

Case No. ZAC2019-00024

ORDINANCE NO. 19-157

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 2: Zoning Districts and Permitted Uses; Article II: Permitted Uses Table; Section 5: Permitted Use Table 1.02.201, of the City of Birmingham Zoning Ordinance, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

Section 5. Key To Permitted Use Table 1.02.201.

The following notations are utilized in the district land use table in conjunction with the zoning districts established by this title and the land uses associated with those districts. Lack of one of the following notations in a cell of the district land use table indicates that the specific land use category is not permitted within that corresponding zoning district.

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; Addition of Section 6 heading, of the City of Birmingham Zoning Ordinance, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

Section 6. Permitted Use Table 1.02.201.

Several notes at the end of the Permitted Use Table 1.02.201 indicate other land use development standards that may apply to development within the City.

SECTION 3. 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 - EDUCATIONAL/INSTITUTIONAL/CIVIC USES, of the City of Birmingham Zoning Ordinance, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

EDUCATIONAL/INSTITUTIONAL/ CIVIC USES:																					
Adult Care Center	X	X	X	X	SE	SE	PC	PC	PC	PC	PC	PC	X	X	X	X	PC	PCP	PM P	PC	
Child Care Center	X	X	X	X	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	X	X	PC	PCP	PM P	PC	
Family Day/Night Care Home	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	X	X	X	X	PC	PM P	PC	
Family Group Day/Night Care Home	X	X	X	SE	PC	PC	PC	PC	PC	PC	PC	PC	X	X	X	X	X	X	PM P	PC	
Accessory Child Care Center	PA C	PA C	PA C	PA C	PA C	PA C	PA C	PAC	PA C	PAC	PA C	PAC	X	X	X	X	PA C	SE	PM P	PA C	
College or University	X	X	X	X	X	X	P	P	P	P	P	P	X	X	X	X	X	PCP	PM P	X	
Fraternity/Sorority House	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	PCP	PM P	X	
Institutional Office	X	X	X	X	X	X	PC	PC	PC	PC	PC	PC	X	X	X	X	X	PCP	PM P	X	
Internment, Cemetery	SE	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	X	X	X	X	SE	X	SE	
Internment, Columbarium	PA C	PA C	PA C	PA C	PA C	PA C	PA C	PAC	PA C	PAC	PA C	PAC	X	X	X	X	X	PAC	PM P	PA C	
Internment, Mausoleum	PA C	PA C	PA C	PA C	PA C	PA C	PA C	PAC	PA C	PAC	PA C	PAC	X	X	X	X	X	PAC	X	PA C	
Park/Greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	PCP	P	P	
Personal Instruction	PC	PC	PC	PC	PC	PC	P	P	P	P	P	P	X	X	X	X	P	PCP	PM P	P	
Place of Worship	SE	SE	SE	SE	PC	PC	SE	PC	PC	PC	SE	PC	X	X	X	X	X	PCP	PM P	PC	
Private Club	X	X	X	X	X	X	X	P	P	P	X	P	P	P	X	X	X	PCP	PM P	P	
Public Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	PCP	P	P	
Rummage Sale	PA C	PA C	PA C	PA C	PA C	PA C	PA C	PAC	PA C	PAC	PA C	PAC	X	X	X	X	X	PAC	X	PA C	
School, Business	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	X	P	PCP	PM P	X	
School, Elementary/Middle	SE	SE	SE	SE	PC	PC	SE	PC	PC	PC	SE	PC	X	X	X	X	X	PCP	PM P	X	
School, High School	SE	SE	SE	SE	PC	PC	SE	PC	PC	PC	SE	PC	X	X	X	X	X	PCP	PM P	X	
School, Trade	X	X	X	X	X	X	X	X	SE	SE	X	SE	P	P	P	X	SE	PCP	PM P	X	

SECTION 4. 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:

