

**NOTICE OF PUBLIC HEARING  
BEFORE HOMEWOOD CITY COUNCIL**

Notice is hereby given that an Ordinance to amend the Zoning Ordinance for the City, which is Appendix A entitled "Zoning" of the Code of Ordinances of the City of Homewood, will be considered by the City Council of the City of Homewood at a Public Hearing to be held before the City Council of the City of Homewood on April 28, 2025, at 6:00 p.m., at Homewood City Hall, at which time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such proposed Zoning Ordinance.

Copies of the proposed amendment to the Homewood Zoning Ordinance are available for inspection at the Office of the City Clerk at Homewood City Hall, at 2850 19<sup>th</sup> Street South, Homewood, Alabama, prior to and up until the time of the public hearing identified above.

Witness my hand this the 31 day of March, 2025.

  
\_\_\_\_\_  
City Clerk, City of Homewood

This notice posted: April 1, 2025

**At the following locations: Mayor's Office (City Hall), Homewood Public Library, Homewood Senior Center (Oak Grove Road) and Lee Community Center (Rosedale)**

**And at [www.cityofhomewood.com](http://www.cityofhomewood.com)**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR THE CITY, WHICH IS APPENDIX A ENTITLED "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF HOMEWOOD, ALABAMA, PREVIOUSLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF HOMEWOOD.**

**BE IT ORDAINED** by the City Council of the City of Homewood at a regular meeting, duly assembled, a quorum being present, as follows:

**Section 1.** That the Zoning Ordinance for the City, which is Appendix A entitled "Zoning" of the Code of Ordinances of the City of Homewood, previously adopted by the City Council of the City of Homewood, is hereby amended to read as reflected in Exhibit A attached hereto.

**Section 2.** That on **April 28, 2025, at 6:00 p.m.**, at the City Hall of the City of Homewood, Alabama, be, and the same hereby is, fixed as the time when, and the place where, the City Council will hold a public hearing on said proposed amendment of said Ordinance, at which time, all interested parties may appear and be heard.

**Section 3.** That if any part, provision, or section of this Ordinance is declared to be unconstitutional or invalid by any court of competent jurisdiction, all other parts, provisions or sections of this Ordinance not thereby affected shall remain in full force and effect.

**Section 4.** That the adoption of this Ordinance repeals the adoption of Ordinance No. 2887 previously adopted on January 29, 2024, and repeals Article V entitled "Signs" of Chapter 5 entitled "Buildings; Construction and Related Activities" of the Code of Ordinances of the City of Homewood.

**Section 5.** That the adoption of this Ordinance repeals the adoption of Ordinance No. 2886, previously adopted on January 29, 2024, entitled "Zoning Ordinance" of the Code of Ordinances of the City of Homewood.

**Section 6.** This Ordinance shall become effective immediately upon its adoption by the City Council, approval by the Mayor, or as otherwise becoming law.

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
President of Council

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**This notice posted: \_\_\_\_\_, 2025**

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# **ZONING**

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## **CITY OF HOMEWOOD, ALABAMA**

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This pamphlet is a reprint of Appendix A, Zoning, of the Code of Ordinances of the City of Homewood, Alabama, published by the order of the Mayor and Council.

**Revised April 28, 2025**

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# **APPENDIX A**

## **ZONING\***

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### **ARTICLE I. INTRODUCTION**

#### **Sec. A. Authority.**

An ordinance, in pursuance of the authority granted by Title 11, Chapter 52, Article 4, Code of Alabama 1975, as amended and supplemented by all applicable laws to provide for the establishment of districts within the corporate limits of Homewood, Alabama; to regulate within such districts the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards and other open spaces, the density of population and the use of buildings, structures, and land; to repeal all existing zoning ordinances and to provide methods of administration of this Ordinance and penalties for the violation thereof.

#### **Sec. B. Short Title.**

This Ordinance shall be known as the "Zoning Ordinance of Homewood, Alabama," and the map herein referred to, identified by the title "Zoning Map of Homewood, Alabama," shall be further identified by the signature of the mayor of Homewood and attested by the city clerk. The zoning map of Homewood is hereby adopted and made a part of this Ordinance. Said zoning map shall zone only territory within Homewood. Such map is filed with the clerk of Homewood at the time of the introduction of this Ordinance, will remain on file in the office of the said clerk and upon the adoption of the ordinance, said map will show by endorsement thereon the date of such adoption.

#### **Sec. C. Purpose.**

The fundamental purpose of this Ordinance is to establish land use districts and regulations for the purpose of implementation of the current Homewood Master Plan adopted by the Homewood Planning Commission. The provisions of this Ordinance are necessary to promote the public health, safety, and welfare of the residents of Homewood.

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\*Editor's note--Ord. No. 1602, dated Dec. 9, 1986, adopted the Zoning Ordinance.  
Cross reference(s)--Planning Commission, § 17-1 et seq.; Board of Adjustment, § 17-20 et seq.

#### **Sec. D. Method.**

For the purpose previously stated, the City of Homewood is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, which are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the general rights, and interests of all; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other purposes, and also the location, height, bulk, occupancy and uses of buildings or other structures, including the ratio of lot occupancy and coverage, setback lines, sizes of yards, and other open spaces.

## ARTICLE II. DEFINITIONS

When not inconsistent with the context, words used in the present tense include the future, the singular number includes the plural and the plural the singular. The word "building" shall include the word "structure" and the word "shall" is mandatory and not directory. Words and terms are defined as follows:

*Accessory use:* A use which is related but subordinate to the main use of the lot.

*Alley:* A public way less in width than a street, designed for the special accommodation of the property it reaches, and not intended for general travel.

*Alley, Accessible:* An alley within city right-of-way that is paved at least 10' in width.

*Alteration and altered:* The word "alteration" shall include any of the following:

- (a) Any addition to a building or structure.
- (b) Any change in the location of any of the exterior walls of a building or structure.

In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty (50) percent of its value prior to the occurrence which necessitated the alteration.

*Amenities:* Shared space that adds to the living experience, pleasure, convenience or comfort of the residents of an attached dwelling development, such as open space, parks, playgrounds, and pedestrian friendly infrastructure.

*Artificial turf:* Synthetic materials made to resemble natural grass. See also Article V.  
*Assisted Living:* A living arrangement characterized by a residential setting in combination with personal custodial care assistance designed to respond to the individual needs of those who need help with the activities of daily living, but who do not require 24 - hour nursing care. Services provided may include personal care assistance, meals, laundry, medication reminders, and similar services. Assisted living facilities do not provide extensive medical care or a program of rehabilitative services to their residents.

*Attached dwelling unit:* A dwelling unit in a building which contains two (2) or more dwelling units.

*Basement:* That portion of a building between floor and ceiling, which is partly above and partly below grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling, provided, however, that the distance from grade to ceiling shall be at least four (4) feet six (6) inches.

*Boundary Survey:* A boundary survey, sometimes referred to as a mortgage survey, is a type of land survey that synthesizes property record research and field research to determine the legal boundaries and corners of a parcel of land. A boundary survey is conducted by a professional

land surveyor and will show any existing improvements, such as buildings, fences, driveways, pools, etc. It will also show any encroachments and easements that may exist. See also Article III.

