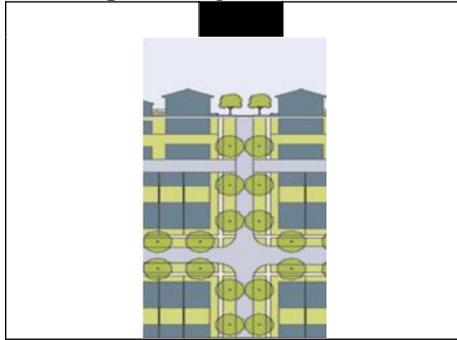
	T1	T2	T3	T4-R	T4-O	T4-C	T5
f. OTHER: AGRICULTURE							
Grain Storage	R	R					
Livestock Pen	E						
Greenhouse	R	R	W	W	W	W	W
Accessory Structure	R	R	R	R	R	R	R
Stable	R	R	E				
Vet Clinic / Kennel	R	R	E	E	E	E	E
f. OTHER: AUTOMOTIVE							
Auto Related Commercial		E			W	R	
Truck Maintenance							
Drive Through Facility					E	R	E
Rest Stop	R	R				R	
Roadside Stand	R	R					
Billboard							
Shopping Center							
Shopping Mall							
f. OTHER: CIVIL SUPPORT							
Cemetery							
Funeral Home					R	R	R
Hospital						E	E
Medical Clinic				E	E	R	R
f. OTHER: EDUCATION							
College							E
High School				E	E	E	E
Trade School						E	E
Elementary School			E	R	R	R	R
Daycare		R	R	R	R	R	R
f. OTHER: INDUSTRIAL							
Heavy Industrial Facility							
Light Industrial Facility							
Truck Depot							
Laboratory Facility						E	E
Water Supply Facility							
Sewer and Water Facility							
Electric Substation	E	E	E	E	E	E	E
Cremation Facility							
Large Storage							

SMARTCODEARTICLE 7: TABLE 10 – BUILDING FUNCTION, SPECIFIC, cont.

Montgomery, Alabama

Mini-Storage					W	W	W
Auto Related Industrial							
Towing with 30-day Storage							

Montgomery, Alabama



BUILDING FUNCTION (see Tables 10 & 11)	
Residential	Open Use
Lodging	Open Use
Office	Open Use
Retail	Open Use

BUILDING CONFIGURATION (see Table 8)	
Principal Building	10 stories max
Outbuilding	2 stories max

LOT OCCUPATION (see Table 14E)	
Lot Width	18 ft. min – 180 ft. max
Lot Coverage	80 % max

BUILDING DISPOSITION (see Table 9)	
Edgeyard	Prohibited
Sideyard	Permitted
Rearyard	Permitted
Courtyard	Permitted

SETBACKS – PRINCIPAL BUILDING (see Table 14F)

(a) Front Setback Principal	0 ft. min – 24 ft. max
(b) Front Setback Secondary	2 ft. min – 12 ft. max
(c) Side Setback	0 ft. min – 12 ft. max
(d) Rear Setback	3 ft. min*
Frontage Buildout	80% min at setback

SETBACKS – OUTBUILDING

(e) Front Setback	40 ft. max from rear prop. 0 ft. min or 2 ft. at corner
(f) Side Setback	
(g) Rear Setback	3 ft. min

PRIVATE FRONTAGES (see Table 7)

Common Yard	Prohibited
Porch & Fence	Prohibited
Terrace or L.C.	Permitted
Forecourt	Permitted
Stoop	Permitted
Shopfront & Awning	Permitted
Gallery	Permitted
Arcade	Prohibited

Refer to Summary Table 14

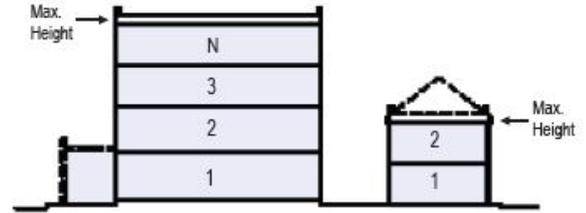
PARKING PROVISIONS

See Tables 11 & 12

*or 12 ft. from centerline of alley.
"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

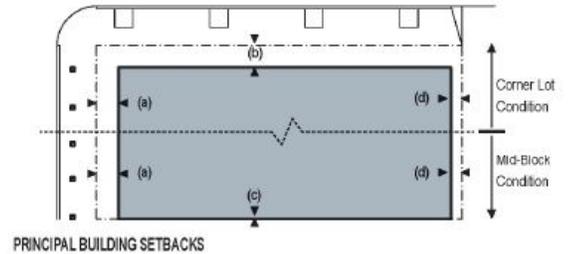
BUILDING CONFIGURATION

- Building height shall be measured in number of Stories, excluding attics and raised basements.
- Stories may not exceed 14 ft. in height from finished floor to finished ceiling, except for a first floor commercial function, which must be a minimum of 11 ft. with a maximum of 25 ft.
- Height shall be measured to the eaves or roof deck as specified on Table 8.
- Expression Lines shall be as shown on Table 8.



