



PLANNING AND ZONING COMMISSION

PUBLIC NOTICE

6:00 P.M.

Thursday, November 12, 2020

Pelham Civic Complex

Pelham, AL 35124

PUBLIC NOTICE PELHAM PLANNING COMMISSION PUBLIC HEARING

The Pelham Planning Commission will hold a Public Hearing meeting Thursday, November 12th, 2020 in the ballroom at Pelham Civic Complex at 6:00 pm located at 500 Amphitheater Drive, Pelham, AL 35124 to consider proposed Ordinance No. 135-230 “amending the City of Pelham’s Zoning Ordinance to include Article XIX.1, Mixed-Use Districts” regarding zoning Modifications to the current zoning regulations for the City of Pelham. If more information is required please contact Dana Ray at 205-620-6411. Individuals with disabilities needing special services to participate in applications, activities, programs, or services are requested to coordinate their needs in advance. If special accommodations are required, please contact Tom Seale, City Clerk (205) 620-6400. Dana Ray Planning Commission Secretary.

Shelby County Reporter: Oct. 12 and 19, 2020.

To view the Ordinance in its entirety, please see below:

ARTICLE IV. - ZONING DISTRICTS, MAP, BOUNDARIES, AND ANNEXED PROPERTY

Sec. 1. - Establishment of districts.

Mixed-use Districts

MX-N mixed-use neighborhood district

MX-C mixed-use center district

ARTICLE XIX.1. – MIXED-USE DISTRICTS

Sec. 1. - Intent.

To direct and encourage compatible uses, including a mix of residential, commercial and employment opportunities, and to enhance the character of Pelham's commercial corridors and centers by promoting development that:

1. Encourages development or redevelopment consistent with the adopted goals, policies and recommendations of the Pelham Comprehensive Plan;
2. Enhances the vitality, quality of life and character of adjacent neighborhoods;
3. Encourages safe, attractive, compact and walkable development through appropriate design;
4. Allows densities supportive of mixed-use development;
5. Reduces vehicular trip generation by allowing for the combining of trips and locating destinations within walking and biking distances of neighborhoods;
6. Reduces congestion and increase safety on major roadways by providing alternative routes from local streets, shared drives and alleys;
7. Provides unique places for people to live, work, shop, and play.

The use of the land is also considered and its improvements with adjacent land and the benefits or detriments to the property, thus promoting the public health, safety and welfare. The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the mixed-use districts. The mixed-use districts vary the intensity of land use, variety of land uses, and scale and size of buildings according to the context and include:

1. Mixed-use Neighborhood District (MX-N) - This district, generally located along neighborhood streets, is established to allow for small-scale mixed-use development within or adjacent to otherwise residential areas.
2. Mixed-use Center District (MX-C) - This district is intended to facilitate the development or redevelopment of larger scale properties that may create walkable, mixed-use centers.

Sec. 2. - Applicability.

Mixed-use districts may be used as follows:

1. Any area indicated as "mixed-use" or "general commercial" on the future land use map in the Pelham Comprehensive Plan is eligible for the mixed-use zoning districts.
3. Any tract of land proposed to be zoned MX-C must contain a minimum of three acres, except when the master development plan of an existing MX-C is amended by the original applicant, successor, or assign, to include additional area as provided in this article.
4. This article sets a higher standard than Article XXI. - Corridor overlay district and replaces those standards when in conflict.

Sec. 3. - Use.

Mixed-use district uses are solely regulated by this article.

1. Uses are subject to the requirements of Table 1 Use Matrix where the notations have the following meanings:
 - a. "P" means the use is permitted subject to the standards of this article.
 - b. "A" means the use is permitted as an accessory use located on the same lot with a permitted use.
 - c. "S" means the use is allowed upon approval of a special exception permit subject to the conditions of Article XXVII. – Board of adjustment.
 - d. "R" means the use is allowed upon meeting the conditions set forth in Table 2 Restrictions per District.
 - e. "U" means the use is allowed in accordance with the regulations set for in Article XXV. – Detailed use regulations.
 - f. "X" means the use is prohibited.