*Buffer strip:* A vegetated strip of ground that is located within the property boundary and that meets all of the following criteria:

- (a) At its narrowest point, it has a level, horizontally measured width of ten (10) feet minimum; and
- (b) Its entire ground surface must remain unobstructed by manmade structures (except for approved fences and walls), pavement or any other impervious surface improvement; and
- (c) It must be so populated with plant materials that, within one (1) full calendar year after the date of installation of the plant material, the plant population provides a persistent, evergreen barrier that has a uniform distribution of foliage that is sufficiently dense so as to be impervious to transverse view from every vantage point located 0-to-6 feet in height along the longitudinal edges of the strip; and the plant population must be cultured and maintained so that, within three (3) full calendar years after the original date of installation of the plant material, the plant population is sufficiently dense so as to be impervious to transverse view from every point located 0-to-8 feet in height along the longitudinal edges of the strip. All vantage points shall be determined by vertical (plumb) measure taken from the relative point on the ground surface along said longitudinal edges; and
- (d) Its entire ground surface must be covered by an overstory of vegetation; and
- (e) Its entire ground surface must be covered by a layer of organic mulch, having a minimum thickness of four (4) vertical inches and being comprised of clean pine straw, shredded tree bark or other organic material approved by the Zoning Official; and
- (f) It must be adequately maintained so as to affect the continuing and satisfactory performance of its requisite functions as a buffer strip.

*Building:* Any structure having a roof supported by columns or walls.

*Building area:* The portion of the lot which may be occupied by the main building and accessory structures.

*Building height:* The vertical distance from grade plane to the highest roof surface.

*Building line:* A line defining the distance from the property line or lines beyond which a structure may be built in compliance with this Ordinance.

*Caliper:* The diameter of a tree, measured at a point 6 inches above the ground line if the resulting measurement is no more than 4 inches. (ANSI A300 (Part 6) 2005 Transplanting)

*Canopy Tree:* An evergreen or deciduous tree whose mature height can be expected to exceed 35 feet, and which has an expected crown spread exceeding 30 feet.

*Clinic:* An establishment, public or private, where there are no overnight facilities and where people are given examination, diagnosis and treatment as out-patients by physicians, dentists, optometrists or other members of the medical profession.

*Cold Frame:* An unheated outdoor apparatus consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold no more than thirty-two (32) square feet in area and four (4) feet in height

*Community Garden:* A lot(s) or parcel(s) of land managed and maintained by a non-profit organization, an association, or a group of individuals from multiple households to grow and to harvest food, crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community Gardens may be divided into separate plots for cultivations by individuals, or may be farmed collectively by the members of the group, and may include common areas maintained and used by group members. A Community Garden does not include a garden or edible landscaping maintained by an individual or members from one household for personal use.

*Community Garden Structure:* A detached structure, the use of which is customary to community gardens.

*Condominium:* Individually owned attached dwelling units, situated on property which is owned and maintained by an association of residents, for their common use and benefit.

*Courtyard:* An unroofed/uncovered area, located on any level of a primary structure, that is open to the sky and set within the footprint of a building and surrounded by three (3) or more walls. A courtyard can be located on any level of a structure. See also Article V.

*Critical root zone:* The minimum volume of roots necessary, for maintenance of tree health and stability, and being the area uniformly measured by a circle with a radius equal to 1 foot per inch of DBH tree trunk of the preserved tree measured at 4 ½-feet above the ground (measured to the nearest inch), with the trunk of the tree at the center of the circle. The minimum radius shall not be less than 7 feet. (ANSI A300 (Part S) 200S Management)

*Crown:* The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree. (ANSI A300 (Part 6) 2005 Transplanting)

*Day care center:* Any child care facility receiving more than six (6) children for care.

*Day care home:* A child care facility, which is a family home, and which receives no more than six (6) children for care.

*DBH:* Acronym for diameter at breast height; diameter of tree measured at 4.5 feet above ground. (ANSI A300 (Part 6) 2005 Transplanting)

*Deciduous plants:* Those that shed all their leaves during their dormant season and produce all new leaves the following growing season.

*Detached dwelling unit:* A dwelling unit which is the main building on a lot.

*Dormitory:* A structure other than a dwelling, designed, used or offered for residential occupancy, which is part of an institution, and serves only the members, students or employees thereof.

*Dripline:* An imaginary line defined by the branch spread. (ANSI A300 (Part 5) 2005 Management)

*Driveway, Impervious:* A dust free paved area, constructed by either asphalt pavement, concrete, and solid pavers or their equivalent. Used for the ingress or egress of vehicles, and allowing access from the street to a building, other structure, facility, parking space/pad, parking lot, or site.

*Driveway, Pervious:* Allowed only in detached dwelling zoning districts. A concrete apron shall be installed between the edge of roadway/alley asphalt for 20' or to the right-of-way line (whichever is greater). A driveway may be constructed of permeable pavement or pea gravel. Pervious driveways shall be designed by a registered professional engineer or landscape architect. A detailed section and subsurface drainage plan shall be provided. A letter, certified by the design professional, shall acknowledge the design intent was met during installation and will be required prior to a certificate of occupancy or certificate of completion. The City Engineer shall approve the build-up and section of the permeable pavement or pea gravel. For stormwater calculations, 50% of the area of a pervious driveway, if approved by the City Engineer, may be considered pervious. Dense graded aggregate (DGA) or #57 stone is considered an impervious surface and may not be used for driveways. Used for the ingress or egress of vehicles, and allowing access from the street to a building, other structure, facility, parking space/pad, parking lot, or site. Pervious driveways may not be installed on a grade greater than 10%.

*Duplex:* A building containing two (2) dwelling units.

*Dwelling unit:* Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more persons living together as a single housekeeping unit, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof, but not including boarding or rooming houses, tents, dormitories, or other structures designed or used primarily for transient residents.

*Dwelling unit, accessory (ADU):* A dwelling unit located on the same lot with a single-family dwelling. An ADU may be located in an accessory structure or within the same structure as the primary dwelling unit, but it shall not be larger than twenty-five (25) percent of the floor area of the primary dwelling unit.

*Evergreen plants:* Those that retain their green leaves during their dormant season.

*Family:* Any of the following:

- (a) One or more persons related by blood, marriage, adoption, or by some other legal custodial relationship, living as a single household in a dwelling unit, or
- (b) The residents of residential care facilities and households for people with disabilities, plus any persons who reside in the dwelling unit and are employed to care for one or more household members, or
- (c) Up to three (3) unrelated individuals living as a single household in a dwelling unit.
- (d) Note: a family does not include larger institutional group living situations such as dormitories, fraternities, or sororities.

*Fence:* A freestanding barrier intended to mark the boundary of a lot, provide separation and privacy, or as a means of security, protection, confinement, or buffering

*Fence, Natural:* A vegetative barrier formed by a dense row of shrubs or trees intended to separate two pieces of land, mark the boundary of a lot, provide privacy and security, and prevent escape or intrusion.

*Fence, Privacy:* A freestanding barrier made of posts and boards, wire, or vinyl panels, intended to separate two pieces of land, mark the boundary of a lot, provide privacy and security, and prevent escape or intrusion.

*Fence, Wall:* An upright structure constructed of masonry, plaster, cement, interlocking block, or similar material, serving to enclose, divide or protect an area located within the boundary of a lot, such as a patio. A masonry fence is not a retaining wall.

*Garden Coordinator:* The person having a legal or equitable interest in a proposed project subject to the provision of this Article. The coordinator performs the role of management of the community gardens in coordination with the city.

*Grade:* A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

*Grade Plane:* A reference plane representing the average of finished ground elevation within the building setback area. Where the finished ground elevation slopes away from the area within the building setbacks, the reference plane shall be established by the lowest points within the area between the building setbacks and the lot line or, where the lot line is more than 6-feet from the building setbacks, between the building setbacks and a point 6-feet outside the building setbacks. In cases where there is greater than 15-feet from high point to low point within the building setback area, a topographic survey will be required to determine the average of the finished grade.

*Ground cover, organic:* Any of various low, dense-growing plants, vines and shrubs that grow over the surface of the ground or mulches originating from tree bark or pine needles used to retain soil moisture, prevent soil erosion and compaction and suppress weed growth, especially in

areas of dense shade where grass is difficult to grow, or on steep slopes where the maintenance of grass is not practicable, and which also encourages the growth of microorganisms and beneficial insects.