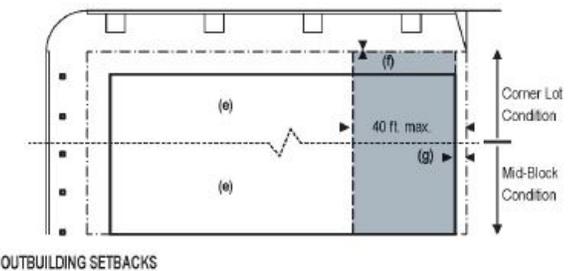
SETBACKS – PRINCIPAL BLDG

- The Facades and Elevations of Principal buildings shall be distanced from the Lot Lines as shown.
- Facades shall be built along the Principal Frontage to the minimum specified width in the table.



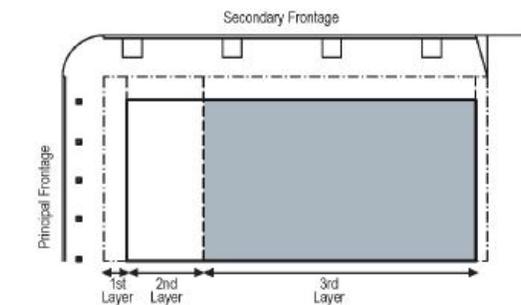
SETBACKS – OUTBUILDING

- The Elevation of the Outbuilding shall be distanced from the Lot Lines as shown.



PARKING PLACEMENT

- Uncovered parking spaces may be provided within the 2nd and 3rd Layer as shown in the diagram (see Table 16D).
- Covered parking shall be provided within the 3rd Layer as shown in the diagram (see Table 16D).
- Trash containers shall be stored within the 3rd Layer.



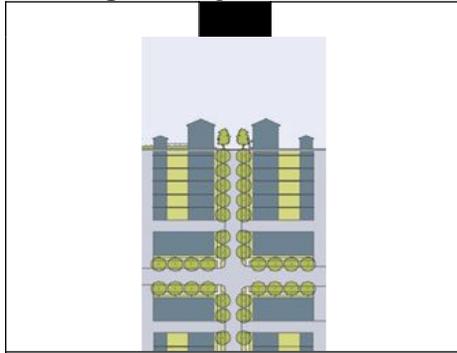
LOT LAYERS

SMARTCODE **ILLUSTRATION 14C: TRANSECT GRAPHICS – T4-C**

Montgomery, Alabama

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Montgomery, Alabama



BUILDING FUNCTION (see Tables 10 & 11)	
Residential	Open Use
Lodging	Open Use
Office	Open Use
Retail	Open Use

BUILDING CONFIGURATION (see Table 8)	
Principal Building	10 stories max
Outbuilding	No max

LOT OCCUPATION (see Table 14E)	
Lot Width	18 ft. min – 180 ft. max
Lot Coverage	80 % max

BUILDING DISPOSITION (see Table 9)	
Edgeyard	Prohibited
Sidyard	Permitted
Rearyard	Permitted
Courtyard	Permitted

SETBACKS – PRINCIPAL BUILDING (see Table 14F)	
(a) Front Setback Principal	0 ft. min – 12 ft. max
(b) Front Setback Secondary	2 ft. min – 12 ft. max
(c) Side Setback	0 ft. min – 24 ft. max
(d) Rear Setback	3 ft. min*
Frontage Buildout	80% min at setback

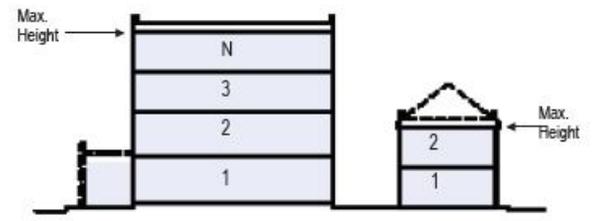
SETBACKS – OUTBUILDING	
(e) Front Setback	40 ft. max from rear prop.
(f) Side Setback	0 ft. min or 2 ft. at corner
(g) Rear Setback	3 ft. min

PRIVATE FRONTAGES (see Table 7)	
Common Lawn	Not Permitted
Porch & Fence	Not Permitted
Terrace or L.C.	Permitted
Forecourt	Permitted
Stoop	Permitted
Shopfront & Awning	Permitted
Gallery	Permitted
Arcade	Permitted