COMMERCIAL USES:																				
Animal Boarding Facility	X	X	X	X	X	X	X	X	PC	PC	X	PC	PC	PC	PC	X	PC	PCP	PM P	PC
Animal Day Care	X	X	X	X	X	X	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	PC	PCP	PM P	PC
Animal Kennel	X	X	X	X	X	X	X	X	X	X	X	PC	PC	PC	X	PC	X	X	X	PC
Appliance Repair	X	X	X	X	X	X	X	X	PC	PC	X	PC	P	P	P	X	X	PCP	X	X
Automobile Parking	SE	SE	SE	SE	SE	SE	P	P	P	P	P	P	P	P	P	X	P	PCP	PM P	X
Automobile Sales	X	X	X	X	X	X	X	X	P	P	X	P	P	P	P	X	P	PCP	X	X
Automobile Service	X	X	X	X	X	X	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	PC	PCP	PM P	X
Automobile/Light Truck Repair	X	X	X	X	X	X	X	X	PC	PC	X	PC	PC	PC	PC	X	PC	PCP	X	X
Bakery, Retail	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	X	P	PCP	PM P	X
Bakery, Wholesale	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	PCP	X	X
Bar	X	X	X	X	X	X	X	P	P	P	X	P	P	P	X	X	P	PCP	X	X
Bed and Breakfast Inn	X	X	X	X	X	X	PC	PC	P	P	PC	P	X	X	X	X	X	PCP	PM P	P
Bed & Breakfast Inn, Historic	SE	SE	SE	PC	PC	PC	X	X	X	X	X	X	X	X	X	X	X	PCP	PM P	X
Off-Premise Sign	X	X	X	X	X	X	X	X	PC	PC	X	PC	PC	PC	PC	X	X	PCP	X	X
Business Service	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	X	P	PCP	PM P	X
Business Service w/ Distribution	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	PCP	X	X
Zoning District	D-1	D-2	D-3	D-4	D-5	D-6	MU-L	MU-M	MU-H	MU-D	C-1	C-2	I-1	I-2	I-3	I-4	PR D	MXD / PUD	HI D	AG
Car Wash, Automated	X	X	X	X	X	X	SE	SE	PC	PC	SE	PC	PC	PC	PC	X	PC	PCP	X	X
Car Wash, Manual	X	X	X	X	X	X	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	PC	PCP	PM P	X
Convenience Store	X	X	X	X	X	X	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	PC	PCP	PM P	X
Donation Box	X	X	X	X	X	X	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	X	X	PAC	PM P	X
Donation Center	X	X	X	X	X	X	X	X	P	P	X	P	P	P	P	X	X	PCP	PM P	X
Dressmaker/Tailor/Millinery	X	X	X	X	X	X	P	P	P	P	P	P	P	P	X	X	X	PCP	PM P	X
Drive-In/Drive-Through	X	X	X	X	X	X	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	X	PAC	PAC	PM P	X
Electronics Repair	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	X	X	PCP	PM P	X
Event Center	X	X	X	X	X	X	X	X	SE	SE	X	SE	P	X	X	X	SE	PCP	X	X
Financial Institution	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	X	P	PCP	PM P	X
Fitness Center	X	X	X	X	X	X	PC	P	P	P	PC	P	P	P	P	X	P	PCP	PM P	X
Funeral Home	X	X	X	X	X	X	X	X	P	P	X	P	P	P	P	X	X	PCP	X	X
Furniture Store	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	X	X	PCP	X	X
Home Improvement Center	X	X	X	X	X	X	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	X	PCP	X	X
Hotel	X	X	X	X	X	X	X	PC	P	P	X	P	P	X	P	X	PC	PCP	PM P	X
Market, Farmer's	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	X	PC	PCP	PM P	PC
Market, Flea	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	PCP	X	X
Market, Public	X	X	X	X	X	X	PC	PC	PC	PC	PC	PC	PC	PC	X	X	PC	PCP	PM P	PC
Mini-Storage Warehouse	X	X	X	X	X	X	X	X	PC	PC	X	PC	P	P	P	X	X	PCP	X	X

Zoning District	D-1	D-2	D-3	D-4	D-5	D-6	MU-L	MU-M	MU-H	MU-D	C-1	C-2	I-1	I-2	I-3	I-4	PR D	MXD / PUD	HI D	AG	
Mobile Grocery Store	PA C	PA C	PA C	PA C	PA C	PA C	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	PC	PC	PC	PC	
Nursery	X	X	X	X	X	X	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	PC	PCP	PM P	PC	
Office	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	X	P	PCP	PM P	X	
Office, Leasing/Sales	PC	PC	PC	PC	P	P	P	P	P	P	P	P	X	X	X	X	PC	PCP	PM P	PC	
Payday Loan	X	X	X	X	X	X	X	X	PC	PC	X	PC	PC	PC	X	X	X	X	X	X	X
Personal Care Services	X	X	X	X	X	X	P	P	P	P	P	P	P	P	X	X	P	PCP	PM P	X	
Recreation Equipment Sales/Service	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	P	PCP	X	X	
Restaurant	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	X	P	PCP	PM P	X	
Retail	X	X	X	X	X	X	PC	P	P	P	PC	P	P	P	P	X	P	PCP	PM P	X	
Shopping Center	X	X	X	X	X	X	PC	P	P	P	PC	P	P	P	P	X	P	PCP	PM P	X	
Title Loan/Pawnshop	X	X	X	X	X	X	X	X	PC	PC	X	PC	PC	PC	X	X	X	X	X	X	X
Upholstery Shop	X	X	X	X	X	X	P	P	P	P	P	P	P	P	PC	X	X	PCP	X	X	