*Ground cover, inorganic:* Any of various stones, rocks and gravel, mulches made of synthetic materials such as rubber or plastic, landscape fabrics (geotextiles) and plastic sheeting, used to help retain soil moisture, prevent soil erosion and compaction, and suppress weed growth.

*Hazardous tree:* A structurally unsound tree that could strike a target when it fails. A tree is potentially hazardous when:

- (a) It has a readily observable structural defect that predisposes the entire tree or a significant part of the tree, to structural failure;
- (b) The structural defect cannot be remedied by an accepted arboricultural practice;
- (c) A target exists beneath or adjacent to the tree that could be injured or damaged, including, but not limited to: pedestrians, vehicles, streets, sidewalks, buildings, utility lines and other man-made structures.

*Home occupation:* An accessory use of a dwelling, employing only the inhabitants thereof, which is clearly incidental and secondary to residential occupancy, and subject to the criteria set forth in Article XI, Section D Uses on Appeal, Subsection 1.

*Hoop House:* An apparatus made of polyvinyl chloride (PVC) piping or other material covered with translucent plastic, constructed in a half-round or hoop shape, used for growing and protecting plants no more than 200 sq. ft. in area and 8 ft. in height.

*Hotel:* An establishment offering transient lodging accommodation to the general public, with all rooms having sole access (other than required or permitted emergency exits) to the outside through the main lobby of the building, and providing additional services, such as restaurants, coffee shops, gift shops and meeting rooms.

*Impervious surface:* Any human-made or naturally paved, hardened or structural surface, regardless of material, that significantly impedes or prevents the natural infiltration of water into soil. The term impervious cover includes, but is not limited to, rooftops, buildings, streets, parking lots, dense graded aggregate (DGA), impervious driveways, sidewalks, uncovered decks and patios, swimming pools and any concrete or asphalt. A non-adverse effects stormwater letter will not be required for the installation of an uncovered or unroofed natural wood deck with adequate spacing between the boards and not covering other impervious surfaces.

*Impervious surface area:* The area, typically measured in square feet or related unit, of horizontal surface of a property covered by impervious surface. Measurements to determine impervious surface area should be made between exterior or outermost portions of the impervious surface.

*Invasive plant:* A species that is non-native (or alien) to the ecosystem under consideration, and whose introduction causes, or is likely to cause, economic or environmental harm or harm to human health. See USDA Executive Order 13112 (Section 1. Definitions)

*Landscape plan:* A plan, drawn to scale, showing proposed landscaping, which may include, but is not limited to grading, irrigation, stormwater management, vegetation removal and planting with species type, size and spacing. A Landscape plan is required as part of a Land Disturbance Permit, Building Permit application or Development/Site plan. A schedule of all land disturbance or landscaping activities must be included with the landscape plan.

*Land disturbance activity:* Any activity that may result in soil erosion from wind or water, such as excavation, land clearing, grubbing, placement of fill, grading, blasting, reclamation, vegetation removal, construction and preconstruction activities. Land disturbance activity may also include areas in which construction materials are stored in association with a land disturbance or handled above ground including but not limited to, construction site vehicle parking, equipment or supply storage areas, material stockpiles, temporary office areas and access roads.

*Land disturbance permit:* A permit required for land disturbance activities.

*Living area:* The area on all floors of a building exclusive of porches, unfinished basements, unfinished attics, garages or breezeways.

*Lot:* A platted parcel of land that is part of a subdivision, abuts a public street, has the minimum area and dimensions required by the district regulations in which it is located, and is recorded in the office of the judge of probate.

*Lot coverage:* The total ground coverage of all buildings or structures on a site measured from the outside of exterior walls or supporting members, including accessory buildings or structures, but not to include at-grade off-street parking lots, deck areas, terraces, swimming pools, pool deck areas, walkways, roadways or driveways.

*Manufactured (mobile) home:* A structure built on a permanent chassis, transported to its site in one section, and affixed to a permanent foundation. A travel trailer is not to be considered as a mobile home.

*Manufactured (mobile) home park:* An area containing one or more manufactured homes used as living facilities, or an area containing one or more spaces designed or intended for parking of mobile homes to be used as living facilities.

*Major vehicle repair:* Rebuilding of engines and other components, painting, grinding, sanding, fabrication of parts, and other activities which require the storage of vehicles or are detrimental to property, health or safety beyond the district in which it is located, due to emission of odor, gas, dust, fumes, smoke, noise, vibration or waste material.

*Modular home:* A residential structure assembled on-site from building modules which were substantially assembled off-site in a manufacturing plant and transported to the building site for final assembly on a permanent foundation, after which the structure will comply with the

adopted Residential Building Code. These modular components may include but are not limited to wall panels, roof panels, or insulated concrete forms but do not include whole rooms.

*Motel:* An establishment providing transient accommodations to the general public containing twenty-five (25) or more rooms, with at least seventy-five (75) percent of the rooms having access to the outside without the necessity of passing through the main lobby of the building.

*Mini-warehouse:* A structure or group of structures, not to exceed one (1) story in height, partitioned for leasing of individual storage spaces of five hundred (500) square feet or less, wherein no retail or wholesale trade is conducted.

*Minimum tree density (MTD):* Minimum number of trees that must be present on a given site.

*Native plant:* Any plant that occurs naturally or originates in a geographic area.

*Native tree:* Trees that are indigenous to central Alabama as identified in Appendix A to Article IX.

*Nonconforming lot of record:* A lot which was lawful when platted but does not conform to the provisions of this Ordinance, or any subsequent amendments thereto.

*Nonconforming use:* A use of any building, structure, or land which was lawful when the use commenced, but does not conform with the provisions of this Ordinance or any subsequent amendments thereto for the district in which it is located.

*Nursing home:* A public or private inpatient residential facility providing a high level of long-term or short-term personal, medical or skilled nursing care for persons, such as the aged or the chronically ill, who are unable to care for themselves properly. Services provided may include 24-hour supervision and nursing care, meals, rehabilitation services, such as physical, occupational, and speech therapy, and assistance with everyday activities and personal care.

*Office park:* A lot or parcel on which more than one (1) office building is located.

*Offices:* Space or rooms used for professional, administrative, clerical and similar uses.

*Parcel:* A tract of land that is not part of a subdivision, the map of which has not been recorded in the office of the judge of probate.

*Parking lot:* An open area which is surfaced by either asphalt pavement or concrete used primarily for the purpose of parking motor driven vehicles.

*Parking Space/Pad:* A clearly designated area located on private property used for the temporary occupancy of a vehicle. See definition of driveway, pervious and driveway, impervious for allowed materials.

*Parking structure:* A structure or portion thereof designed or used primarily for the parking of motor driven vehicles.

*Permeable Surface:* Means an area paved with porous asphalt, pervious concrete, open jointed blocks or other materials designed to allow at least 50 percent of surface runoff during a typical rain event into an underlying stone reservoir that temporarily stores surface runoff before it infiltrates into the subsoil.

*Personal Services:* Establishments that provide non-medical services to individuals as a primary use. Examples include barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundry), locksmiths, massage (licensed, therapeutic, non-sexual), nail salons, pet grooming with no boarding or outdoor kennels, shoe repair shops, tailors, tanning salons. These uses may also include accessory retail sales of products related to the services provided.

