

Case No. ZAC2019-00039

ORDINANCE NO. 20-44

BE IT ORDAINED by the Council of the City of Birmingham as follows:

SECTION 1. BE IT ORDAINED by the Council of the City of Birmingham that Title 1, Chapter 1: General Provisions and Definitions; Article III: Definitions; Section 1: Generally, of the City of Birmingham Zoning Ordinance, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

31. **Building.** Any structure having a roof supported by columns and enclosed by walls designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.
 - a. **Liner Building.** A building which is at least 24 feet deep, measured from the frontage façade, and masks a parking lot or parking structure from the frontage.
85. **Frontage.** The area between a building frontage façade and a path, passage, waterbody, civic space, or the curb (or if there is no curb, the edge) of the vehicular lanes of a thoroughfare having vehicular lanes, inclusive of the built and planted components of such area. Frontage is divided into private frontage and public frontage.
86. **Frontage Façade.** A façade that is set along a frontage line.
87. **Frontage Façade Void Area.** The area of a frontage façade not comprised of walls; including windows, doors and other openings in the wall. Frontage façade void area is measured from the edge of wall, and therefore typically includes the door or window but not the frame.
88. **Funeral Home.** A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities for the preparation of the human body for internment and/or cremation.
89. **Furniture Store.** A retail store where furniture is displayed, stored and offered for sale.
90. **Garage, private.** An accessory building or part of a principal building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.
91. **Garage Sale/Yard Sale.** A sale of personal property by homeowner or occupant of real property.

92. **Grade Level.** For buildings the average level of the finished ground surface at the front façade of a building. For signs, trees, landscaping and light fixtures, the level of finished ground surface at the base of the sign, tree, plant or fixture.
93. **Greenhouse/Hoophouse.** A temporary or permanent structure where plants are cultivated and that is typically made of, but not limited to, glass, plastic, piping, translucent plastic or fiberglass.
94. **Greenway.** An open space conservation area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas.
95. **Gross Floor area.** The gross horizontal areas of all floors, measured from the exterior faces of the exterior walls of a building, and any outdoor seating area or patio used by restaurants or bars.
96. **Heavy Equipment Sales and Service.** The retail or wholesale sale or rental of heavy motorized vehicles or equipment, along with service, repair or maintenance such as, but not limited to construction equipment rental yards, tractor-trailers, semi-trailers, buses, and farm equipment.
97. **Heliport.** Any premises used for landing helicopters for loading and unloading of occupants of the aircraft, excluding maintenance and fueling.
98. **Home Improvement Store.** The retail sale of a diverse range of hardware and related materials generally used in the maintenance, repair or construction of buildings or other structures, including lawn and garden supplies, and may include outside display of finished product or packaged materials.
99. **Home Occupation:** An activity carried out for financial gain by a resident, with an approved business license from the City, and conducted entirely within the resident's dwelling unit. Home occupations are accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.
100. **Hospital.** Any institution, building or other premises established for the maintenance, observation, medical or dental care and supervision and skilled nursing care of persons suffering from sickness, disease or injury or for the convalescent or chronically ill persons.
101. **Hotel/Motel.** An establishment offering sleeping accommodations to guests. Hotels may include, as an integral part of operations, a restaurant, bar, conference rooms, banquet or ballrooms, gift shop, recreation facility and a caretaker dwelling.
102. **Internment, Cemetery.** Any land used for the interment of the dead which may include buildings for the purpose of preparing the dead for interment or cremation and structures such as mausoleums and columbariums.
103. **Internment, Columbarium.** A structure designed to store the ashes of human remains that have been cremated, in niches or cinerary urns.