SECTION 5. 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 5: Permitted Use Table 1.02.201; Table 1.02.201 - MANUFACTURING & INDUSTRIAL USES, of the City of Birmingham Zoning Ordinance, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

MANUFACTURING & INDUSTRIAL USES:																				
Brew Pub	X	X	X	X	X	X	X	PC	PC	PC	X	PC	P	P	P	X	PC	PCP	X	X
Brewery	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	PCP	X	X
Brewery, Micro	X	X	X	X	X	X	X	X	PC	PC	X	X	P	P	P	X	PC	PCP	X	X
Contractor Yard	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	PCP	X	X
Dairy, Factory	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	PCP	X	P
Dairy, Farm	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	PCP	X	P
Distillery	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	PCP	X	X
Distillery, Artisanal	X	X	X	X	X	X	X	X	PC	PC	X	X	P	P	P	X	PC	PCP	X	X
Heavy Equipment, Sales and Service	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	X	X	X
Junk Yard, General	X	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X	X	X
Junk Yard, Vehicular	X	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X	X	X
Manufacturing, Heavy	X	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X	X	X
Manufacturing, Light	X	X	X	X	X	X	X	X	X	X	X	X	PC	PC	P	X	X	PCP	X	X
Manufacturing, Specialized	X	X	X	X	X	X	X	X	PC	PC	X	PC	P	P	P	X	X	PCP	X	X
Resource Extraction	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X
Motor Freight, Distribution	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	PCP	X	X
Zoning District	D-1	D-2	D-3	D-4	D-5	D-6	MU-L	MU-M	MU-H	MU-D	C-1	C-2	I-1	I-2	I-3	I-4	PR D	MXD / PUD	HI D	AG
Salvage Yard	X	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X	X	X
Scrap Metal Processor	X	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X	X	X
Tank Farm	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X
Timbering	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	PC
Truck Plaza	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X
Truck Repair, Heavy	X	X	X	X	X	X	X	X	X	X	X	X	P	P	PC	X	X	X	X	X
Warehouse	X	X	X	X	X	X	X	X	PC	PC	X	X	P	P	P	X	X	PCP	PM P	X
Warehouse/Office	X	X	X	X	X	X	X	X	PC	PC	X	PC	P	P	P	X	X	PCP	X	X
Wrecker Service w/outside storage of disabled vehicles	X	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X	X	X
Wrecker Impound Lot	X	X	X	X	X	X	X	X	X	X	X	X	SE	PC	X	X	X	X	X	X

SECTION 6. BE IT ORDAINED by the Council of the City of Birmingham that Title 1, Chapter 3: District Area and Dimensional Regulations; Article I: Lot Area, Setbacks, Required yards, Accessory building area and Building Height; Section 5: District area and dimensional tables: Table 1.03.102, of the City of Birmingham Zoning Ordinance, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