TABLE 1. USE MATRIX		
Use	MX-N	MX-C
Residential		
Single-family detached	P	X
Dwelling, attached family	P	P
Dwelling, two-family	P	X
Dwelling, multiple	R	P
Live-work	P	P
Mixed-use building	P	P
Independent living facility	P	R
Assisted living facility	X	R
Retirement or nursing home	X	R
Group home/family care home	X	X
Home occupation	A	A
Accessory dwelling	A	A
Accessory structure	A	A
Manufactured or mobile home and park	X	S
Lodging		
Short term rental	X	X
Bed and breakfast inn	X	X

TABLE 1. USE MATRIX		
Use	MX-N	MX-C
Motel or hotel	X	P
Office		
Outpatient, medical, dental, research, government service	R	P
Business or professional	R	P
Retail		
Adult-oriented business	X	X
Bar or lounge	R	P
Brew pub	R	P
Micro-brewery	R	P
Motor vehicle sales and rental (new and used)	X	X
Package liquor store	X	P
Restaurant	R	P
Restaurant, with drive-up facility	X	R
Retail establishment, store	R	P
Short-term and seasonal business	U	P
Service		
Adult-oriented service	X	X
Alternative financial service	X	X
Business service	R	P
Car wash	X	X
Commercial laundry	X	R
Day care center	R	P
Day care home	P	P
Drive-up facility	X	R
Hospital	X	P
Makerspace	X	P
Mini-warehouse, general warehousing	X	X
Outdoor storage	X	X

TABLE 1. USE MATRIX		
Use	MX-N	MX-C
Personal service	P	P
Veterinary clinic without boarding	R	P
Institutional		
Club or meeting hall	R	R
Convention or exhibition facility	X	P
Cultural, including library, museum, gallery and auditorium	R	P
Place of worship	R	R
Public facility or government office	P	P
School, public or private	R	X
School, commercial	P	P
Entertainment		
Adult entertainment	X	X
Indoor recreation or sports facility	X	P
Outdoor recreation or sports facility	X	P
Theater, excluding drive-in	X	P
Special events	U	U
Utilities		
Broadcasting towers	S	S
Telecommunications facility	S	S
Utility facility	S	S

2. *Multiple uses.* Multiple uses within a single site or building are permitted in all mixed-use districts. Mixed-use applications are not subject to the requirements of Article V. Sec. 11.
3. *Restricted uses.* Uses may be further restricted according to Table 1 Use Matrix and the requirements of Table 2 Use Restrictions per District.

TABLE 2. USE RESTRICTIONS PER DISTRICT		
Use	MX-N	MX-C
Residential	Six dwelling units per lot, max.	50 units or rooms max.
Office	2,500 sq. ft. per floor, max.	N/A

TABLE 2. USE RESTRICTIONS PER DISTRICT		
Use	MX-N	MX-C
Retail	5,000 sq. ft. max.	30,000 sq. ft. max.
Service	5,000 sq. ft. max.	30,000 sq. ft. max.
Drive-up facility	Must meet the standards of paragraph 4. below.	
Institutional	On-site parking may not exceed 30 spaces.	On-site parking may not exceed 50 spaces.

4. Drive-up facilities are subject to the following requirements:

- a. Drive-up facilities and lanes must be located behind the principal building.
- b. Queuing lanes must not interfere with pedestrian circulation.
- c. Drive-up canopies and other structures, where present, must be constructed from the same materials as the primary building, and with a similar level or architectural quality and detailing.

Sec. 4. - Area and dimensional regulations.

Where in conflict, these standards superseded those of Article XXIV. – Supplemental regulations and modifications. Area and dimensions must comply with this section with the exception of specific development thresholds. Thresholds are based on the size and scope of the development according to Table 3 Development Thresholds and the following:

1. Site size determines the primary developments threshold categories, denoted by numbers in Table 3 Development Thresholds.
2. Development scope is determined by the following subcategories and denoted by letters in Table 3 Development Thresholds:
 - a. Subcategory A: change of use, building modifications, and modifications to the site resulting in no addition to building floor area;
 - b. Subcategory B: change of use, building modifications, and modifications to the site resulting in a limited addition of building floor area as specified in Table 3 Development Thresholds; and
 - c. Subcategory C: all other development not within subcategory A or B.
3. Article V. Sec. 7. – Off-street parking and loading does not apply to mixed-use subcategory A and B applications per Table 3 Development Thresholds.