104. **Internment, Mausoleum.** A building or other structure used as a place for the interment of the dead in sealed crypts or compartments.
105. **Junkyard, general.** A premises used for the outside storage or placement of used and/or damaged materials and items.
106. **Junkyard, vehicular.** A premises used for the outside placement, storage, parking, dismantling, or disassembling of any disabled or inoperable vehicles, or parts thereof, including, but not limited to motors, tires, wheels, axles, transmissions and other accessories.
107. **Landfill.** A method of compaction and earth cover of solid wastes that does not contain garbage or other putrescible wastes, including, but not limited to, tree limbs and stumps, demolition materials, incinerator residues, and like materials not constituting a health or nuisance hazard, such as hazardous waste or medical waste, where cover need not be applied on a per day used basis.
108. **Landfill, Sanitary.** A controlled area of land upon which non-hazardous and non-medical farm, residential, institutional, commercial or industrial solid waste is deposited and is covered with compacted earth each day as deposited, with no on-site burning of wastes, and so located, contoured, and drained that it will not constitute a source of water pollution as determined by the Alabama Department of Environmental Management (ADEM).
109. **Landscape Plan.** A document, prepared by an Architect, Landscape Architect or other design professional with special knowledge of landscaping standards, that depicts location, character and extent of landscaping, and shall include plant location, corresponding plant schedule, planting instructions, and must include a combination of shrubs, trees and ground cover.
110. **Laundry Plant.** Any building or structure in which articles of clothing and goods are subjected to the process of dry cleaning, and pressing of such articles.
111. **Legal Non-conforming use.** The use of any building or land which was lawful prior to the adoption or amendment of this Ordinance or does not conform to the amendments of this Ordinance or to the present requirements of the applicable district, or a use that has been granted resumption of legal non-conforming use by the Zoning Board of Adjustment (Board), but that is in compliance with Chapter 9, Article VII.
112. **Livestock Barn.** Any structure or premises used for the boarding, breeding and/or raising of domestic livestock (excluding swine, sheep and goat), whether by owners of such animals or by persons providing facilities and care.
113. **Lot.** A plot, unit, or other portion of land in a subdivision or plat of land, having its principal frontage on a street, except that cottage subdivisions may have a portion of the units face interior common area and up to 20 percent of lots in character districts may have frontage on a path or passage if such lots have legal and physical vehicular access to a vehicular thoroughfare via driveway or easement, separated from other such portions by description on a record of survey map, for the purpose of ownership, sale, occupancy, use, construction or

development, separate from other lands.

114. **Lot, corner.** A lot abutting upon two or more streets at their intersection.
115. **Lot, through.** A lot other than a corner lot abutting two streets.
116. **Lot of record.** A lot recorded in the office of the probate judge in the county where it is located prior to the adoption of subdivision regulations. If a portion of a lot or parcel has been conveyed prior to adoption of subdivision regulations, the remaining portion of such lot shall also be considered a lot of record.
117. **Lot width.** The width of the lot at the front building setback line.
118. **Manufactured Home.** A pre-fabricated dwelling unit that must have a Federal Manufactured Home Construction and Safety Standards label, a HUD label of approval and manufactured date later than June 15, 1976, and an Alabama Manufactured Housing Commission insignia and date plate.
119. **Manufacturing, Heavy.** The manufacture or compounding process of raw materials. These activities or processes may necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process, and may generate dust, odor, heat, glare and vibration. These activities may involve outdoor operations as part of their manufacturing process. Typical heavy manufacturing uses include but are not limited to: concrete batch plants; concrete, tile, or brick manufacturing; automobile, truck, and tire assembly; ammonia or chlorine manufacturing; metal casting or foundries; gas manufacturing; grain milling or processing; metal or metal ore production, refining, smelting, or alloying; petroleum or petroleum product refining; boat, pool and spa manufacturing; slaughtering of animals; glass manufacturing; paper manufacturing; manufacturing of raw materials into compost, and wood or lumber processing.
120. **Manufacturing, Light.** The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Typical light manufacturing uses include but are not limited to: electronic goods; food and bakery products; non-alcoholic beverages; alcoholic beverages; dry cleaning plants; paper imprinting; household appliances; leather products; jewelry; food and bakery products; and, clothing apparel.
121. **Manufacturing, Specialized.** Facilities engaged in the assembly, design, repair, or testing of: analyzing or scientific measuring instruments; semiconductor and related solid state devices, including but not limited to: clocks, integrated microcircuits, jewelry, medical, musical instruments, photographic or optical instruments, or timing instruments, and assembly of hand held finished products or any custom architectural or artisan industry, characterized as light

industry, that does not have an ADEM permit for pollution release or noise, odor, illumination, trucking, or other adverse impacts to surrounding uses.