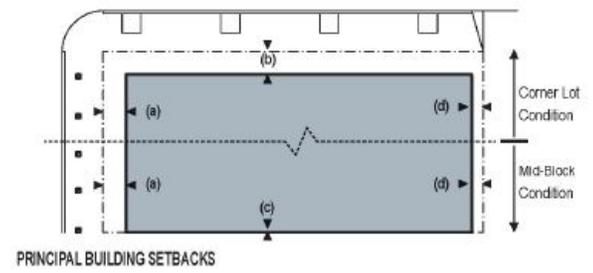
PARKING PROVISIONS	
See Tables 11 & 12	

*or 12 ft. from centerline of alley.
 "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

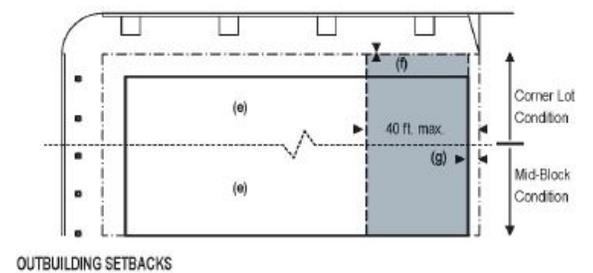
- BUILDING CONFIGURATION**
- Building height shall be measured in number of Stories, excluding attics and raised basements.
 - Stories may not exceed 14 ft. in height from finished floor to finished ceiling, except for a first floor commercial function, which must be a minimum of 11 ft. with a maximum of 25 ft.
 - Height shall be measured to the eaves or roof deck as specified on Table 8.



- SETBACKS – PRINCIPAL BLDG**
- The Facades and Elevations of Principal buildings shall be distanced from the Lot Lines as shown.
 - Facades shall be built along the Principal Frontage to the minimum specified width in the table.



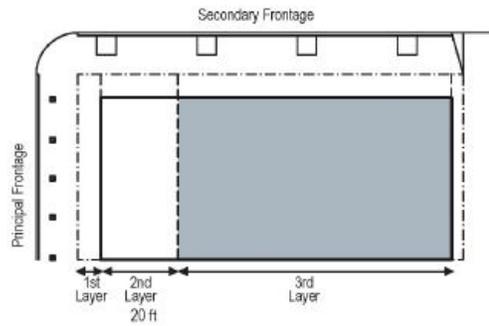
- SETBACKS – OUTBUILDING**
- The Elevation of the Outbuilding shall be distanced from the Lot Lines as shown.



- PARKING PLACEMENT**
- Uncovered parking spaces may be provided within the 3rd Layer as shown in the diagram (see Table 16D).
 - Covered parking shall be provided within the 3rd Layer as shown in the diagram (see Table 16D).

Montgomery, Alabama

- 3 Trash containers shall be stored within the 3rd Layer.



LOT LAYERS

SECTION 3. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Appendix C – Zoning (Article VI), SmartCode, Article 8, Sections 1.4.2 and 1.4.3, be and are hereby amended to read as follows:

Article 8

- 1.4.2 Once the need for a Special District is determined by either the City of Montgomery's Long Range/Comprehensive Plan, or by a specific use, such as college, airport, hospital, etc., a study should be conducted and data collected by or for the Montgomery Department of Economic & Community Development which includes meeting with neighbors and property owners as well as with the leaders/developers requesting consideration for development or expansion.
- 1.4.3 Following public meetings for presenting possible Special Districts and publishing the relevant maps to show the extent and purpose of the special district for public scrutiny, the specifics of the special district shall be defined by tables and articles that document the allowed form and uses contained within the Special District. The maps, tables, and articles shall be presented to the Land Use Controls Division of the Department of Economic & Community Development which will disseminate the information to the various oversight departments within the City (Long Range Planning, Engineering, Traffic Engineering, Fire Department, and any others deemed necessary) and utilities. Comments from these departments will be attached to the map, tables, and articles and presented to Planning Commission and City Council for final vote.

SECTION 4. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Appendix C – Zoning (Article VI), SmartCode, Definition of Terms be and are hereby amended to read as follows:

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DEFINITIONS

This Article provides definitions for terms in this Code that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this Article, then the Land Use Division shall use the latest version of Webster's Dictionary.

Actual Parking: the number of existing parking spaces.

Adult Daycare: A facility which provides limited supervision and basic services on a part-time basis by day or evening, but not overnight, to three (3) or more adults other than family/employee occupying the premises. The term does not include community residential homes, nursing home facilities or institutions for the aged.

Affordable Housing: dwellings consisting of rental units or for-sale units. Both shall be economically within the mean of the equivalent of the starting salary of a local elementary school teacher.