TABLE 3. DEVELOPMENT THRESHOLDS					
Threshold	Area	Scope	Streetscape improvement	Build streets	Additional parking
1A	0 – 1 acre	Adaptive reuse, no additions	Street trees only	None	None
1B	0 – 1 acre	< 800 sq. ft. addition, 2 story max.	Street trees only	None	None

TABLE 3. DEVELOPMENT THRESHOLDS					
Threshold	Area	Scope	Streetscape improvement	Build streets	Additional parking
1C	0 – 1 acre	All other*	Per paragraph 5 and 6	None	Per Sec. 5
2A	1 – 3 acres	Adaptive reuse, no additions	Street trees only	None	None
2B	1 – 3 acres	< 1,200 sq. ft. addition, 2 story max.	Street trees only	None	None
2C	1 – 3 acres	All other*	Per paragraph 5 and 6	None	Per Sec. 5
3A	> 3 acres	Adaptive reuse, no additions	Street trees only	None	None
3B	> 3 acres	< 1,200 sq. ft. addition, 2 story max.	Street trees only	None	None
3C	> 3 acres	All other*	Per paragraph 5 and 6	Per paragraph 4 and 5	Per Sec. 5

* Only 3C requires on-street parking pursuant to 5.c.v and 5.c.vi below.

4. *Block standards.* New development with an area over three acres must be divided into blocks. Dimensional platting requirements of this article supersede those of Sec. 4.06 of The City of Pelham Subdivision Regulations.
 - a. Block perimeters are defined by rights-of-way or pedestrian ways.
 - b. Block perimeters are limited to 2,000 feet in total length of all sides, except as follows:
 - i. Blocks at the perimeter of the application area may be exempt if connections cannot be made to adjacent properties;
 - ii. Blocks abutting county, state, or federal roadways where access is limited are exempt; and
 - iii. Blocks abutting natural waterways and slopes greater than 10% are exempt.
5. *Mixed-use streets.* The requirements of this section govern all new streets in the MX districts. These regulations supersede the dimensional requirements of Sec. 4.01 of The City of Pelham Subdivision Regulations.
 - a. Streets must connect to other streets, forming a network. The city engineer is authorized to permit a deviation to this requirement, permitting a dead-end street terminating in a cul-de-sac, consistent with the following requirements:
 - i. Connectivity for bicycles and pedestrians must be created and maintained, even when there is no vehicular connectivity; and
 - ii. No cul-de-sac may exceed 300 feet to the center of the bulb.

- b. Corner visibility zones, according to Article V. Sec. 8 are not required for mixed-use zone intersections controlled by a traffic signal or stop sign.
 - c. Streets in mixed-use zones must be designed as follows:
 - i. MX-N streets must have a sidewalk on at least one side of the street, and it must be a minimum of five feet in width.
 - ii. MX-C streets must have a sidewalk on both sides of the street, and it must be a minimum of eight feet in width.
 - iii. MX-N streets must have a landscaped buffer strip with street trees between the sidewalk and the curb, where applicable. The buffer strip must be a minimum of four feet in width.
 - iv. MX-C streets must have a landscaped buffer strip with street trees between the sidewalk and the curb. The buffer strip must be a minimum of four feet in width.
 - v. MX-N streets must have parallel parking on at least on side of the street and it must be a maximum of eight feet in width. This width supersedes Article XXIII Sec. 3.
 - vi. MX-C streets must have parking on both sides of the street, and it may be parallel or diagonal. Parallel parking must not exceed eight feet in width. This width supersedes Article XXIII Sec. 3.
 - d. Intersection curb radii of 15 feet is required at intersections. On-street parking creates an actual turning radius of 23 feet.
6. *Site standards.* The requirements of this section apply to all site plans and building permit applications.
- a. *Setbacks.* Buildings must be set back from lot boundaries according to Table 4 Development Standards. Mixed-use zones have minimum and maximum setbacks.
 - b. *Buffers.* Buffers are not required within or between mixed-use districts, except as specifically required by Table 4 Development Standards.
 - c. *Parking location.* New parking on the site must comply with the following:
 - i. Parking is required to be behind the building;
 - ii. Parking must be accessed from an alley for applications larger than three acres in MX-C zones;
 - iii. Open parking areas must be screened from the street by a building or a streetscreen; and
 - iv. A streetscreen must have openings no wider than the driveway or sidewalk plus a setback of 18 inches at driveway intersections.
 - v. Streetscreen materials are limited to the following: brick, stone, stucco over masonry, iron, steel or aluminum that appears to be iron. Non-opaque streetscreens require evergreen planting behind to provide opacity.
 - d. *Outdoor dining areas.* Outdoor seating is permitted within any setback area and temporary seating may be permitted within rights-of-way, provided the sidewalk remains clear to a width of five feet. String lights are permitted for outdoor dining areas.
7. *Building standards.* The requirements of this section apply to all building permit applications.