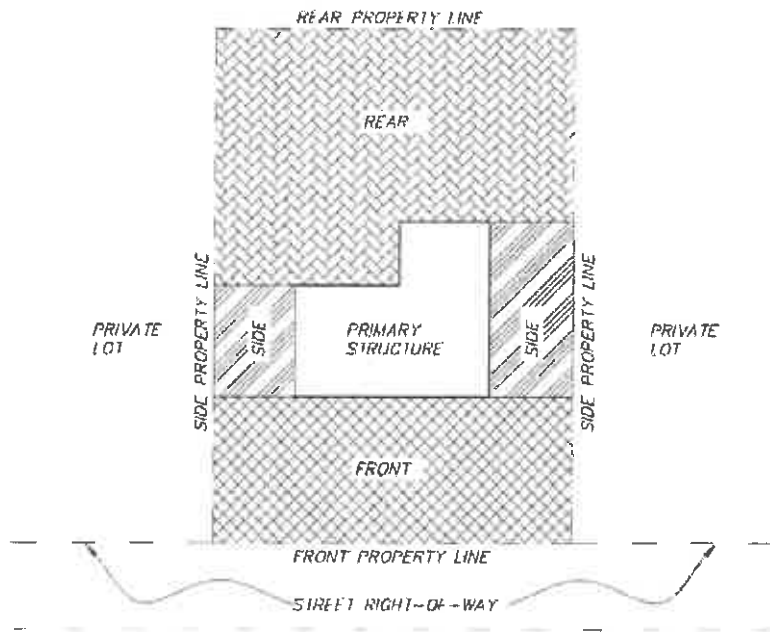
*Place of Worship:* A building, including churches, synagogues, mosques and rectories, owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without an assembly or parish hall, auditorium, administrative office, cemetery, school, day care facility or a parsonage as uses accessory thereto.

*Planning Commission:* The City of Homewood Planning Commission.

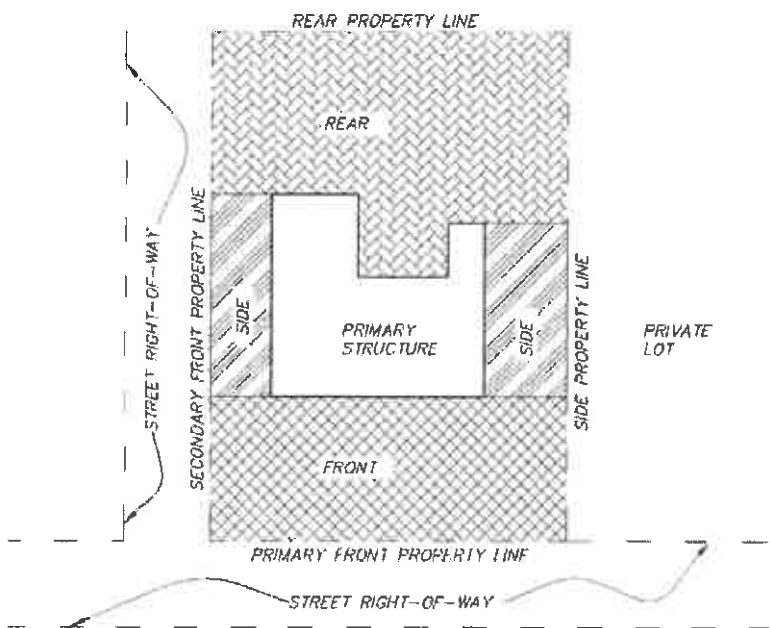
*Property lines:*

- (a) *Front property line:* Any property line along a street right-of-way.
- (b) *Side property line:* Any property line intersecting a street right-of-way.
- (c) *Rear property line:* Any other property line that is neither a side nor a front.
- (d) *Corner lots:* Lots fronting two or more streets shall use the frontage with the least dimension as the predominant front property line. The frontage with the longest dimension shall be the secondary front. The area between the secondary front property line and the elevation of the primary dwelling unit shall be considered a side yard. The building setback along the secondary front shall be the applicable side building setback for the zoning district, but not less than nine- (9-) feet. The property line located opposite the predominant front property line shall be the rear property line. The area between the rear property line and the rear corner of the primary dwelling unit, extending horizontally from the side property line to the opposite property line, shall be considered the rear yard for the placement of accessory uses and structures.

### INTERIOR LOT



### CORNER LOT



*Public tree:* A tree located on City property, including City rights-of-way, or any tree owned by the City. Trees within city rights-of-way do not count toward the minimum tree density requirement. Any work proposed on or immediately adjacent to Public Trees must receive City Council approval. All Public Trees must be protected during construction on private property. Any damage to Public Trees, including root systems, will require removal and replacement of the Public Tree at the expense of the violator.

*Public services facilities:* Federal, state, county, or city owned or operated buildings and uses such as post office, library, city hall, fire and police stations, public works, etc.

*Qualifying tree:* A tree 6 inches DBH or larger, except for invasive species listed by the Alabama Invasive Plant Council.

*Rehabilitation Center:* An inpatient residential facility designed to facilitate the process of restoring a person's ability to live and work after a disabling injury, disease, illness or addiction. Services provided may include 24-hour supervision, interdisciplinary, physical, occupational and speech therapy, detoxification and behavioral therapy and other comprehensive medical treatments.

*Rehabilitation Clinic:* An outpatient facility that offers professional services, consultation and treatment of injury, disease, illness or addiction, in an office environment. Services provided may include physical and occupational therapy, speech-language pathology, and psychiatric rehabilitation services.

*Replacement tree:* A tree that replaces a qualifying tree that has been removed for any approved reason. A replacement tree assumes the "qualifying tree" status of the qualifying tree removed.

*Restaurant:* A building in which food is cooked or prepared, offered for sale, and where patrons are served at tables by employees, including cafeterias.

*Restaurant-drive through:* Vehicle drive-through windows facing the street or traffic flow must be screened by one or some combination of a continuous hedge, shrub or earthen berm that is a minimum of five (5) feet in height. Additionally, drive-through windows must be screened from all adjacent properties in the same manner. Additional screening and buffering requirements may be required when adjacent properties are zoned or used for residential use. A minimum queue space for four (4) cars per service window shall be provided in addition to required parking.

*Restaurant, fast food:* A building in which food is cooked or prepared and offered for sale; designed where patrons serve themselves and eat at tables, on the premises, in their cars, or off the premises.

*Service station:* Any place of business at which fuels or oils for the use of motor vehicles is offered for sale at retail, and where minor repairs, services and inspections may be carried on and rendered incidental to the sale of such fuel.

*Setback:* The required minimum distance between a structure and a lot line. Measurements shall be taken from the nearest lot line to the face of finish of the applicable structure and shall be measured perpendicularly to the lot line. See also “Yard.”

- (a) *Front Setback:* The minimum required distance between the front lot line and the applicable structure, extending the full width of the lot.
- (b) *Rear Setback:* The minimum required distance between the rear lot line (or adjusted rear lot line) and the applicable structure, extending the full width of the lot.
- (c) *Side Setback:* The minimum required distance between the side lot line and the applicable structure, extending from the front setback to the rear setback.

*Sexually oriented business:* Any place of business or enterprise defined and regulated in the City of Homewood Code of Ordinances, Chapter 6, Article IX.

*Single room occupancy (SRO) housing:* A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels, rooming houses, or boarding houses.

*Shopping center:* A group of two (2) or more commercial retail or commercial service establishments located within one (1) building or a group of architecturally unified buildings and having an integrated parking area.

*Sign:* Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

*Story:* That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof, in which the floor area with eight (8) feet or more of head clearance is equivalent to fifty (50) percent or more of the floor area. A basement shall be considered a story if its ceiling is more than four (4) feet six (6) inches above grade.

*Street:* Any public way set aside for common travel as designated on the master plan.

*Street yard:* The area of a lot between the primary street right-of-way and the required front setback line, extending horizontally from side property line to the opposite property line. For corner lots which front two streets, the frontage with the least dimension shall be considered the primary street right-of-way.

*Structure:* Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground.

*Structure, accessory:* A subordinate structure incidental to the primary use of the lot, including but not limited to detached garages, carports, storage sheds, swimming pools, hot tubs and related uses, private playground equipment, tennis courts, basketball courts, batting cages and similar uses.