**Table 1.03.102
MULTIFAMILY, TOWNHOUSE AND NONRESIDENTIAL USES**

Zoning District	Minimum Lot Area (in square feet per unit)	Minimum Lot Width (in feet)	Minimum Front Setback (in feet)	Minimum Rear Setback (in feet)	Minimum Side Setback (in feet)	Maximum Building Height (in feet)
D-4 ⁽⁵⁾ Duplex	2,500	50 ⁽⁴⁾	25 ⁽¹⁾	20 ⁽²⁾	5/14 ⁽³⁾	35 ⁽⁴⁾
D-4 ⁽⁵⁾ Townhouse	2,000	18 ⁽⁴⁾	15 ⁽¹⁾	20 ⁽²⁾	5/14 ⁽⁶⁾	35 ⁽⁴⁾
D-4 ⁽⁵⁾ Triplex, Quadplex max. 4 units)	2,000	50 ⁽⁴⁾	25 ⁽¹⁾	20 ⁽²⁾	5/14 ⁽³⁾	35 ⁽⁴⁾
D-5 ⁽⁵⁾ Duplex	2,000	50 ⁽⁴⁾	25 ⁽¹⁾	20 ⁽²⁾	5/14 ⁽³⁾	45 ⁽⁴⁾
D-5 ⁽⁵⁾ Townhouse	1,800	16 ⁽⁴⁾	15 ⁽¹⁾	20 ⁽²⁾	5/14 ⁽⁶⁾	45 ⁽⁴⁾
D-5 ⁽⁵⁾ M. F.	1,000	50 ⁽⁴⁾	25 ⁽¹⁾	25 ⁽²⁾	5/14 ⁽³⁾	45 ⁽⁴⁾
D-6 ⁽⁵⁾	See chp.4, Article V, Section 2	See chp.4, Article V, Section 2	See chp.4, Article V, Section 2	See chp.4, Article V, Section 2	See chp.4, Article V, Section 2	45 ⁽⁴⁾
C-2 ⁽⁵⁾ Duplex	2,500	50 ⁽⁴⁾	0 ⁽¹⁾	0 ^{(1) (2)}	0 ^{(1) (3)}	45 ⁽⁴⁾
C-2 ⁽⁵⁾ Multi Family	500	50 ⁽⁴⁾	0 ⁽¹⁾	0 ^{(1) (2)}	0 ^{(1) (3) (6)}	75 ⁽⁴⁾

- (1) Established setback. See Article I, Section 2 (D) (2) of this chapter.
- (2) If the rear yard area abuts an alley, ½ of the alley's right-of-way width may be used in calculating this dimension, provided that a minimum setback of at least three feet is maintained.
- (3) If the side yard area abuts an alley, ½ of the alley's right-of-way width may be used in calculating this dimension, provided that a minimum setback of at least three feet is maintained.
- (4) For guidelines to determine building height, see Section 7 of this chapter.
- (5) For site plan requirements see Chapter 9, Article III.

(6) No side yards are required for interior walls; exterior side yards are as listed above.

Note 1: For all zoning districts permitting multi-family uses, the rear and side setbacks for single-family cottage developments shall be a minimum of three feet. This note shall not apply to any Mixed Use district.

Note 2: When a lot has a width of 100 feet or less and is used for a multiple family dwelling, such multiple family dwelling shall be constructed in a manner that the front of the structure and all front doors shall face and open toward a dedicated street and all rear doors shall face and open toward the rear yard.

Note 3: In the D-4 district, minimum lot width for townhouses shall be no less than 18 feet with an average of 20 feet in an attached row, and in the D-5 district no less than 16 feet with an average of 18 feet in an attached row.

SECTION 7. BE IT ORDAINED by the Council of the City of Birmingham that Title 1, Chapter 3: District Area and Dimensional Regulations; Article I: Lot Area, Setbacks, Required yards, Accessory building area and Building Height; Section 5: District area and dimensional tables: Table 1.03.103, of the City of Birmingham Zoning Ordinance, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