- a. *Building height.* Building heights are measured in stories according to Table 4 Development Standards, with the following restrictions:
 - i. Stories are measured from finished floor to finished ceiling;
 - ii. Stories may not exceed 14 feet in height, except that a commercial use on the first floor has a minimum height of 10 feet and a maximum height of 25 feet;
 - iii. Height limits do not apply to attics or raised basements, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads.
 - iv. Edge conditions. Height is limited to adjacent parcel zoning height within 50 feet of the lot line where mixed-use zones abut residential zones.
- b. *Building width.* Maximum building widths are regulated according to Table 4 Development Standards.
- c. *Building facades.* Facades facing public rights-of-way must conform to the following regulations:
 - i. The main building entrance must face a street;
 - ii. One functional entry must be provided for every 80 feet of façade and must lead to habitable space;
 - iii. Building facades facing side streets are exempt from entry frequency requirements if the side facade is under 50 feet in length;
 - iv. At least 15% of each story of the facade must be glass. Each story is calculated independently from finish floor to finish ceiling; and
 - v. At least 30% of the first story of commercial use buildings must be clear, un-tinted glass. Area is calculated between two feet and ten feet above the adjacent sidewalk.
- d. *Utilities.* All outdoor electrical, plumbing, and mechanical equipment must be located behind the front facade or concealed from street view with a screen or wall. These facilities may not encroach into any setback.
- e. *Loading and service areas.* Building orientation shall be such that loading and service areas do not face the street right-of-way, except in the case of double frontage lots, where such areas must be located in a rear or side yard which faces the right-of-way. All loading and service areas shall be screened from view from off the premises.

TABLE 4. DEVELOPMENT STANDARDS		
	MX-N	MX-C
a. Setbacks		
Front	8 ft. min., 20 ft. max.	2 ft. min., 18 ft. max.
Side street	8 ft. min., 24 ft. max.	2 ft. min., 24 max.
Side	0 ft. min.	0 ft. min., 30 ft. max.
Rear	3 ft. min., no max.	3 ft. min., no max.

TABLE 4. DEVELOPMENT STANDARDS		
	MX-N	MX-C
b. Encroachments		
Porch, stoop, terrace	10 ft. max.	Not applicable
Balcony, bay window	4 ft. max.	100% of setback
Awnings	May encroach sidewalk to within 2 ft. of the curb	
c. Building dimensions		
Height	2 stories max.	3 stories max.
Width	100 ft. max.	200 ft. max.
d. Landscaping		
Buffers	A 10-ft. landscaped buffer abutting residential districts	
Street trees	One tree is required for every 40 feet of lot width facing a street	One tree for every 40 feet of lot width facing a street, on average, adjusted for sign visibility

Sec. 5. - Parking regulations.

This section replaces the requirements of Article XXIII. Sec. 1 and Sec. 2 and augments all other sections of Article XXIII. Table 5 Parking Requirements per District regulates parking requirements per use in mixed-use districts.

1. *Required parking.* Minimum required vehicular parking may be fulfilled in the following locations:
 - a. Parking spaces provided on-site, or between multiple connected sites with a recorded shared use parking agreement.
 - b. Parking spaces that are provided on-street corresponding to the lot frontages.
 - i. On-street parking may be restricted in proximity to intersections, driveways, fire hydrants, and other utilities.
 - c. Parking spaces leased from a public or private parking facility.
 - i. A shared parking agreement with the parking facility owner is required.