*Structure, primary:* The principal structure on a lot including any attached garage, carport, porch, or other attached roofed area or part thereof.

*Substantial improvement:* Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. The market value of the building should be (1) the assessed value of the structure prior to the start of the initial repair or improvement, in accordance with current International Code Council construction costs, or (2) in the case of damage, the value of the structure prior to damage occurring. Any value resulting from the location of the property should be attributed to the value of the land, not the structure.

*Total floor area:* The floor area of all stories of a building including garages, carports, and porches.

*Townhouse:* Attached dwelling units situated on individual lots.

*Tree permit:* A permit that must be applied for as required by Article IX.

*Tree disturbance activity:* Any activity that results in one or more of the following:

- (a) The movement or compaction of earth, the chemical or physical alteration of earth, vegetative or non-vegetative change in the existing soil cover or the topography in the critical root zone area of a tree or within any tree conservation area, including but not limited to: chemical application, clearing, grading, filling, excavation, stabilization of structures and road or walkway construction that in any way diminishes the health and vigor of nearby trees.
- (b) Chemical or physical alteration of a tree in any way that diminishes its health and vigor, including but not limited to removal, cutting, root pruning, branch pruning, topping, bark scraping and application of chemical or biological agents.
- (c) The placement within the critical root zone area\_ or within any tree conservation area, any permanent or temporary encroachment, including, but not limited to, the application of impervious surfaces, storage of equipment, materials, earth parking or the storage, staging or circulation of vehicles or equipment.

*Tree inventory:* A comprehensive list of individual trees with accompanying descriptive information. (ANSI A300 (Part 5) 2005 Management)

*Tree protection zone:* A space above and below ground within which trees are to be retained and protected. (ANSI A300 (Part 5) 2005 Management) For the purposes of this Article,

the Tree Protection Zone will be, at minimum, the extent of the critical root zone, but may need to be larger as determined by the City Arborist. Physical intrusion is prohibited in this area in order to prevent damage to the tree and critical root zone.

*Tree protection zone barrier:* Devices such as fencing, berms, or signage installed to limit access to tree protection zones. (ANSI A300 (Part 5) 2005 Management) For the purposes of this Article, a tree protection zone barrier shall be a polygon of 2-inch x 4-inch-wide stakes spaced a maximum of 8 feet from each other at the perimeter of the Tree Protection Zone and which extends out of the ground at least 36 inches with the top 4 inches marked by fluorescent orange paint or tape.

*Tree replacement assessment:* The total amount of monetary compensation owed to the City of Homewood, which may be required for the replacement of trees cut, destroyed, or removed from public property or rights-of-way without prior approval. The amount assessed will be calculated by the City Arborist using the latest edition of the Guide for Plant Appraisal.

*Understory Tree:* An evergreen or deciduous tree whose mature height and canopy width can be expected to range between 15 feet and 35 feet.

*Use:* The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

*Vehicular use area (VA):* An off-street area designated for the parking and movement of vehicles.

*Wall, Sitting:* A freestanding wall built to define an outdoor area and provide seating. Sitting wall materials in the primary and secondary front shall be masonry. Sitting walls may be no taller than 24 inches from grade and shall not be wider than 24 inches. Sitting walls may not enclose more than 400 square feet and must meet the same side setbacks for the primary structure.

*Yard:* An open space lying between a structure and the nearest lot line. The yard shall contain trees, plants, and/ or shrubbery. See also "Setback."

*Zoning Official:* The municipal official designated to administer this Zoning Ordinance. The term "Zoning Official" may also include a designated representative of the Zoning Official.

*Zoning lot:* A lot or parcel created by the combination of two (2) or more lots or parcels which are adjacent or contiguous to each other and are under common ownership on the effective date of this Ordinance or subsequent thereto, where any of such individual lot(s) or parcel(s), do not meet the minimum requirements of this Ordinance prior to combination.

## ARTICLE III. GENERAL REGULATIONS

### Sec. A. Districts.

In order to classify, regulate, and restrict the location of dwellings, institutions, business, industries, and the location of buildings designed for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or structurally altered; to regulate and limit the intensity of the use of land area; and to regulate and determine the areas of open spaces within and surrounding such buildings; the City of Homewood, Alabama, is hereby divided into the following districts:

(1) *Residential Districts:*

NPD Neighborhood Preservation District

R-1 Detached Dwelling Unit District

R-2 Detached Dwelling Unit District

R-3 Detached Dwelling Unit District

R-4 Attached Dwelling Unit District

R-5 Attached Dwelling Unit District

R-6 Attached Dwelling Unit District

R-7 Attached Dwelling Unit District

PR-1 Planned Residential District

PR-2 Planned Residential District

(2) *Commercial Districts:*

C-1 Office District

C-2 Neighborhood Shopping District

C-3 Community Business District

C-4 Central Business District

C-4(a) Retail Shopping District

C-4(b) High Rise Office/Commercial District

C-5 General Business District

PCD-1 Planned Office District

PCD-2 Planned Commercial District

(3) *Manufacturing Districts:*

M-1 Light Manufacturing District

PI Planned Industrial District

- (4) *Institution Districts:*
  - I-1 Institution District
  - I-2 Institution District
  - I-3 Institution District
- (5) *PMUD Planned Mixed Use Districts*
- (6) *MXD Mixed Use District*
- (7) *Urban Renewal Districts:*
  - GURD Greensprings Urban Renewal District
  - EURD Edgewood Urban Renewal District
  - WHD West Homewood District
- (8) *LPD Land Preserve District*

## **Sec. B. Zoning Map.**

The boundaries of the districts are as shown on the "Homewood Zoning Map," together with any subsequent zoning map amendments. Unless otherwise shown on said zoning map, the boundaries of districts are lot lines, the center lines of streets or alleys or such lines extended, railroad right- of-way lines, or corporate limit lines. The zoning map and all the notations, references, and other information shown thereon are a part of this Ordinance. Such map shall be filed in the office of the city clerk and shall show thereon the date of adoption and revisions of said map.

## **Sec. C. Interpretation of District Boundaries.**

The Zoning Official shall make an interpretation of the "Homewood Zoning Map" upon request of any person. Where uncertainty exists as to the boundaries of any district shown on said maps, the following rules shall apply:

- (1) Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to be such boundaries.
- (2) In unsubdivided property or tracts where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by the use of the scale appearing on such maps.
- (3) Where boundaries are approximately parallel to public right-of- way lines, such boundaries shall be construed as being parallel thereto.
- (4) In case any further uncertainty exists, the board of adjustment shall determine the location of boundaries.

## **Sec. D. General Use Requirements.**

- (1) *Application of this Ordinance:* No structure shall be construed, erected, placed or maintained and no land use commenced or continued within the city except as specifically or by necessary implication, authorized by this Ordinance.
- (2) *Except as otherwise provided in this Ordinance:*
  - (a) No land or structure may be used except for a purpose permitted in the district in which it is located.
  - (b) No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area and height regulations of the district in which the building is located.
  - (c) The minimum building lines, parking spaces, open spaces, and lot areas, required by this Ordinance for each existing building or for any building hereafter erected, shall not be encroached upon nor reduced.
  - (d) Every building hereafter erected or structurally altered shall be located on one lot. However, this Ordinance specifically permits more than one building on a lot, in the case of attached dwellings, and uses which require development plan approval. Townhouses shall be constructed as one building on more than one lot.
  - (e) A boundary survey, prepared by a professional land surveyor, that includes the dimensions of a lot or parcel and shows all existing structures, shall be submitted for review prior to the approval of any permit that adds to or makes changes to a lot or parcel, including but not limited to, the construction of a new dwelling or building, the construction of a new accessory structure such as a garage/ADU, swimming pool, deck, etc., additions to an existing dwelling or building, construction of a new or replacement fence and/or a new or replacement driveway or installation of hardscape or artificial turf.
- (3) Temporary structures for uses incidental to construction work may be permitted in any district during the period that construction work is in progress, but such temporary structures shall be removed upon completion or abandonment of the construction work.
- (4) Utility structures including, but not limited to, poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone, telegraph, or cable television service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other fluids may be constructed, erected, repaired, maintained or replaced within any district within the City of Homewood. This is not to be construed to include the erection or construction of buildings or electric substations.