122. **Market Manager.** Individual that is responsible for the operation of a Farmer's and/or Public Market.
123. **Medical Lab.** A facility for analytic or diagnostic research or investigation of a medical nature on blood, tissue, or other human or animal components, but not for the production of a product.
124. **Mini-storage Warehouse.** A building or group of buildings containing separate, individual spaces available for lease or rent for storage purposes only.
125. **Mixed-Use Development.** Premises that integrates a combination of retail, office, residential, hotel, recreation or other function.
126. **Mobile Grocery Store.** A motorized vehicle, trailer, or other portable unit drawn by a motorized vehicle from which food items are sold or distributed. The mobile grocery store may not exceed 26 feet in length. No preparation or assembly of food items or beverages may take place from the unit. Food items may include fresh fruit, vegetables, meat, dairy, pantry staples, or small household items. A mobile grocery store shall not be allowed to operate in the City's right-of-way without authorization or permission from the City.
127. **Motor Freight, Distribution.** Facilities engaged in the shipment of goods from shippers to receivers for a charge including the services of other transportation establishments to effectuate delivery.
128. **Nursery.** Any premises used for the retail and wholesale sale of plants grown on or off site, as well as accessory items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels, but not power equipment such as lawnmowers or tractors.
129. **Office.** A room or group of rooms where the principal use is conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment.
130. **Office, Institutional.** Any building used as an office for charitable non-profit organizations that may hold meetings on a regular basis, and charity events on a temporary basis.
131. **Office, Leasing/Sales.** The use of a unit or dwelling as a leasing and or sales office for other units solely within that development.
132. **Office Warehouse.** Any building used for the combined uses of office and warehouse, where the office function is the principal use (at least 60% of the gross floor area) of the building, for the primary purpose of wholesale trade, display, and distribution of products.
133. **Off-Premise Sign.** Any permanent or temporary sign which directs the attention of the general public to a business, service, product or activity not conducted,

offered or sold as a major portion of business upon the premises where such sign is located.

134. **Open Space.** Land not covered by man-made impermeable surfaces, parking or buildings, other than recreational structures, pools, or stormwater facilities, which may be landscaped or preserved in a natural state for private use of owners or guests, or for public access as may be required by the provisions of these regulations or the zoning ordinance.
135. **Opioid.** An opioid is a class of addictive narcotic drugs that are often prescribed for severe pain relief but also are frequently used (and abused) illegally to create euphoric states of consciousness. Common types of opioids are heroin, codeine, and morphine.
136. **Opioid Replacement Therapy Treatment Facility.** Any operation that has received a Certificate of Need from the State Health Planning and Development Agency of Alabama to operate a facility to prescribe and/or dispense opioid replacement drugs and offer therapy to individuals and groups as a part of a treatment program. These opioid replacement drugs generally include, but not limited to, methadone, naloxone, naltrexone, and similar types of opioid receptor agonists.
137. **Public Market.** Premises where outdoor sales consisting of whole uncut produce, ornamental crops, value-added agricultural products such as baked goods, jams and jellies, pickles and relish, dried fruits, syrups and honey, eggs, meat, nuts, handmade art and crafts and unique local goods. Sales of used clothing, mass produced items and appliances are prohibited.
138. **Park.** Any facility or property specifically designated as a park, natural area or recreation area that is used for recreational uses or predominately kept in a natural state.
139. **Pawnshop.** Any building or portion thereof where a pawnbroker is engaged in lending money on the security of pledged goods left in pawn, or in the business of purchasing personal property to be left in pawn on the condition it may be redeemed by the seller for a fixed price within a fixed period of time, as regulated by Title 5, Chapter 19A of the Code of Alabama.
140. **Payday Loan (Deferred Presentment) Business.** A business that, in accordance to the requirements and restrictions listed in Chapter 18A of Title 5 of the Code of Alabama (Alabama Deferred Presentment Services Act), involves a transaction pursuant to a written agreement involving the following combination of activities in exchange for a fee: (1) accepting a check or authorization to debit a checking account and, in connection with that acceptance, advancing funds to the checking account holder; and (2) holding the check or authorization to debit the checking account for a specified period of time.
141. **Personal Care Services.** Services such as, spas, tanning salons, beauty and barber care, and dry cleaning and laundry services not to include a laundry plant.