Accessory Building: An outbuilding with an Accessory Unit.

Accessory Structure (Agriculture): Any associated structure related to agricultural products, tools, equipment or other similar functions.

Accessory Unit: an apartment not greater than 600 sq. ft. sharing ownership and utility connections with a Principal Building. An Accessory Unit may or may not be within an Outbuilding. Accessory Units do not count toward maximum density calculations (see Tables 12 & 16).

Adjusted Parking: the amount of required parking adjusted by the Sharing Factor in Table 12.

A-Grid: Or Primary Grid, See Primary-Secondary Grid.

Allee: a regularly spaced and aligned row of trees usually planted along a Thoroughfare or Pedestrian Path.

Alley: a thoroughfare designated to be a secondary means of vehicular access to the rear or side of properties. An alley may connect to a vehicular driveway located to the rear of lots providing access to outbuildings, service areas and parking; and may contain utility easements.

Ancillary Unit: see Accessory Unit.

Apartment: a dwelling unit sharing a building and a lot with other dwellings and/or uses. Apartments may be for rent or for sale as condominiums.

Arcade: A private frontage conventional for retail use wherein the façade is a colonnade supporting habitable space that overlaps the sidewalk, while the façade at sidewalk level remains at the frontage line (see Table 7).

Assisted Living: a system of housing and limited care that is designed for senior citizens who need some assistance with daily activities but do not require care in a nursing home.

Auto-Related Commercial Establishments: A place of business serving auto-related needs including, but not limited to: car rental, car wash, gas station, mechanic offering minor repairs, retail sales such as auto parts, tire store, indoor car sales. Uses not included: major mechanical work; body work; painting; steam cleaning; welding; outdoor car sales; storage of automobiles not in operating condition; commercial parking lot or commercial garage; or any work involving undue noise, glare, fumes or smoke, all of which are considered auto-related industrial activities.

Avenue (AV): a Thoroughfare or high vehicular capacity and low speed. Avenues are short distance connectors between urban centers. Avenues may be equipped with a landscaped median. Avenues become collectors upon exiting urban areas.

Backbuilding: a single-story structure connecting a principal building to an outbuilding (see Table 16).

Bed and Breakfast: an owner occupied lodging type offering bedrooms; permitted to serve food to guests.

B-Grid: or Secondary Grid, see Primary-Secondary Grid.

Bicycle Lane (BL): a thoroughfare dedicated to bicycle use running within a moderate-speed vehicular thoroughfare, demarcated by striping.

Bicycle Route (BR): a thoroughfare suitable for the shared use of bicycles and

automobiles moving at low speeds.

Bicycle Trail (BT): a thoroughfare running independently of a high-speed vehicular thoroughfare.

Block: the aggregate of the private lots, passages, rear lanes, and alleys, circumscribed by thoroughfares.

Block Face: the aggregate of all the building facades on one side of a block.

Boarding House: a lodging house at which meals are provided.

Boulevard: a thoroughfare designed for high vehicular capacity and moderate speed. Boulevards are long-distance thoroughfares traversing urbanized areas. Boulevards are usually equipped with slip roads buffering sidewalks and buildings. Boulevards become arterials upon exiting urban areas.

Brownfield: an area having been previously used primarily as an industrial or commercial site with perceived or actual presence of environmentally hazardous substance.

Building Configuration: the form of a building as defined by its massing, private frontage, and height.

Building Disposition: the placement of a building on its lot (see Table 9).

Building Function: the uses accommodated by a building and its lot. Functions are categorized as Restricted, Limited, or Open, according to the intensity of the use (see Tables 10 and 11).

Building Height: the vertical extent of a building measured in stories, not including a raised basement or a habitable attic. Building height limits do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads, and similar structures. Building height shall be measured from the average grade of the enfronting thoroughfare (see Table 8).

Building Type: a structure category determined by function, disposition on the lot, and configuration, including frontage and height.

By Right: a proposal for a building or community plan that complies with this code and may thereby be processed administratively, without public hearing.

Childcare: A facility where six (6) or more children are cared for on a part-time basis by day or by night including after-school care. The term does not include community based residential facilities, family care homes, foster homes, group homes, rehabilitation or detention centers, orphanages, or other places operating primarily for remedial care.

CLD: Cluster Land Development. A freestanding neighborhood. Because of a location away from transportation, a CLD has a weak commercial center.

Civic: the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit and municipal parking.

Civic Building: Civic Buildings shall be public sites dedicated for buildings operated by not-for-profit organizations dedicated to culture, education, government, transit and municipal parking, or for a use approved by the City Council. Civic Buildings shall not be subject to the architectural standards of Article 5.