## **Sec. E. Interpretation of Uses.**

This Ordinance recognizes the limitations of the district use listings given the infinite variations of essentially similar uses. Therefore, the Zoning Official is empowered to make interpretations so as to classify any questioned use within a listed use of most similar impact and characteristics. However, in no case shall the Zoning Official interpret a use as falling in one listed use when the use in question is more similar in impact and characteristics to another listed use. Any appeals related to the Zoning Official's use interpretation may be filed with the board of zoning adjustment.

## **Sec. F. Unclassified Uses.**

In the event the Zoning Official finds a new or unusual use that cannot appropriately fit a listed use in any district, the following procedures shall be followed:

- (1) If compatible with the existing zoning district intent, the unclassified use shall be permitted by special exception upon approval and subject to the conditions set by the board of zoning adjustment.
- (2) If the unclassified use would not be compatible with the intent of the existing zoning district, the Zoning Official shall determine the most appropriate zoning district classification and require the property in question to be rezoned. In addition, the unclassified use shall be permitted in the new district by special exception if granted approval by the board of zoning adjustment.
- (3) Following final action on the unclassified use, as (1) and (2) above may require, the planning commission may initiate an amendment to this Ordinance to list the newly permitted use in the most appropriate district(s).

## **Sec. G. Nonconforming Uses and Structures.**

- (1) *Statement of intent.* Within the districts established by this Ordinance or amendments that may later be adopted, there exist structures and uses of land and structures, which were lawful when established, but which would be prohibited or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue, but not to encourage their survival. Nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (2) *Continuance:* A nonconforming use lawfully existing at the effective date of this Ordinance may be continued, except as hereafter provided, although such use does not conform with the provisions of this Ordinance.
  - (a) *Restoration to safe condition:* Nothing in this Ordinance shall prevent the restoration of a primary structure to a safe or sanitary condition when required by the proper authorities.

- (b) *Non-Conforming Structures Unsafe Because of a Lack of Maintenance:* If a non-conforming structure or portion of a structure or any structure containing a non-conforming use becomes physically unsafe or unlawful due to a lack of repairs or maintenance, and is declared by the Zoning Official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- (c) *Accessory Structures:* Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of structures, or of structures and premises in combination exists involving an individual, permanently-fixed structure with a replacement cost at or exceeding one thousand dollars (\$1,000) or a combination of permanently-fixed structures with a replacement cost at or exceeding four thousand dollars (\$4,000), such use may be continued so long as it remains otherwise lawful provided;
  - (i) No existing nonconforming accessory structure shall be enlarged, extended, constructed, reconstructed, moved to another location on the property, or structurally altered except in changing the structure to conform with the provisions of the district in which it is located.
- (d) *Restoration after damages:* Other than primary dwellings, no nonconforming building or structure which has been damaged by fire or other causes to more than fifty (50) percent of its current replacement value prior to the time of such damage may be rebuilt or restored except in conformity with the provisions of this Article. The current replacement value shall be determined in accordance with current International Code Council construction costs. Any value resulting from the location of the property should be attributed to the value of the land, not the structure.
- (3) *Modifications:* Nonconforming primary structures can be maintained, repaired and modified, provided such maintenance, repairs or modifications do not increase, enlarge or alter the non-conforming structure in any way which increases the structure's non-conformity.
- (4) *Abandonment:* A nonconforming use which has been discontinued for a continuous period of six (6) months shall not be reestablished, and any future use shall be in conformity with the provisions of this Ordinance. A use shall be considered discontinued or abandoned upon the first day that any of the following events has occurred: (1) the use physically vacates the site, (2) the use ceases to be actively involved in the activity, (3) any lease or contract under which the use has occupied the land is terminated, (4) a request for final reading of water and power meters is made to the applicable utility districts, (5) the business license under which the use operates is not renewed or maintained as required.
- (5) *Change in use:* A nonconforming use shall not be changed to another nonconforming use. A nonconforming use which is changed to a conforming use shall not be permitted to revert to a nonconforming use.

## **Sec. H. Abandoned Right-of-Way.**

Whenever any street, alley or other public way is vacated or abandoned by official action of the City of Homewood, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations of the extended district.

## **Sec. I. Nonconforming Lots.**

- (1) There exist lots in the city, which were lawful when platted, but which are too small to be developed under the provisions of this Ordinance. (Nonconforming lot(s) of record.) Some of these lots are in subdivisions which have a dwelling on each lot; others are in subdivisions which were developed using more than one (1) lot per dwelling.
- (2) A nonconforming lot of record that is inadequate in area or width shall be considered buildable, provided that it meets all remaining requirements of this Ordinance, including but not limited to setbacks. Where relief would be necessary to make a nonconforming lot of record buildable, a variance may be considered by the board of zoning adjustment.
- (3) Where adjacent nonconforming lots under common or joint ownership are not buildable due to inability to meet side setback requirements, said lots shall be resurveyed to create one or more lots or parcels which conform with side setback requirements of the district in which such property is located.
- (4) The provisions of this Section are intended to apply to all nonconforming lots or parcels whether shown on an approved or recorded plot or plan.
- (5) A lot of record, at the time of the effective date of this Ordinance (or December 9, 1986), which does not conform to the requirements of this Ordinance and which is not adjacent to or contiguous to and under common ownership with another lot of record or parcel, may be used as a building site.
- (6) Nonconforming lots are subject to the provisions of Article IX: Tree Protection and Landscape as specified in that article, and no provision of this Article should be construed to exempt nonconforming lots from this Ordinance's tree protection and landscape requirements.

## ARTICLE IV. DISTRICT USES

### Sec. A. NPD Neighborhood Preservation District.

- (1) *Intent:* To recognize the historical patterns and densities of residential subdivisions, and to encourage the continuation of homogeneous development patterns.
- (2) *Use Regulations:* Refer to Section K in Article IV.
- (3) *Development regulations:*
  - (a) Property located in the NPD district may be developed if the lot area of the subject property is greater than or equal to one hundred (100%) percent of the average developed density and lot width of the recorded residential lots within the impact area. Average developed density is defined as the number of dwellings within the impact area, divided into the square footage contained in the residential lots recorded in the Jefferson County Probate Office, within the impact area; subject to the following:
    - (i) The proposed lot(s) shall not be used to compute average developed density.
    - (ii) If a portion of a lot is within the impact area, the entire lot shall be used to compute average developed density.
    - (iii) A vacant lot or a group of contiguous vacant lots owned by the same person or entity, shall be used to compute average developed density, only if they are contiguous to a lot under the same ownership, which contains a dwelling.
    - (iv) A vacant lot of one (1) acre or more, or a series of vacant lots with a cumulative area of one (1) acre or more, shall not be used to compute average developed density.
    - (v) If there are unusual lots in the impact area (unusually large, unusually small, highly out of character in shape, terrain, etc.) then the largest lot and the smallest lot may be removed from the impact area for calculating purposes.
  - (b) *Impact area:* The impact area for lots shall be all detached residential lots within two hundred fifty (250) feet in both directions along both sides of the road or nearest intersection whichever is closer, of the subject lot, except that no lots in any of the Planned Districts shall be used to compute the average developed density. In the event of a corner lot both streets will be used with each street being considered separately.
  - (c) *Average lot width:* Because some NPD areas have a dwelling on each recorded lot, while other areas were developed using more than one (1) recorded lot per dwelling, average lot width shall be defined as follows: The cumulative distance determined by measuring the lot width at the front building line, of all lots used to compute

average developed density, divided by the number of dwellings in the impact area. For the purpose of this calculation, the width of a corner lot shall be the average of the lot widths at the building line, for all abutting streets.