142. **Personal Instruction.** Services for training individuals or groups in the arts, dance, personal defense, crafts or other subjects of a similar nature.
143. **Place of Worship.** Any structure or site used primarily for religious practices.
144. **Power Plant.** Any structure or land used for the generation of electrical power.
145. **Premises.** A lot, parcel or acreage parcel together with all buildings and structures existing thereon.
146. **Principal Building.** A building that contains the principal use located on a premises.
147. **Principal Frontage.** With respect to corner lots, the private frontage designated to bear the address and principal entrance to the building, and the measure of minimum lot width. For corner lots, prescriptions for the location of parking in certain lot layers pertain only to the principal frontage and prescriptions for the first lot layer pertain to both frontages of a corner lot. With respect to non-corner lots, principal frontage is synonymous with frontage.
148. **Principal Use.** The main use located in a building or on a premises.
149. **Printing and Publishing.** The production and distribution of books, magazines, newspapers and other printed matter, including record pressing and publishing, and engraving.
150. **Private Club.** A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
151. **Public building.** Any building that is accessible to the public and its operation is funded from public sources.
152. **Racetrack.** Any premises or building that includes a measured course where animals or machines are entered in competition against one another or against time, including tracks that are used for drifting.
153. **Railroad Station.** A building or structure where railroad cars stop to load and un-load passengers.
154. **Railroad Yard.** The use of land, building or structure for activities directly associated with the operation of a railroad such activities may include loading and off-loading of freight, and maintenance and repair of railroad cars.
155. **Recreation Equipment Sales and Service.** The retail or wholesale sale of motorcycles, trucks and vans, recreational vehicles, boats, or similar motorized recreational equipment, along with incidental service or maintenance such as, but not limited to boat dealers, motorcycle dealers, and recreational vehicle dealers.
156. **Recycling (Recovered Materials) Collection Center.** A drop-off facility that is staffed and fenced for the temporary assemblage of small recovered materials or recyclable consumer items, such as food and beverage containers, fabrics and

paper, that has waste receptacles on site that are open to the public.

157. **Recycling Facility (Solid Waste Treatment Facility).** A facility, other than a facility open to the public to receive household waste and recyclable material, where any method, technique, or process is utilized to separate, process, modify, convert, treat or otherwise prepare non-putrescible waste so that component materials or substances may be used or reused or sold to third parties for such purposes.
158. **Resource Extraction.** The extraction of minerals or materials, including rock crushing, screening and the accessory storage of explosives.
159. **Restaurant.** Any establishment where food is prepared and sold for consumption on-site or as take-out.
160. **Retail.** An establishment engaged in the selling or renting of goods or merchandise (usually to the general public for personal use or household consumption, although they may also serve business and institutional clients) and in rendering services incidental to the sale of such goods.
161. **Rummage Sale.** A sale of personal property or other merchandise for the express purpose of raising charitable donations for the benefit of the entity holding the sale by a place of worship, charitable, or civic organization.
162. **Salvage Yard.** Any land or building used for the storage of recovered materials for the purpose of recycling, reuse, or proper storage for future recycling or reuse.
163. **School, Business.** An enterprise offering instruction and training in a service or the arts such as secretarial, cosmetology, commercial artist, computer software, legal, and similar training, provided that such enterprise does not offer student housing or athletic facilities at the site.
164. **School, Elementary/Middle.** Any building used for public primary instruction or a parochial or private school having a curriculum including the same courses ordinarily given in a public school that may include accessory structures such as a gymnasium.
165. **School, High.** Any building used for public secondary instruction or a parochial or private school having a curriculum including the same courses ordinarily given in a public school that may include accessory structures such as a gymnasium or stadium.
166. **School, Trade.** Any building used for the offering of regularly scheduled instruction in technical, commercial or industrial trade skills.
167. **Scientific Lab.** A facility primarily engaged in performing physical, chemical, and other analytical testing services or investigation and experimentation of a scientific nature and other scientific research, but not for the production of a product.
168. **Scrap Metal Processor.** Any building or land used for the storage, purchase or

sale of scrap metal which may include the grading, cutting, preparing, processing or refining of scrap metal for sale and shipment to industrial consumers.