Civic Function: premises used by organizations considered to support the common good of the community. Uses include educational, cultural, social service, and religious not-for-profit organizations.

Civic Use: see Civic Function

Civic Parking Reserve: parking structure or lot within a quarter-mile of the site that it serves. Space may be leased or purchased from this reserve to satisfy parking requirements.

Civic Space: an open area dedicated for public use. Civic space types are defined by the combination of certain physical constants including the relationship between their intended use, their size, their landscaping, and their enfronting buildings. (See Table 13)

Commercial: the term collectively defining workplace, office and retail functions.

Commercial Street (CS): See Table 3C.

Common Destination: an area of focused community activity, usually defining the approximate center of a pedestrian shed. It may include without limitation one or more

of the following: a civic space, a civic building, a commercial center, or a transit station, and may act as the social center of a neighborhood.

Community: a regulatory category defining the physical form, density, and extent of a settlement. The three community types addressed in this Code are CLD, TND, and RCD. The TOD community type may be created by an overlay on TND or RCD.

Community Garden: A grouping of garden plots available for small-scale cultivation, generally to residents of apartments and other dwelling types without private gardens. Available for small-scale cultivation, generally to residents of apartments, and other dwelling types, without private gardens. Community gardens should accommodate individual storage sheds.

Community Pattern: the physical form of a settlement. Variations are due to the particulars of the site: density, spatial definition program, transportation, and implementation. Transect-based community patterns are socially and functionally variegated; they are walkable, and they manifest a gradient from urban to rural.

Community Residence: residential facility for non-related persons needing assistance to integrate into the community.

Conference Center: A center where conferences can be conducted.

Configuration: the form of a building, based on its massing, private frontage, and height.

Consolidated Review Committee (CRC): a committee of one representative from each of the regulatory agencies that have jurisdiction over the approval of a project.

Context: surroundings made up of the particular combination of elements that create specific habitat.

Convention Center: a large civic building or group of buildings designed for conventions, industrial shows, and the like; having large unobstructed exhibit areas and often including conference rooms, hotel accommodations, restaurants, and other facilities.

Corridor: a linear geographic system incorporating transportation and/or greenway trajectories. A transportation corridor may be a linear urban transect zone.

Courtyard Building: a building that occupies the boundaries of its lot while internally defining one or more private patios.

Curb: the edge of the vehicular pavement detailed as a raised curb or flush to a swale. The curb usually incorporates the drainage system (see Table 4A & B).

Design Speed: the velocity at which a thoroughfare tends to be driven without the constraints of signage or enforcement. There are three ranges of speed: Very low (below 20 mph), Low (20-25 mph), Moderate (25-35 mph), High (above 35 mph). Lane width is determined by desired design speed.

Disposition: the placement of a building on its lot. See Table 9.

District: see Specialized District.

Domiciliary: providing care and living space.

Drive-through/Drive-in Facility: A place of business including drive-through banks or teller windows, drive-through eating and drinking establishments, drive-through windows at liquor or other stores, or at laundry and dry cleaning facilities, car washes, and similar facilities, but excludes automotive service stations.

Driveway: a vehicular lane within a lot, usually leading to a garage. A driveway in the first layer may be used for parking if it is no more than 18 ft. wide, thereby becoming subject to the constraints of a parking lot.

Duplex House: a building that is divided into two living units sharing a common wall.

Edgeyard Building: a building that occupies the center of its lot with setbacks on all sides.

Effective Parking: the amount of parking required for mixed use after adjustment by the shared parking factor (see Tables 11 and 12).

Effective Turning Radius: the measurement of the inside turning radius taking parked cars into account.

Elevation: an exterior wall of a building not along the public right-of-way (see Table 16)

Encroachment: any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public frontage, or above a height limit.

Enfront: to place an element along a frontage line, as in “porches enfront the street.”

Entrance, Principal: the main point of access for pedestrians into a building.

Exception: a Variance that permits a practice that is not consistent with a provision or intent of this Code.

Façade: the exterior wall of a building that is set along a public Right-of-way frontage line. (see Table 16).

Final Plat: a map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, restrictions, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.

First Lot Layer: the portion of a lot measured from the property line on the principal frontage to the building frontage/front setback.

Forecourt: a private frontage wherein a portion of the facade is close to the frontage line and the central portion is set back (see Table 7).

Frontage: the area between a building facade and the front setback, inclusive of its built and planted components. Frontage is divided into private frontage and public frontage (see Tables 4A and 7).

Frontage Line: (front setback) those lot lines that coincide with a public frontage. Facades along frontage lines define the public realm and are therefore more regulated than the elevations that coincide with other lot lines (see Table 16).

Gallery: a private frontage conventional for retail use wherein the facade is aligned close to the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk (see Table 7).