TABLE 5. PARKING REQUIREMENTS PER DISTRICT		
Use	MX-N	MX-C
Residential		
Home occupation	2/1,000 sq. ft.	1/1,000 sq. ft.
Accessory dwelling	1/unit	None required

TABLE 5. PARKING REQUIREMENTS PER DISTRICT		
Use	MX-N	MX-C
1 & 2 dwellings	2/unit	1.2/unit
over 2 dwellings	1.5/unit	1/unit
Lodging	1 per room	1 per room
Commercial	4 spaces per 1,000 gross square feet	3 spaces per 1,000 gross square feet
Institutional	1/4 fixed seats	1/8 fixed seats

2. Access. Parking access must meet the following requirements:
 - a. Driveways are limited to 20 feet in width; and
 - b. Sites with alley access must use the alley for parking access.
3. Businesses requiring delivery vehicles must have a separate area for these vehicles, with no parking allowed in the required parking spaces for customers, in accordance with the requirements for specific uses set forth in Article XXIII, Off-street parking and loading requirements.

Sec. 6. - Landscape regulations.

Landscaping must be provided in accordance with the requirements for specific uses set forth in Table 4 Development Standards, and Article XXIV Sec. 9 – Landscaping and buffers. When in conflict, this article supersedes Article XXIV. Sec. 9.

1. Fences must comply with the following requirements:
 - a. No wall or fence will exceed six feet in height for rear yards or three feet in height for front yards.
 - b. Prohibited materials include chain link, barb wire, or temporary materials. Construction sites with temporary fencing are exempt.
 - c. Hedges in fences must be evergreen.
 - d. Wood fences must be painted or stained.
 - e. When erected on a lot line, all of the fence and any of its supporting structures must be contained within the lot.
 - f. The supporting members and posts must be on the inside, and the smooth or flat faces on the outside. If two faces are used, each face must be of the same type and finish.

Sec. 7. - Sign regulations.

Signs must comply with Article XXII Sign ordinance, with the following exceptions and additions that are required by this section.

1. No sign will be regulated for content or type as assigned by content. Signs will only be regulated for size, structural type, number, and location.
2. Signs permitted in mixed-use zones are regulated by Table 6 Mixed-Use Sign Regulations, where the notations have the following meanings:
 - a. "P" means the sign is permitted subject to the size restrictions and restrictions of Article XXII.
 - b. "T" means the sign is allowed as a temporary sign per the regulations of Article XXII Sec. 13. – Regulations for specific sign types: temporary signs.

c. "X" means the sign is prohibited.

3. Awning signs and projecting signs may extend into the public right-of-way to within two feet of the curb.
4. Projecting signs are permitted in mixed-use districts as regulated by Table 6 Mixed-Use Sign Regulations.
5. Sidewalk signs are permitted in MX-C zones between the hours of 9 AM and 9 PM and must maintain a clear pedestrian area a minimum of five feet in width. Sidewalk signs must be constructed of durable materials.

TABLE 6. MIXED-USE SIGN REGULATIONS					
Sign	Number	Area	Copy Height	MX-N	MX-C
Awning	1 sloping plane & 1 valence per awning	75% of awning area	18 in. on sloping plane, 6 in. on valence	P	P
Banner	1 per tenant	32 sq. ft.	n/a	p	P
Canopy	1 per canopy	2 sq. ft. per linear ft.	24 in.	X	P
Monument	1 per street facade	48 sq. ft., 6 ft. high max.	n/a	P	P
Portable	1 per tenant	9 sq. ft.	n/a	X	P
Projecting	1 per tenant	6 sq. ft.	12 in.	P	P
Suspended	1 per tenant	6 sq. ft.	n/a	P	P
Wall	1 per tenant	3 sq. ft. per linear ft.	18 in.	P	P
Window	1 per window	25% of glass area	12 in.	P	P

Sec. 8. - Additional regulations.

1. *Accessory buildings.* Accessory buildings and structures may be built in a rear yard but must not occupy more than 30 percent of the required rear yard and must not be nearer than three feet to any side or rear lot line. In the case of corner lots or double fronted lots, accessory structures must not encroach on the front yard or side street yard. These structures are subject to business license requirements, if applicable.
2. *Refuse.* Any garbage/refuse service areas must be located to the rear or side of the principal building or complex it serves, screened to a height which is adequate to conceal the facilities from public view, and covered if a sewer drain is required in the dumpster facility. Any screening must be in accordance with the requirements for specific uses set forth in Article XXIV, Sec. 13, Supplementary regulations and modifications, screening.