169. **Shopping Center.** A group of commercial-retail establishments planned, developed, owned or managed as a unit with off-street parking provided on the property. Any out-parcel within a shopping center shall be developed under a separate site plan.
170. **Sign.** A sign is any object or device or part thereof situated outdoors or indoors which is used to advertise or identify a person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs do not include merchandise, pictures or models of products or services incorporated in a window display.
171. **Solar Panel, Building Mounted.** A solar energy collection device mounted to a structure.
172. **Solar Panel, Ground Mounted.** A solar energy collection device mounted to the ground.
173. **Solid Waste Transfer Facility.** Any building used to receive and temporarily store solid waste prior to being delivered to a sanitary landfill or other solid waste facility.
174. **Special Exception.** An action where permission is granted to establish that a use be allowed within a district after the Board determines that the use as proposed would not disturb public health, safety, welfare, comfort, convenience, appearance, prosperity or general welfare.
175. **Stable.** Any lot, building, structure or premises used for the boarding, breeding, training, and/or raising of horses, whether by owners of such animals or by persons providing facilities and care.
176. **Stadium.** A large open space with tiers of seating for spectators surrounding a field used for sporting, entertainment or recreational events.
177. **Story.** That portion of a building other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
178. **Street.** A public right-of-way for movement of motor vehicles, pedestrians or non-motorized traffic, whether identified as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however designated.
179. **Street Line.** A dividing line between a lot, tract or parcel of land and an abutting street.
180. **Street Setback.** The distance a building or structure shall be setback from a front, side or rear lot line. Street setback may be referred to as a front, side or

rear setback or front, side or rear yard.

181. **Structure.** Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but not limited to buildings, signs, billboards, back stops for tennis courts, fences or radio towers.
182. **Structural Alterations.** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders; provided, however, that the application of any exterior modernizing shall not be considered a structural alteration.
183. **Studio, Radio/TV.** A facility for the staging and recording of video or audio productions such as, but not limited to, music commercials, programs, and motion pictures. Any broadcasting antennas or satellites are subject to the regulations of Chapter 4, Article V of this Ordinance.
184. **Subdivision Committee.** A committee composed of five (5) members of the Commission authorized to hear and decide upon applications for subdivisions of land, and to advise the chief legislative body of the City on vacation of public lands and new right-of-way dedications, all such actions to be taken on behalf on behalf of the Commission.
185. **Tank Farm.** Any land or structure used for the storage of one or more aboveground large containers for the bulk storage of material in liquid, powder or pellet form. Items stored at these facilities are intended to be wholesaled to retailers, and no retailing of stored items can occur on site.
186. **Timbering.** Any premises used for the harvesting of timber.
187. **Title Loan Business.** Any business that offers a short term loan that is collateralized by the title of a vehicle in accordance with the requirements and restrictions described and detailed in Chapter 19A of Title 5 of the Code of Alabama (Alabama Pawn Shop Act).
188. **Truck Plaza.** Any building premises or land in which or upon which a business may engage in the service, maintenance or storage of commercial vehicles including dispensing of motor fuel or petroleum products directly into motor vehicles. A truck plaza also may include overnight accommodation, restaurant and truck wash facilities.
189. **Truck Repair, Heavy.** Any building or land used for the general repair or reconditioning of heavy trucks and equipment and engines, including but not limited to body, frame or fender straightening or repair, the reconditioning, repairing, sale, mounting, or installing of any used tires, painting, or upholstery work, collision repair, vehicle steam cleaning, but excluding the assembly, disassembly, dismantling or salvage of any vehicle, in whole or in part. No abandoned or inoperable vehicles shall be stored on the premises.
190. **Upholstery Shop.** Any building used for the minor repair of furniture and replacement of upholstery to household and office furnishings, but does not

include motor vehicle upholstery or repair.