(d) *Setbacks:*

- (i) *Front:* Shall be no closer to the front property line than any house on a lot where the lot is within one hundred (100) feet or less on either side of the subject property on the same side of the street, or to the nearest corner if less than one hundred (100) feet or in no case shall it be closer than twenty-five (25) feet to the right-of-way. Houses are not to be set back any further than ten (10) percent of the average setback within the same one hundred (100) feet thereof.

(ii) *Side:*

Predominant Front Lot Width	Min. Side Building Setback
≤ to 55 ft	5 ft minimum, 14 ft total
> 55 ft	10 ft and 10 ft

- (iii) *Rear:* The minimum rear building setback shall be twenty (20) feet.

(e) *Maximum building height:*

Predominant Front Lot Width	Height
≤ 55 ft	29 ft Or if the structure is constructed on a crawl space no greater than 32 ft from the existing grade at the center of the front foundation wall.
> 55 ft	35 ft Or if the structure is constructed on a crawl space no greater than 38 ft from the existing grade at the center of the front foundation wall.

For all new construction, not including renovations, interior re-models, additions, etc., a topographical survey of the conditions within the building setbacks, including spot elevations along the proposed front foundation wall, shall be provided to determine the existing grade. Elevation dimensions shall be measured from the existing grade to determine the allowed height of the primary structure.

A spot elevation at the center of the front foundation wall shall be provided on the required foundation survey.

(f) *Minimum Living area of dwelling:*

Predominant Front Lot Width	Minimum Living Area
≤ 49 ft	800 sq. ft
50-55 ft	1200 sq. ft

56-65 ft	1400 sq. ft
66-75 ft	1600 sq. ft
76 ft and greater	1800 sq. ft

(g) *Maximum lot coverage of primary structure:* 37% of total lot area

(h) *Maximum impervious surface coverage:* 45% of total lot area

*Maximum accessory structure footprint:* The combined footprint area of all accessory structures on a lot may not exceed 25% the area of the footprint of the primary structure.

(i) Supplemental Use Regulations, Article V.

(j) District Development Criteria, Article VI, Section D.

(k) Off-Street Parking and Loading Requirements, Article VIII.

(l) Signs, see Article X.

(m) City of Homewood Subdivision Regulations.

## **Sec. B. R-1 Detached Dwelling Unit District.**

(1) *Intent:* To establish areas for detached dwelling units with a minimum lot size of 15,000 square feet that are protected from incompatible land uses.

(2) *Use Regulations:* Refer to Section K in Article IV.

(3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Lot Area Coverage (Building)	Maximum Impervious Surface Coverage
		Front	Rear	Each Side				
15,000 sq. ft.	80 ft	35 ft	35 ft	15 ft	35 ft	1,400 sq. ft.	37%	45%

(4) *Other regulations:*

(a) Supplemental Use Regulations, Article V.

(b) District Development Criteria, Article VI.

(c) Off-Street Parking and Loading Regulations, Article VIII.

(d) Signs, see Article X.

- (e) City of Homewood Subdivision Regulations.

### **Sec. C. R-2 Detached Dwelling Unit District.**

- (1) *Intent:* To establish areas for detached dwelling units with a minimum lot size of 10,000 square feet that are protected from incompatible land uses.
- (2) *Use Regulations:* Refer to Section K in Article IV.
- (3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Lot Area Coverage (Building)	Maximum Impervious Surface Coverage
		Front	Rear	Each Side				
10,000 sq. ft.	70 ft	30 ft	30 ft	10 ft	35 ft	1,200 sq. ft.	37%	45%

- (4) *Other regulations:*
- (a) Supplemental Use Regulations, Article V.
- (b) District Development Criteria, Article VI.
- (c) Off-Street Parking and Loading Regulations, Article VIII.
- (d) Signs, see Article X.
- (e) City of Homewood Subdivision Regulations.

### **Sec. D. R-3 Detached Dwelling Unit District.**

- (1) *Intent:* To establish areas for detached dwelling units with a minimum lot size of 7,500 square feet that are protected from incompatible land uses.
- (2) *Use Regulations:* Refer to Section K in Article IV.
- (3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Lot Area Coverage (Building)	Maximum Impervious Surface Coverage
		Front	Rear	Each Side				
7,500 sq. ft.	60 ft	30 ft	30 ft	10 ft	35 ft	1,000 sq. ft.	37%	45%

- (4) *Other regulations:*
- (a) Supplemental Use Regulations, Article V.

- (b) District Development Criteria, Article VI.
- (c) Off-Street Parking and Loading Regulations, Article VIII.
- (d) Signs, see Article X.
- (e) City of Homewood Subdivision Regulations.

#### **Sec. E. R-4 Attached Dwelling Unit District.**

- (1) *Intent:* To designate areas for both attached and detached dwelling units, while ensuring that incompatible land uses are kept separate. Use Regulations: Refer to Section K in Article IV.

- (2) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit
		Front	Rear	Each Side		
6,000 sq. ft.	50 ft	25 ft	25 ft	8 ft	35 ft	900 sq. ft.

- (3) *Other regulations:*

- (a) Supplemental Use Regulations, Article V.
- (b) District Development Criteria, Article VI.
- (c) Open Space, see Section M in Article VI.
- (d) Off-Street Parking and Loading Regulations, Article VIII.
- (e) Signs, see Article X.
- (f) City of Homewood Subdivision Regulations.

#### **Sec. F. R-5 Attached Dwelling Unit District.**

- (1) *Intent:* To permit the construction of attached housing units, including townhouses, duplexes, triplexes, and multiplexes, that encourage a sense of community through the use of shared amenities like parks, playgrounds, and pedestrian-friendly infrastructure.
- (2) *Use Regulations:* Refer to Section K in Article IV.

(3) *Area and Dimension Regulations for Duplexes, Triplexes, and Multiplexes:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit
		Front	Rear	Each Side		
8,000 sq. ft. plus 2,500 sq. ft. per unit	65 ft	35 ft	35 ft	15 ft and (a)	35 ft	700 sq. ft.
	plus 5 ft per unit					

- (a) No closer than 35 feet (ft) adjacent to a detached dwelling district boundary.

(4) *Area and Dimension Regulations for Townhouses:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit
		Front	Rear	Each Side		
3,100 sq. ft.	24 ft	24	40	(a)	35 ft	1,200 sq. ft.

- (a) Zero (0) ft for interior units and ten (10) ft for end units, and no closer than 35 feet (ft) adjacent to a detached dwelling district boundary.

(5) *Parking, loading and garage regulations:*

- (a) *Where the regulations in this Section conflict with Article VII: Off-Street Parking and Loading Regulations, the regulations in this Section shall prevail.*
- (b) All required parking shall be accessed at the rear of the units by an alley or common drive.

(6) *Other regulations:*

- (a) Supplemental Use Regulations, Article V.
- (b) District Development Criteria, Article VI.
- (c) Open Space, see Section M in Article VI.
- (d) Required Development Plans, Article VII.
- (e) No fewer than three (3) nor more than eight (8) townhouses shall be located within a continuous building group.
- (f) Off-Street Parking and Loading Regulations, Article VIII.

- (g) Signs, see Article X.
- (h) City of Homewood Subdivision Regulations.