3. *Lighting.* When adjacent to a residential zone, exterior lighting fixtures, including lighting for parking areas, walkways, general illumination or any other purposes, must direct the beam away from the residential area and to direct the beam entirely onto the property of the mixed-use lot.

Sec. 9. – Application and process requirements.

1. *Area requirements.* Areas are eligible for mixed-use districts per the requirements of Sec. 2.
2. *Scale and application requirements.* Applications vary in scale and requirements from the adaptive reuse of a building to the creation of a new mixed-use center. Table 7 Procedures Summary specifies the applications required for each scale. The scales are described below.
 - a. *Building.* The building scale refers to any changes to existing buildings or new buildings that require a building permit according to Article XXIX. – Administration and review procedures.
 - b. *Block.* The block scale involves any development that includes lot consolidations or subdivision, either minor or major.

TABLE 7. PROCEDURES SUMMARY		
Application	Building	Block
Rezoning	X	X
Master development plan		X
Building permit	X	X

3. Procedure.
 - a. *Rezoning.* All properties eligible for mixed-use districts according to Sec. 2 may be considered for rezoning according to the requirements of Article XXXI, Amendments and changes.
 - b. *Master development plan.* The master development plan process requires the following procedure:
 - i. *Concept plan.* Submit a concept plan to the zoning official, prepared in accordance with Table 8. Master Development Plan Application Requirements. The concept plan must be submitted at least ten days prior to the date set for the pre-application conference.
 - ii. *Pre-application conference.* The prospective applicant must attend a pre-application conference with the zoning official for comments and preliminary suggestions.
 - iii. *Submission of application.* After the pre-application conference, the applicant must submit a formal application to the office of the zoning official at least 21 days prior to a regularly scheduled planning commission meeting. An application processing fee is required at the time of filing. See Article XXVIII, Rules of procedure of the planning commission, section 5.
 - c. *Building permit.* Mixed-use districts must comply with the requirements for building permits as regulated by Article XXIX, Administration and review procedures.
4. Applications.
 - a. Master development plan applications must include drawings clearly indicating the information specified in Table 8 Master Development Plan Application Requirements.

TABLE 8. MASTER DEVELOPMENT PLAN APPLICATION REQUIREMENTS

	Concept Plan	Master Development Plan
General information		
Applicants name and address	X	X
Property legal description		X
Date	X	X
Location map	1" – 2,000'	1" – 2,000'
Title, north arrow, scale and written scale	Required for all maps, plans, and drawings	
Maximum drawing scale	1" = 400'	1" = 100'
Existing site conditions		
Topography, max. contour	5 ft.	2 ft.
Dimensioned property lines	X	Including bearings
Street names and widths	Within 250'	Within 100'
Existing structures	X	X
100-year floodplain limits (note Flood Insurance Rate Map Panel Number)	X	X
Location of steep slopes or mined areas	X	X
Waterways and water bodies	X	X
Location of storm drainage, detention, and retention areas	X	X
Natural features to be preserved or removed	X	X
Bridges, ditches, and all other prominent site features	X	X
Current zoning of applicant property	X	X
Adjoining property zoning, owners, tax parcel identification numbers, and subdivision names	X	Within 100'

TABLE 8. MASTER DEVELOPMENT PLAN APPLICATION REQUIREMENTS		
	Concept Plan	Master Development Plan
Plan details		
Mixed-use district designations, including location and area in acres	X	X
Streets, alleys, and sidewalks	Location	Dimensioned
New lots	Location	Dimensioned
Open spaces, including area in acres	Location	Dimensioned
Location, dimensions and purposes of all easements	X	X
Location of existing or proposed utilities		X
Drainage plan and structures		X
Phasing and construction traffic		X
Public landscaping and lighting		X
Grading plan and monuments		X
Sequencing and erosion control		X
Development name		X
Deed restrictions and covenants		X

- b. A master development plan must include the following written statements and other matters and shall be included on site plan(s) where locations are requested:
- i. A statement as to how the application is in compliance with the Pelham Comprehensive Plan.
 - ii. A statement as to how common open space is to be owned, used and maintained.
 - iii. Proposed principal ties to the surrounding area with respect to transportation, water supply, utilities, sewage disposal, and storm drainage and locations thereof, conditional to the approval of the appropriate regulatory authority, reflecting conformity with Sec. 4 Development Standards.
 - iv. All MX-C applications require a traffic study, stamped, signed, and dated by a professional engineer licensed by the State of Alabama. When the development accesses a state or county right-of-way, said study must also be approved by the appropriate regulatory authority.
 - v. A watershed drainage study, stamped, signed, and dated by a professional engineer licensed by the State of Alabama.