191. **Urban Farm, Outdoor.** An outdoor commercial farm that produces and distributes food crops, ornamental crops and other agriculture products, such as honey, either for sale on site or off site utilizing traditional farming methods, hydroponics or aquaculture.
192. **Urban Farm, Indoor.** An enclosed commercial farm that produces and distributes food crops, ornamental crops and other agriculture products for sale on site or off site utilizing hydroponics or aquaculture, and is completed enclosed within a building. Outside storage is prohibited.
193. **Utility Substation.** A facility that regulates electric current, telephone switching or natural gas pressure for distribution to individual neighborhoods.
194. **Variance.** A departure from any provision of this Ordinance for a specific parcel, except use, without changing the zoning ordinance or the underlying zoning of the parcel. A variance is intended to be granted on rare occasions, when demonstration of unnecessary hardship based on the review standards set forth in Chapter 9, Article VI in relation to other properties in the same zoning district.
195. **Veterinarian Clinic.** An enterprise for the medical treatment of animals and for the temporary, indoor overnight boarding, care, grooming and convalescence of domesticated dogs and cats.
196. **Warehouse.** A facility used primarily for the bulk storage of goods and materials or motor vehicles, characterized by heavy trucking activity, but not involved in manufacturing or production.
197. **Wholesale.** The sale or distribution of goods from the premises that may consist of the flexible use of the floor area for warehouse, assembly, showroom and office space.
198. **Wireless Communication.** Towers, antennas and accessory buildings for transmitting and receiving radio, television, satellite, cellular and microwave, and broadcast tower.
199. **Wrecker Impound Lot.** Any land used for the outside storage of operable vehicles awaiting final disposition.
200. **Wrecker Service Yard.** Any land used for the temporary outside storage of disabled vehicles awaiting final disposition. This definition shall not be applicable to junkyards as defined herein.
201. **Yard.** An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward, except as otherwise provided in Chapter 3: Area and Dimensional Regulations.
202. **Yard, Required.** A yard the depth of which is specified in Chapter 3: Area and Dimensional Regulations of the applicable district.
203. **Yard, front.** A yard extending the full width of the lot between any building and

the front lot line and measured perpendicular to the building at the closest point to the front lot line. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

204. **Yard, rear.** A yard extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.
205. **Yard, side.** A yard extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.
206. **Zoning Advisory Committee.** A committee composed of seven members of the Commission authorized to approve site development plans, hear and recommend rezoning of land applications and Zoning Ordinance text changes to advise the chief legislative body of the City, all such actions to be taken on behalf of the Commission.
207. **Zone map.** The map referred to in Chapter 9, Article I (Official Zoning Map).
208. **Zoning district map.** The Zone Map.
209. **Zoo.** Any premises, building or enclosure which contains wild animals on exhibition for viewing by the public.

SECTION 2. BE IT ORDAINED by the Council of the City of Birmingham that Title 1, Chapter 2: Zoning Districts and Permitted Uses; Article II: Permitted Uses Table; Section 6: Permitted Use Table 1.02.201; Table 1.02.201 - COMMERCIAL USES, of the City of Birmingham Zoning Ordinance, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

SECTION 3. BE IT ORDAINED by the Council of the City of Birmingham that Title 1, Chapter 4: Land Use Development Standards; Article II: Uses Permitted With Conditions (PC); Section 5: Commercial Uses – Subsections E and F, of the City of Birmingham Zoning Ordinance, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

D. **Appliance Repair.** In the following districts: MU-H, MU-D and C-2 an appliance repair shop shall be permitted provided that the following conditions are met:

1. All storage of items to be repaired and all materials used to make repairs must be stored either within the primary building or an accessory structure.

E. **Automobile Parking.** In the following districts: MU-M, MU-H, MU-D, I-1, and I-2, automobile parking structures over one story shall be permitted provided that the following conditions are met:

1. In the MU-M, MU-H, and MU-D districts, all automobile parking structures must meet the following conditions:

- a. Either the parking structure shall be screened with a liner building or the first floor of the structure must have a minimum of 50% floor area at ground level for retail space or the first floor height shall be a minimum of 14 feet with the ability to be converted into retail space.