Table 1.03.103

MIXED-USE AND NONRESIDENTIAL DISTRICTS

Zoning District	Minimum Lot Area (in square feet/unit)	Minimum Lot Width (in feet)	Minimum Front Setback (in feet)	Minimum Rear Setback (in feet)	Minimum Side Setback (in feet)	Maximum Building Height (in feet)
MU-L ⁽⁵⁾ <i>Single-Family</i>	3,750	40	18 Max ⁽¹⁾	0 ⁽²⁾	5 ⁽³⁾	45 ⁽⁴⁾
MU-L ⁽⁵⁾ <i>Duplex</i>	2,500	40	18 Max ⁽¹⁾	0 ⁽²⁾	5 ⁽³⁾	45 ⁽⁴⁾
MU-L ⁽⁵⁾ <i>Townhouse</i>	1,800	18	18 Max ⁽¹⁾	0 ⁽²⁾	5 ⁽³⁾	45 ⁽⁴⁾
MU-L ⁽⁵⁾ <i>Multi-Family</i>	1,000	40	18 Max ⁽¹⁾	0 ⁽²⁾	5 ⁽³⁾	45 ⁽⁴⁾
MU-M ⁽⁵⁾ <i>Single-Family</i>	3,750	40	18 Max ⁽¹⁾	0 ⁽²⁾	5 ⁽³⁾	45 ⁽⁴⁾
MU-M ⁽⁵⁾ <i>Duplex</i>	2,500	40	18 Max ⁽¹⁾	0 ⁽²⁾	5 ⁽³⁾	60 ⁽⁴⁾
MU-M ⁽⁵⁾ <i>Townhouse</i>	1,500	16	18 Max ⁽¹⁾	0 ⁽²⁾	5 ⁽³⁾	60 ⁽⁴⁾
MU-M ⁽⁵⁾ <i>Multi-Family</i>	500	40	18 Max ⁽¹⁾	0 ⁽²⁾	5 ⁽³⁾	60 ⁽⁴⁾
MU-H ⁽⁵⁾	250	25	15 Max ⁽¹⁾	0 ⁽²⁾	0 ⁽³⁾	125 ⁽⁴⁾⁽⁶⁾⁽⁷⁾
MU-D ⁽⁵⁾	0	25	12 Max ⁽¹⁾	0 ⁽²⁾	0 ⁽³⁾	No limit ⁽⁶⁾⁽⁷⁾
C-1 ⁽⁵⁾	5,000	50	0 ⁽¹⁾	0 ⁽²⁾	0 ⁽³⁾	35 ⁽⁴⁾
C-2 ⁽⁵⁾	5,000	50	0 ⁽¹⁾	0 ⁽²⁾	0 ⁽³⁾	75 ⁽⁴⁾⁽⁷⁾
I-1 ⁽⁵⁾	None	None	None ⁽¹⁾	None ⁽²⁾	None ⁽³⁾	100 ⁽⁴⁾⁽⁷⁾
I-2 ⁽⁵⁾	None()	None()	None ⁽¹⁾	None ⁽²⁾	None ⁽³⁾	None ⁽⁶⁾⁽⁷⁾
I-3 ⁽⁵⁾	None	150	30 ⁽¹⁾	15	25	100 ⁽⁶⁾⁽⁷⁾
I-4 ⁽⁵⁾	See Chapter 4	See Chapter 4	See Chapter 4	See Chapter 4	See Chapter 4	None ⁽⁶⁾⁽⁷⁾
PRD ⁽⁸⁾	20 Acres	None	50	50	25	100 ⁽⁴⁾
MXD	See Chapter 4, Article V, Section 7	See Chapter 4, Article V, Section 7	See Chapter 4, Article V, Section 7	See Chapter 4, Article V, Section 7	See Chapter 4, Article V, Section 7	See Chapter 4, Article V, Section 7
HID ⁽⁹⁾	None	50	25	20	10()	120 ⁽⁴⁾⁽¹⁰⁾

- (1) For mixed use districts maximum setback shall be determined by Article I, Section 3, item C. of this chapter, except that corner lots in MU-L and MU-M shall be 6 feet maximum and corner lots in MU-H and MU-D shall be 0 feet, and for commercial, manufacturing and industrial districts established setbacks may apply as described in Article I, Section 2 (D)(2).
- (2) None, except on the rear of a lot abutting a dwelling district, in which case there shall be a rear yard of not less than 20 feet. If the rear yard area abuts an alley, ½ of the alley's right-of-way width may be used in calculating this dimension.
- (3) None, except on the side of a lot abutting a dwelling district, in which case there shall be a side yard of not less than five feet. If the side yard area abuts an alley, ½ of the alley's right-of-way width may be used in calculating this dimension, provided that a minimum setback of at least three feet is maintained.
- (4) For guidelines to determine building height, see Section 7 of this chapter.
- (5) For site plan requirements see Chapter 9, Article III.
- (6) None except where Federal Aviation Administration (FAA) Restrictions apply, in which case a waiver must be granted by the FAA to exceed FAA limitations.
- (7) Where a structure is located upon a lot abutting any residential district, that portion of the structure exceeding 35 feet shall be set back from the required yards abutting the residential district an additional distance of one foot for each foot of structure height above 35 feet up to 10 feet.
- (8) When a PRD district abuts a dwelling district, all buildings shall be setback from dwelling district 100 feet.
- (9) These regulations shall be used, unless a master plan has been approved.
- (10) Maximum height of structure is 120 feet when 500 or more feet from dwelling district, and 45 feet when within 500 feet of a dwelling district, unless a master plan has been approved.

Note 1: When a lot has a width of 100 feet or less, such dwelling shall be constructed in a manner that the front of the structure, all doors for ground floor units and doors for common areas shall face and open toward a dedicated street and all rear doors shall face and open toward the rear yard.