- vi. A copy of any best management practices (BMP) application or certificate, stamped, signed, and dated by a professional engineer licensed by the State of Alabama.
 - vii. Description of the materials with which the parking, driveway and sidewalk areas will be covered.
 - viii. A description of street/subdivision signs, commercial signs or other signs, including street, traffic and informational signs.
 - ix. If walls and fences are proposed for the development, a plan shall be provided showing these items.
- c. Building permit applications must include drawings clearly indicating the information specified in Table 9 Mixed-Use Building Permit Application Requirements and Article XXIX. – Administration and review procedures.
- i. *General.* The developer of the mixed-use building or parcel will proceed with the development of the property in accordance with the plan and in accordance with any subdivision approval, and no further approvals will be required except as set forth in this section. Plans for the construction of improvements on any particular parcel, must be submitted, and a building permit will be approved or disapproved.

TABLE 9. MIXED-USE BUILDING PERMIT APPLICATION REQUIREMENTS	
General information	
Applicants name and address	X
Property legal description	X
Date	X
Title, north arrow, and scale	X
Maximum drawing scale	1" = 50'
Proposed details	
Location, size and dimensions of site	X
Use, location, size, and height of all existing and proposed structures	X
All easements and rights-of-way	X
Dimensioned setbacks of proposed structures in compliance with Sec. 4	X
Elevations of buildings facing street indicating entries and glass in compliance with Sec. 4	X
Location and number of parking spaces in compliance with Sec. 5	X

TABLE 9. MIXED-USE BUILDING PERMIT APPLICATION REQUIREMENTS

Dimensioned landscaping and lighting plan in compliance with Sec. 6 and Sec. 8	X
Location, dimensions, and types of all exterior signage in compliance with Sec. 7	X

5. Review.

- a. The application will be reviewed, and zoning approval considered consistent with the provisions of Article XXXI, Amendments and changes, of this ordinance.
- b. Approval of the mixed-use zoning application by the city council is an approval of the master development plan, and all approved materials become part of the zoning designation for the property. In the case of differing regulations between the master development plan and the zoning ordinance of the City of Pelham, the regulations of this article apply to the development.
- c. The developer of the mixed-use master development plan may proceed with the development of the property contingent upon subdivision approval by the planning commission and compliance with any permit and/or license requirements, and no further zoning approvals are required when developed in accordance with the approved master development plan. The approval is binding and enforceable upon the developer, his successors, or assigns.

6. Amendment of the plan.

- a. *Intent.* It is the intent of this subsection to provide for the development of the property submitted for the master development plan, and to allow minor changes in the plan without additional approvals. Additional approvals are required for major changes as defined below.
- b. *Major change.* A "major change" in the plan is defined as any change in the boundaries of any mixed-use district reflected on the master development plan that exceed a 20% difference in land area. A change of one mixed-use district to another mixed-use district does not subject other portions of the plan for review. Any request for a variance is also considered a major change in the plan. The developer may request a major change in the plan, by filing an application for amendment which will be reviewed upon the same basis as the original application.
- c. *Minor change.* Any changes to the plan other than those included as "major changes" is considered "minor changes."
- d. *Plat approval.* Plat approval must be obtained through the standard plat approval procedures of the City of Pelham Subdivision Regulations.

Sec. 10. – Definitions.

Adaptive reuse. Any use of abandoned, underutilized, or functionally obsolete properties to a use other than its original purpose, to enable growth in established locations while preserving or restoring the architectural fabric of the community.

Live-work. A mixed-use unit consisting of a commercial and residential function. The commercial function may be anywhere in the unit. It is often occupied by a business operator who lives in the same structure that contains the commercial activity or industry.

Mixed-use building. Multiple uses within the same building.

Personal service. A commercial use that provides a service or manual effort for an individual. Some examples of personal services include spas, salons, barber shops, nail salons, tailors, drycleaners, florists, and shoe repair.

Streetscreen. A freestanding wall or hedge installed along the lot line, or coplanar with a façade for the purpose of concealing parking, loading, or refuse areas.