Gas Station: a retail business that sells motor vehicle fuel, related motor vehicle products, and which also sell food and beverage items.

Greenfield: an area that consists of open fields and farmland which has not been previously developed.

Green: a civic space type for unstructured recreation, spatially defined by landscaping rather than building frontages (see Table 13).

Greenhouse: a building, room, or area, usually made of transparent or opaque material, in which temperature is maintained within a desired range, used for cultivating plants or growing plants out of season.

Greenway: an open space corridor or largely natural conditions, which may include trails for bicycles and pedestrians

Group Home: a residence for persons requiring care or supervision.

Halfway House: a residence for individuals after release from institutionalization (as for mental disorder, drug addiction, or criminal activity) that is designed to facilitate their readjustment to private life.

Heavy Industrial: industrial facilities that conduct their operation in such manners that results are created or apparent outside an enclosed building that are incompatible with adjacent or nearby non-industrial uses.

Highway: a thoroughfare intended primarily to serve through traffic traveling medium to long distances.

Home Occupation: non-retail commercial enterprises. The work quarter should be invisible from the frontage located either within the house or in an outbuilding. Permitted activities are defined by the restricted office category (see Table 10).

Infill: land which has been previously developed property.

Inn: a commercial establishment that provides lodging, food, etc., for public, especially travelers; small hotel; a tavern.

Inside Turning Radius: the curved edge of a thoroughfare at an intersection, measured at the inside edge of the vehicular tracking. The smaller the turning radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn (see Tables 3 and 16).

Kiosk: a small, self-standing structure used for commercial purposes. Examples include, but are not limited to, a newsstand or ticket booth.

Layer: a range of depth of a lot within which certain elements are permitted (see Table 16).

Light Industrial: industrial facilities that conduct their operations in such manners that no results are created or apparent outside an enclosed building that are incompatible with adjacent or nearby non-industrial uses.

Liner Building: a building specifically designed to mask a parking garage from a frontage. A liner building, if less than 30 ft. deep and two (2) stories, shall be exempt from parking requirements.

Live-Work: a dwelling unit that contains a commercial component. A live-work unit is a fee-simple unit on its own lot with commercial component limited to the ground level.

Lodging: premises available for daily and weekly renting of bedrooms. The area allocated for food service shall be calculated and provided with parking according to retail use.

Lot Line: the boundary that legally and geometrically demarcates a lot (see Tables 14F & 16).

Lot Width: the length of the Principal Frontage line of a lot.

Main Civic Space: the main civic space shall be within 800 ft. of the geographic center of each pedestrian shed, unless prevented by topographic conditions or pre-existing thoroughfare alignments as determined by the CRC.

Manufacturing: premises available for the creation, assemblage, and/or repair of artifacts; and including their retail sale.

Meeting Hall: a building available for gatherings. It should accommodate at least one

room equivalent to a minimum of 10 sq. ft. per projected dwelling unit(s) within the pedestrian shed in which the meeting hall is located.

Mixed Use: multiple functions within the same building and/or adjacent building, or in multiple buildings within the same area by adjacency. Mixed use is one of the principles of TND development from which many of its benefits are derived, including compactness, pedestrian activity, and parking space reduction.

Neighborhood: a mostly residential area, often with a recognizable edge. For the purposes of this Code, a “complete neighborhood” is further defined as consisting of one pedestrian shed (1/2 mile diameter) with a mixed-use center.

Nonconformity: an existing function, structure, lot or site improvement that was in compliance with the zoning regulations that were applicable to it when it was established, and for which all required permits were issued, but which does not conform in whole or in part to the regulations of this Section. Such nonconformity is legal and may continue except as regulated by this Code.

Office: premises available for the transaction of general business but excluding retail, artisanal and manufacturing uses.

Open Parking Lot: a parking lot on a parcel, not in conjunction with a building. May be on the frontage and within the first and second lot layers by warrant, except for corner lots at intersections with an A-Grid, or Primary Grid.

Outbuilding: an accessory building, usually located towards the rear of the same lot as the principal building. A backbuilding sometimes connects it to the principal building.

Overlay Zone: a designation of special zoning concerns which impose different restrictions or requirements on an area without altering the underlying zoning. Usually used to enhance or protect specific environmental characteristics or needs for an area.

Park: a civic space type that is a natural preserve available for unstructured recreation (see Table 13).

Parking Structure: a building containing two or more stories of parking. Parking structure shall have liner buildings at the first story or higher. Parking structures not on a primary grid are exempt and may be unlined.

Passage (PS): a pedestrian connector passing between buildings, providing shortcuts through long blocks and connecting rear parking areas to frontages. Passages may be roofed over.