SECTION 8. BE IT ORDAINED by the Council of the City of Birmingham that Title 1, Chapter 3: District Area and Dimensional Regulations; Article I: Lot Area, Setbacks, Required yards, Accessory building area and Building Height; Section 8: Affordable housing density bonus: Table 1.03.104, of the City of Birmingham Zoning Ordinance, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

Table 1.03.104
Affordable Housing Density Bonus

Zoning District	Minimum Lot Area (sq. feet per unit)	Maximum Building Height (in feet)
D-5	750	65
MU-M	350	70
MU-H	200	150
C-2	350	100

SECTION 9. 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 3: Educational/Institutional/Civic Uses – Subsection H, of the City of Birmingham Zoning Ordinance, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

- H. **Place of Worship.** In the following districts: AG, D-5, D-6, MU-M, MU-H, MU-D, C-2, I-1, I-2 AND MXD a place of worship shall be permitted provided that the following conditions are met:
1. Any building is setback 25 feet from side and rear lot lines.
 2. A traffic impact study may be required that demonstrates adequate traffic controls are provided as determined by the Traffic Engineer for the City.
 3. Screening and buffering in the form of a landscape buffer yard Standard “A” per Chapter 6, Article III, Section 6 of this Ordinance, shall separate all structures and parking areas from all abutting property zoned for dwellings.
 4. Accessory structures (including Family Life Centers, Classrooms, etc.) may be constructed on property adjacent to the place of worship, subject to the following conditions:
 - a. There shall be no vacant property that is owned by the applicant adjacent to the place of worship on the same block face that can accommodate the accessory structure;
 - b. The accessory structure shall abut a street or alley upon which the lot of the place of worship abuts and at least a portion of the accessory structure shall be opposite the zone lot containing the place of worship;

- c. On any given block, accessory structures associated with a place of worship shall be limited to a contiguous area.

SECTION 10. 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:

- E. **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.
- F. **Automobile/Light Truck Repair.** In the following districts: MU-H, MU-D, 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 repaired shall remain on the premises more than thirty days.
 3. In the MU-H, MU-D, C-2, PRD and MXD districts no auto repair activity shall occur outdoors.
 4. In MXD districts an automobile/light truck repair shall only be allowed, when a conceptual plan has been approved that allows for the use within a designated subarea and Commercial Use Group 3.

SECTION 11. 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 7: Manufacturing & Industrial uses – Subsections K, L, M, N and O, of the City of Birmingham Zoning Ordinance, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

- K. **Truck Repair, Heavy.** In the I-3 district, a truck service shop shall be permitted provided that the following conditions are met:
 1. No visibly disabled, abandoned or inoperable trucks shall be stored on the premises.
 2. No truck to be repaired shall remain on the premises more than sixty days.
 3. Submittal of a site development plan, to be approved by the ZAC.

- L. **Warehouse.** In the following districts: MU-H and MU-D a warehouse shall be permitted provided that the following conditions are met:
1. In the MU-H a warehouse shall be limited to 50,000 square feet and in the MU-D to 100,000 square feet.
 2. No outdoor storage shall be permitted.
 3. Two loading docks or service doors will be allowed, provided that in the MU-H and MU-D districts, the loading docks or service doors shall be designed to limit disruptions to pedestrian or bicycle traffic and be located at the rear of the building or abut alley or as near to the alley as possible.
 4. Where such facilities are on a lot adjacent to a dwelling zone district, a landscape buffer yard shall be required per Chapter 6, Article III of this Ordinance.
- M. **Warehouse, Office.** In the MU-H, MU-D AND C-2 district an office/warehouse shall be permitted provided that the following conditions are met:
1. In the MU-H an office/warehouse shall be limited to 50,000 square feet and in the MU-D to 100,000 square feet.
 2. An office/warehouse shall be limited to 50,000 square feet.
 3. No outdoor storage shall be permitted.
 4. At least sixty percent of the gross floor area is used as office.
 5. Two loading docks or service doors shall be allowed provided that they shall not face dwelling districts and be located at the rear of the building and does not face a dwelling district. If all sides abut dwelling districts, the loading dock or service door must be screened with an opaque fence or evergreen planting of at least six feet.
 6. Where such facilities are on a lot adjacent to a dwelling zone district, a landscape buffer yard shall be required per Chapter 6, Article III of this Ordinance.
- N. **Wrecker Service with outside storage of disabled vehicles.** In the I-2 district a wrecker service that stores disabled vehicles shall be permitted provided that the following conditions are met:
1. The use is granted the appropriate license for operation by the Council.
 2. A nontransparent fence is erected along the entire perimeter of the site that meets the following conditions:
 - a. The fence design including materials and height is approved by the Director.
 - b. The wall or fence (including gates) shall be of sound construction utilizing block, brick, stone, concrete, metal sheeting material, reasonably smooth and uniform wood materials, or similar materials upon approval of the Director.