- b. Frontage Façade Standards:

1. Frontage Façade Buildout - 60% minimum

2. Main entrance must be in frontage façade or of principal frontages

3. Building must be parallel to frontage lines

4. Blank walls are not permitted at frontage

5. Frontage façade void area – 20% to 60% of total frontage façade Area

6. Frontage façade openings – windows and/or doors spaced less than or equal to 20 feet apart

7. Frontage façade glazing – 20% minimum to 70% maximum for non-shopfront; 70% for shopfront

8. Upper floor windows and other features must be aligned with those of first floor

9. To maintain urban fabric and context, frontage facades shall be designed utilizing materials that are compatible to adjacent buildings.

10. Frontage Façade Articulation

- a. Option 1 – For frontage facades between 100 and 180 feet in width shall be articulated with building offsets every 18-60 feet. Offset depth shall be either (a) between 10 and 12 inches;

or (b) between 4 and 6 feet; or two (2) articulation treatments from Frontage Façade Option 2. The entire Frontage Façade shall be placed within the front setback range.

b. Option 2 – For frontage facades greater than 180 feet in width shall be differentiated so that it appears to be comprised of two or more adjacent buildings, by dividing such façade into 18-100 foot segments each of which (1) differs from each of the other segments with respect to all of the following items (a) – (g): (a) a change in shape, sill and header height, detail, size, spacing, rhythm, and muntin pattern of windows; (b) a change of building or cornice height; (c) a change in cornice details; (d) a change of wall material or wall color; (e) a change in trim courses and other horizontal elements; (f) a change in dormer or balcony design, if any; and (g) providing or changing pilasters, columns, or other façade elements; and (2) is composed with a defined center and edges.

2. In the I-1 and I-2 districts, any automobile parking structure located in a Commercial Revitalization District or Historic District must meet the following conditions:

a. Either the parking structure shall be screened with a liner building or the first floor of the structure must have a minimum of 50% floor area at ground level for retail space or the first floor height shall be a minimum of 14 feet with the ability to be converted into retail space.

b. Frontage Façade Standards:

1. Frontage Façade Buildout - 60% minimum

2. Main entrance must be in frontage façade or of principal frontages

3. Building must be parallel to frontage lines

4. Blank walls are not permitted at frontage

5. Frontage façade void area – 20% to 60% of total frontage façade Area

6. Frontage façade openings – windows and/or doors spaced less than or equal to 20 feet apart

7. Frontage façade glazing – 20% minimum to 70% maximum for non-shopfront; 70% for shopfront

8. Upper floor windows and other features must be aligned with those of first floor

9. Frontage Façade Articulation

a. Option 1 – For frontage facades between 100 and 180 feet

in width shall be articulated with building offsets every 18-60 feet. Offset depth shall be either (a) between 10 and 12 inches; or (b) between 4 and 6 feet; or two (2) articulation treatments from Frontage Façade Option 2. The entire Frontage Façade shall be placed within the front setback range.

b. Option 2 – For frontage facades greater than 180 feet in width shall be differentiated so that it appears to be comprised of two or more adjacent buildings, by dividing such façade into 18-100 foot segments each of which (1) differs from each of the other segments with respect to all of the following items (a) – (g): (a) a change in shape, sill and header height, detail, size, spacing, rhythm, and muntin pattern of windows; (b) a change of building or cornice height; (c) a change in cornice details; (d) a change of wall material or wall color; (e) a change in trim courses and other horizontal elements; (f) a change in dormer or balcony design, if any; and (g) providing or changing pilasters, columns, or other façade elements; and (2) is composed with a defined center and edges.

- F. **Automobile Service.** In the following districts: MU-L, MU-M, MU-H, MU-D, C-1, C-2, I-1, I-2, I-3, PRD and MXD an automobile service shop shall be permitted provided that the following conditions are met:
1. No visibly disabled, abandoned or inoperable vehicles shall be stored on the premises.
 2. No vehicle to be serviced shall remain on the premises more than fifteen days.

SECTION 4. BE IT ORDAINED by the Council of the City of Birmingham that this ordinance shall become effective when published as required by law.

SECTION 5. BE IT ORDAINED by the Council of the City of Birmingham that the provisions of this Ordinance are hereby declared to be severable. If any of these sections, provisions, sentences, clauses phrases, or parts are held to be unconstitutional or void, the remainder shall continue in full force and effect.