Path (PT): a pedestrian way traversing a park or rural area, with landscape matching the contiguous open space. Paths should connect directly with the urban sidewalk network.

Pedestrian Shed: an area defined by the average distance that may be applied to determine the size of a neighborhood or extent of a community. A standard pedestrian shed is 1/4 of a mile radius, or 1,320 ft. With transit available or proposed, a long pedestrian shed has an average walking distance of a 1/2 mile, or 2,640 ft. Pedestrian sheds are oriented towards a central destination containing one or more important intersections, meeting places, civic spaces, civic buildings, and the capacity to accommodate a T5 transect zone in the future.

Planter: the element of the public streetscape which accommodates street trees. Planters may be continuous or individual.

Plat: a subdivision as it is represented as a formal document by drawing and writing, and which is presented to the Planning Commission for review and approval in accordance with the Subdivision Regulations and to the governing body for the acceptance of easements and dedications.

Primary-Secondary Grid: Thoroughfare designations appearing on the Regulating Plan. Buildings on the P-Grid/A-Grid are subject to all of the provisions of this Code. Buildings on the S-Grid/B-Grid are exempt from certain provisions, allowing for warranted open parking lots, unlined parking decks, drive-through and hermetic building fronts.

Principal Building: the main building on a lot, usually located toward the frontage (see Table 16).

Principal Frontage: the private frontage designated to bear the address and principal entrance to the building, and the measure of minimum lot width. See Frontage.

Private Frontage: the privately held layer between the frontage line and the principal building façade. The structures and landscaping within the private frontage may be held to specific standards. The variables of private frontage are the depth of the setback and the combination of architectural elements such as fences, stoops, porches,

and galleries (see Table 7).

Public Frontage: the area between the curb of the vehicular lanes and the frontage line. Elements of the public frontage include the type of curb, walk, planter, street tree, and streetlight (see Table 4).

Push Cart: a small, mobile and wheeled device that is utilized for temporary commercial purposes.

RCD: Regional Center Development. A community type consisting of one long pedestrian shed with strong town center. The minimum developable area of a RCD/TOD is 160 acres.

Rear Alley (RA): a vehicular driveway located to the rear of lots providing access to service areas and parking, and containing utility easements.

Rear Lane (LA): a vehicular driveway located to the rear of lots providing access to parking and outbuildings and containing utility easements. Rear lanes may be paved lightly to driveway standards. Its streetscape consists of gravel or landscaped edges, no raised curb and is drained by percolation.

Rearyard Building: a building that occupies the full frontage line, leaving the rear of the lot as the sole yard. This is a more urban type, as the continuous façade spatially defines the public thoroughfare. For its residential function, this type yields a rowhouse. For its commercial function, the rear yard can accommodate substantial parking.

Recess Line: a line prescribed for the full width of a façade, above which there is a setback of a minimum distance, such that the height to this line, not the overall building height, effectively defines the enclosure of the enfronting public space (see Table 8).

Rescue Mission: a facility providing personal assistance to individuals in need. Such assistance to individuals may include temporary shelter, food services provisions, counseling, instruction, medical services, and other incidental services.

Residential: premises available for long-term human dwelling.

Residential Street (RS): see Street

Retail: premises available for the sale of merchandise and food service.

Retail Frontage Line: frontage lines designated on a community plan that require the provision of a shopfront, causing the ground level to be available for retail use.

Road (RD): a local, rural, and suburban thoroughfare of low vehicular speed and capacity. Its public frontage consists of swales drained by percolation and walkable path or bicycle trail along one or both sides. The landscaping consists of multiple species composed in naturalistic clusters. This type is allocated to the more rural transect zones (T1-T3).

Rural Road (RR): see Road.

Second Lot Layer: The 20 ft. immediately following the First layer of a lot (See Table 16D).

Secondary Grid: see Primary-Secondary Grid.

Setback: the area of a lot measured from the lot line to a building facade or elevation. This area must be maintained clear of permanent structures with the exception of: galleries, fences, garden walls, arcades, porches, stoops, balconies, bay windows, terraces and decks (that align with the first story level) which are permitted to encroach into the setback (see Section 4.2.1 and Table 14F).

Shared Parking: an accounting for parking spaces that are available to more than one function. The requirement is reduced by a factor, shown as a calculation. The shared parking ratio varies according to multiple functions in close proximity, which are unlikely to require the spaces at the same time (see Tables 11 and 12).

Shopfront: a private frontage conventional for retail use, with substantial glazing and an awning, wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade (see Table 7).

Sideyard Building: a building that occupies one side of the lot with a setback to the other side.

Sidewalk: the paved layer of the public frontage dedicated exclusively to pedestrian activity.