- c. All materials used for wall or fence construction (including gates) shall be of sound and good condition, shall be protected against decay by the use of paint or other preservatives, and shall be uniform in height throughout.
- d. The wall or fence (including gates) may be required to be erected higher than eight feet if the adjacent property is zoned dwelling or if the topography of the surrounding and nearby properties enable scrap materials to be readily viewed.
- e. If the salvage yard or scrap metal processor abuts any dwelling, mixed-use or commercial district, a landscape buffer shall be provided per Chapter 6, Article III of this Ordinance.
- f. The fence requirement may be modified by the Director if the property's location, or location of the use on the property, is such that the site will not be viewable by the public or structures and/or dense vegetation is adequate to prevent viewing of the site by the public.

3. No vehicles shall remain on the lot more than 90 days.

O. **Wrecker Impound Lot.** In the I-2 district a wrecker impound lot shall be permitted by the Board provided that the following conditions are met:

1. Where a wrecker impound lot is adjacent to a dwelling district, screening in the form of a landscape buffer yard shall be applied per Chapter 6, Article III of this Ordinance.
2. No vehicles shall remain on the lot more than 90 days.
3. A nontransparent fence is erected along the entire perimeter of the site that meets the following conditions:
 - a. The fence design including materials and height is approved by the Director.
 - b. The wall or fence (including gates) shall be of sound construction utilizing block, brick, stone, concrete, metal sheeting material, reasonably smooth and uniform wood materials, or similar materials upon approval of the Director.
 - c. All materials used for wall or fence construction (including gates) shall be of sound and good condition, shall be protected against decay by the use of paint or other preservatives, and shall be uniform in height throughout.
 - d. The wall or fence (including gates) may be required to be erected higher than eight feet if the adjacent property is zoned dwelling or if the topography of the surrounding and nearby properties enable scrap materials to be readily viewed.
 - e. The fence requirement may be modified by the Director if the property's location, or location of the use on the property, is such that

the site will not be viewable by the public or structures and/or dense vegetation is adequate to prevent viewing of the site by the public

SECTION 12. BE IT ORDAINED by the Council of the City of Birmingham that Title 1, Chapter 4: Land Use Development Standards; Article III: Uses Permitted by Special Exception; Section 3: Dwelling special exceptions – Subsection C, of the City of Birmingham Zoning Ordinance, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

- C. **Communal Living Facility.** Communal living facility in any D-4, D-5, D-6, MU-M, MU-H, MU-D and C-2 district a special exception may be granted by the Board provided the following conditions are met:
1. A statement from the State Department of Health or the State Department of Mental Health and/or the Jefferson County Department of Health that the proposed facility meets all requirements for the appropriate license, if applicable.
 2. A statement from the City Housing Code Enforcement Division that the proposed facility meets all provisions of the City of Birmingham Property Maintenance Code.
 3. A certification from the owner and operator that approval under this section shall not be transferable without prior approval by the Board of the City.
 4. Any communal living facility shall not be closer than 1,000 feet from another communal living facility. This spacing requirement does not include multi-family dwellings used for on or off campus student housing within 1 mile of the main campus.
 5. Communal Living Facilities are not meant to include child foster care facilities nor facilities housing the mentally handicapped or mentally ill, where there are no more than 10 such people plus 2 unrelated persons to either the occupants of the facility or to each other. (Code of Alabama 11-52-75.1 and Zoning Board of Adjustment Case No. 84-95)

SECTION 13. BE IT ORDAINED by the Council of the City of Birmingham that Title 1, Chapter 4: Land Use Development Standards; Article III: Uses Permitted by Special Exception; Section 4: Educational/Institutional/Civic special exceptions – Subsections D and E, of the City of Birmingham Zoning Ordinance, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

- D. **Cemetery.** In the D-1, D-2, D-3, D-4, D-5, D-6, AG and MXD districts a special exception may be granted by the Board provided that the following conditions are met:

1. Prior to submitting an application to the Board, an applicant must obtain approval to locate or expand a cemetery as required by Ala. Code, 1975, Sec. 22-20-4, as amended:
 - a. An application for a new cemetery or extension of an existing cemetery must be submitted to the Mayor and City Council, including a description of the location and boundaries of the proposed cemetery or extension of a cemetery.
 - b. The Mayor and City Council shall refer the application to the County Health Department. The County Health Department shall take into consideration the proximity of the proposed cemetery or extension of a cemetery to human habitations, the nature of the soil, the drainage of the ground, the danger of pollution of valuable springs and streams of water and such other conditions and surroundings as would bear upon the sanitary aspect of the situation. After its investigation, the County Health Department shall submit a report to the Mayor and City Council and either approve or disapprove the application.
 - c. After receiving the report from the County Health Department, the Mayor and City Council shall either grant or deny the application.
 2. The minimum site area shall be ten acres. Cemeteries accessory to a religious institution shall be on a one-acre lot, minimum.
 3. For cemetery developments of twenty-five acres or greater, primary access shall be from a collector or arterial street.
 4. Where the perimeter of a cemetery abuts a dwelling zone district or district permitting dwelling use, a landscape buffer yard shall be required per Chapter 6, Article I, Section 6, Item I of this Ordinance.
 5. The following accessory uses shall be permitted: mausoleums, columbariums, chapels, and other facilities incidental to the cemetery use.
- E. **Place of Worship.** To ensure compatibility with nearby dwelling uses, in the D-1, D-2, D-3, D-4, MU-L, and C-1 districts, a special exception may be granted by the Board provided that the following conditions are met:
1. On the effective date of the Ordinance codified in this Title a pre-existing place of worship, in the dwelling districts listed above, shall be a legal non-conforming use. They may expand if a special exception is granted by the Board subject to demonstrating compliance with the general provisions of Chapter 4, Article III, Section 2 and the off-site parking requirements of Chapter 5 of this Ordinance.
 2. Any Place of Worship constructed after the effective date of the Ordinance codified in this Title shall be subject to the following standards.

- a. Minimum Site Size. Land area shall be provided at the rate of .005 acre for every seat in the sanctuary/assembly area. In areas considered by the board of zoning appeals to be predominately developed, and where assembling land to satisfy this site size standard is not practical, the Board may waive the minimum site size requirement, based on a determination that the proposed facility can be designed and operated in a manner which will not adversely impact abutting properties or the surrounding neighborhood.
 - b. Screening and buffering in the form of a landscape buffer yard shall separate all structures and parking areas from all abutting property zoned for dwellings pursuant to Buffering Standard B, Chapter 6 of this Ordinance.
 - c. A cemetery, including columbariums, may be permitted by the board as an accessory use to a religious institution.
3. If Off-Site Parking is requested, approval of an off-site parking lot shall be contingent upon a demonstration that the following standards have been met:
- a. The appellant shall demonstrate by a parking plan, reviewed by the Director, that the minimum number of parking spaces required by Chapter 5, of this Ordinance cannot be developed on the same lot containing the place of worship;
 - b. The amount of off-site parking shall not exceed the actual needs of the place of worship as demonstrated by the parking plan;
 - c. There shall be no vacant property that is owned by the applicant adjacent to the place of worship on the same block face;
 - d. The off-site parking area shall abut a street upon which the lot of the place of worship abuts and at least a portion of the off-site parking area shall be opposite the zone lot containing the place of worship;
 - e. Vehicular access shall be restricted to a street upon which the lot of the place of worship abuts;
 - f. All off-site parking spaces shall be within 200 feet of the lot boundary of the place of worship;
 - g. On any given block, off-site parking associated with a place of worship shall be limited to a contiguous area;
 - h. All lighting shall be shielded so that substantially all directly emitted light falls within the property. No illumination in excess of one-half foot candle shall be permitted across the boundary of any dwelling property or a public street or alley. The parking area shall only be illuminated when in use.

4. Where structures abut dwelling districts, there shall be a minimum setback of 25 feet.
5. A traffic impact study may be required that demonstrates adequate traffic controls are provided as determined by the Traffic Engineer for the City.
6. Accessory structures (including Family Life Centers, Classrooms, etc.) may be constructed on property adjacent to the place of worship, subject to the following conditions:
 - a. There shall be no vacant property that is owned by the applicant adjacent to the place of worship on the same block face that can accommodate the accessory structure;
 - b. The accessory structure shall abut a street or alley upon which the lot of the place of worship abuts and at least a portion of the accessory structure shall be opposite the zone lot containing the place of worship;
 - c. On any given block, accessory structures associated with a place of worship shall be limited to a contiguous area.

SECTION 14. 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.

SECTION 15. That this Ordinance shall become effective upon publication as required by statute.