Sign: any identification, description, illustrations, or device, illuminated or non-illuminated, that is visible from a public right-of-way or is located on private property and visible to the public and which directs attention to a product, place, activity, person, institution, business, message or solicitation, including any permanently installed or situated merchandise, with the exception of window displays, and any letter, numeral, character, figure, emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information.

Specialized Building: a building that is not subject to residential, commercial or lodging classification. Most specialized buildings are dedicated to manufacturing and transportation, and are distorted by the trajectories of machinery.

Specialized District (SD): Specialized District designations shall be assigned to areas that, by their intrinsic function, disposition, or configuration, cannot conform to one of the six normative transect zones or four community types specified by this Code. Typical districts may include large parks, institutional campuses, refinery sites, airports, etc.

Standard Road: (SR): see **Road** and Table 4A

Standard Street (SS): see **Street**.

Story: a habitable level within a building of no more than 14 ft. in height from finished floor to finished ceiling. Attics and raised basements are not considered stories for the purposes of determining building height.

Streamside Corridor: the zone within which a waterway flows, its width to be variably interpreted according to the transect zone.

Street (ST): a local urban thoroughfare of low speed and capacity. Its public frontage consists of raised curbs drained by inlets and sidewalks separated from the vehicular lanes by a planter and parking on both sides. The landscaping frontage consists of raised curbs drained by inlets and sidewalks separated from the vehicular lanes by a planter and parking on both sides. The landscaping consists of regularly placed street trees. This type is permitted within the more urban transect zones (T4-T5).

Streetscape: the urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the

amenities of the public frontages (street trees and plantings, benches, and streetlights, etc.).

Streetscreen: sometimes called Streetwall. A wall built along the frontage line, or coplanar with the façade, often for the purpose of masking a parking lot from the thoroughfare. Streetscreens shall be between 3.5 and 8 ft. in height and constructed of a material matching the adjacent building façade. The streetscreen may be a hedge or fence. Streetscreens shall have openings no larger than is necessary to allow automobile and pedestrian access. In addition, all streetscreens over 4 ft. high should be 30% permeable or articulated to avoid blank walls.

Substantial Modification: alterations to a building that will add more than 50% to the existing building size.

Terminated Vista: a location at the axial conclusion of a thoroughfare. A building located at a terminated vista designated on a Community Plan is required to be designed in response to the axis.

Third Lot Layer: The back portion of a lot, immediately following the second lot layer (see Table 16D).

Third Place: a private building that includes a space for unstructured social gathering. Third places are usually bars, cafes, and corner stores.

Thoroughfare: a passage for traveling that incorporates moving lanes and parking lanes within a right-of-way (see Tables 3 and 16).

TND: Traditional Neighborhood Development. A community type consisting of one or more pedestrian sheds plus a mixed-use center or corridor. The minimum developable area of a TND is 80 acres.

TOD: Transit-Oriented Development. TOD is Regional Center Development (RCD) with transit available or proposed.

Towing Service: Establishment which provides for the removal and temporary storage (maximum 30 days) of vehicles, but does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles.

Town Center: the mixed-use center or main commercial corridor of a community. A

town center in a hamlet or small TND may consist of little more than a meeting hall, corner store, and main civic space. A town center for RCD or TOD communities may be a substantial downtown commercial area, often connected to other town centers by transit.

Transect: a system of ordering human habitats in a range from the most natural to the most urban. The SmartCode is based upon transect zones which describe the physical character of place at any scale, according to the density and intensity of land use and urbanism.

Transect Zone (T-Zone): Transect Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those of the private lot and building and the enfronting public streetscape. The elements are determined by their location on the transect scale. The T-Zones are: T1 (Natural), T2 (Rural), T3 (Sub-Urban), T4 (General Urban), T5 (Urban Center), and T6 (Urban Core) (see Table 1). NOTE: Montgomery, at the time of adoption of this Code, does not have sufficient density to have property zoned as T6.

Transition Line: a horizontal line spanning the full width of a façade, expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.

Type: a form category determined by function, disposition, and configuration, including size or extent. There are community types, street types, and civic spaces types.

Urban Neighborhood: a TND community type within an urbanized area (see TND).

Urban Street: see Table 3C.

Variance: an administrative technique granting relief from the provisions of this Code. There are two types of variances available in SmartCode: Warrants and Exceptions (see Section 1.5).

Warrant: a type of variance that permits a practice that is not consistent with a specific provision of this Code, but is justified by its intent or by hardship.

SECTION 5. This ordinance shall take effect upon its passage, approval and publication, or as otherwise provided by law.

ADOPTED this 6th day of August, 2019.

/S/
BRENDA GALE BLALOCK, CITY CLERK

APPROVED: 8-16-19
/S/
TODD STRANGE, MAYOR