**Sec. G. R-6 Attached Dwelling Unit District.**

- (1) *Intent:* To provide for high density attached dwelling units, developed in accord with an approved development plan, as required in Article VI.
- (2) *Use Regulations:* Refer to Section K in Article IV and the provisions below.
  - (a) *Entertainment facility:* for use by residents only.
  - (b) *Health club and fitness studio:* for use by residents only.
- (3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit
		Front	Rear	Each Side		
Min. site of 5 acres is required.	Height and density requirements shall be determined by development plan					

- (4) *Other regulations:*
  - (a) Supplemental Use Regulations, Article V.
  - (b) District Development Criteria, Article VI.
  - (c) Open Space, see Section M in Article VI.
  - (d) Required Development Plans, Article VII.
  - (e) Off-Street Parking and Loading Regulations, Article VIII.
  - (f) Signs, see Article X.
  - (g) City of Homewood Subdivision Regulations.
- (5) *Height regulations:* Maximum height of structures in the R-6 District shall be determined by planning commission review of a development plan, containing all information required in Article VI. High-rise structures have a propensity to obstruct visibility, obscure significant landmarks and features, deprive adjacent areas of natural ventilation and sunlight, and dramatically change the character of an area or city. Therefore, the planning commission shall consider as a minimum, the following factors when reviewing a development plan for high-rise structures:

- (a) Compatibility of the proposed development with the area or neighborhood in which it is proposed.
- (b) Capability of the area to accommodate a high-density development in terms of: vehicular and pedestrian traffic, proximity to public transportation, storm drainage, and safe and efficient access to the site.
- (c) Proposed developments featuring high-rise structures shall concentrate all proposed improvements, using a minimum amount of the site.

## **Sec. H. R-7 Attached Dwelling Unit District.**

- (1) *Intent:* To establish areas for attached dwelling units on individual lots that promote a sense of community through the provision of shared amenities, such as parks, playgrounds, and pedestrian-friendly infrastructure.
- (2) *Use Regulations:* Refer to Section K in Article IV.
- (3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit
		Front	Rear	Each Side		
3,100 sq. ft.	24 ft	10 ft	40 ft	(a)	35 ft	1,200 sq. ft.

- (a) Zero (0) ft for interior units and ten (10) ft for end units, and no closer than 12 feet (ft) from the district boundary.
- (4) *Parking, loading and garage regulations:*
  - (a) *Where the regulations in this Section conflict with Article VII: Off-Street Parking and Loading Regulations, the regulations in this Section shall prevail.*
  - (b) All required parking shall be accessed at the rear of the units by an alley or common drive.
- (5) *Other regulations:*
  - (a) Supplemental Use Regulations, Article V.
  - (b) District Development Criteria, Article VI.
  - (c) Open Space, see Section M in Article VI.
  - (d) No less than three (3) nor more than eight (8) dwelling units shall be located within a continuous building group.
  - (e) Off-Street Parking and Loading Regulations, Article VII.

- (f) Signs, see Article X.
- (g) City of Homewood Subdivision Regulations.
- (h) An easement appurtenant shall be provided where individuals must cross private property for maintenance or repairs.

## **Sec. I. PR-1 Planned Residential District.**

- (1) *Intent:* Planned development is a technique that allows for the development of a tract of land as one cohesive unit, rather than separate lots. It encourages coordinated development and permits detached dwelling units and accessory structures, as well as recreation and service uses that are clearly incidental to residential occupancy. The goal of planned development is to permit higher densities while incorporating improved, commonly owned or controlled, functional open space, and preserving and enhancing existing natural landscape features. All development plans for planned developments must be approved in compliance with Article VI.
- (2) *Use Regulations:* Refer to Section K in Article IV.
- (3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Lot Area Coverage (Building)
		Front	Rear	Each Side			
Minimum site of 2 acres is required	Height and density of structures shall be determined by development plan				40 ft	NA	25%

- (4) *Other regulations:*
  - (a) Supplemental Use Regulations, Article V.
  - (b) District Development Criteria, Article VI.
  - (c) Required Development Plans, Article VII.
  - (d) Off-Street Parking and Loading Regulations, Article VIII.
  - (e) Signs, see Article X.

## **Sec. J. PR-2 Planned Residential District.**

- (1) *Intent:* Planned development is a technique that allows for the development of a tract of land as one cohesive unit, rather than separate lots. It encourages coordinated development and permits detached dwelling units, attached dwelling units, and accessory structures, as well as recreation and service uses that are clearly incidental to residential occupancy. The goal of planned development is to permit higher densities while incorporating improved,

commonly owned or controlled, functional open space, and preserving and enhancing existing natural landscape features. All development plans for planned developments must be approved in compliance with Article VI.

(2) *Use Regulations:* Refer to Section K in Article IV.

(3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Lot Area Coverage (Building)
		Front	Rear	Each Side			
Minimum site of 5 acres is required	Height and density of structures shall be determined by development plan					NA	35%

(4) *Other regulations:*

- (a) Supplemental Use Regulations, Article V.
- (b) District Development Criteria, Article VI.
- (c) Required Development Plans, Article VII.
- (d) Off-Street Parking and Loading Regulations, Article VIII.
- (e) Signs, see Article X.

## Sec. K. Permitted Uses for Residential Districts.

District Uses	Zoning Districts									
	NPD	R-1	R-2	R-3	R-4	R-5	R-6	R-7	PR-1	PR-2
<b>Residential</b>										
1 dwelling unit per lot	P	P	P	P	P				P	P
1 dwelling unit per lot (zero lot line)								P		
2 dwelling units per lot					P	P	P			P
More than 2 dwelling units per lot						P	P			P
Accessory structure	P	P	P	P	P	P	P	P	P	P
Accessory dwelling unit	P	P	P	P						
Assisted living		R	R	R	R	R	R	R	R	R
Nursing home		R	R	R	R	R	R	R	R	R
Single room occupancy (SRO)		R	R	R	R	R	R	R	R	R

Non-Residential									
Entertainment facility							R		
Health club and fitness studio						P	R		
Rehabilitation center						P	P		
Incidental recreational and service uses						P	P	P	P
<p>P: The use is permitted by right subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to Section E and Section F in Article III.</p> <p>R: The use is allowed upon meeting the conditions set forth in this Ordinance. See Use Regulations within each district in Article IV and the provisions set forth in Article V: Supplemental Use Regulations.</p> <p>A blank cell indicates that the use is not permitted.</p>									

## Sec. L. C-1 Office Building District.

- (1) *Intent:* To provide areas for office and professional buildings compatible with commercial and residential environments.
- (2) *Use Regulations:* Refer to Section GG in Article IV and the provisions below.
  - (a) Office buildings in excess of two thousand five hundred (2,500) square feet of floor area may use ten (10) percent of the floor area for retail and service uses such as restaurants, opticians, gift shops, barber and beauty shops, quick copy services, specialty shops, banks, and other commercial uses appropriate to the professional office environment.

### (3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Setbacks				Maximum Height of Structure
		Front Setback (Minimum)	Front Setback (Maximum)	Rear	Side	
NA	NA	25 ft	45 ft	20 ft	15 ft	35 ft and (a)

- (a) Maximum height of structures in the Brookwood Overlay District shall be determined by the requirements of Article IV, Section CC "Brookwood Overlay District."
- (4) *Other regulations:*
  - (a) Supplemental Use Regulations, Article V.
  - (b) District Development Criteria, Article VI.
  - (c) Off-Street Parking and Loading Regulations, Article VIII.

- (d) Signs, see Article X.

### **Sec. M. C-2 Neighborhood Shopping District.**

- (1) *Intent:* To provide areas for retail and service establishments convenient to and compatible with the character of adjacent residential neighborhoods.
- (2) *Use Regulations:* Refer to Section GG in Article IV and the provisions below.
- (a) *Auto parts store:* no service, installation, or repair.
- (b) *Office building:* must be less than five thousand (5,000) square feet floor area.
- (c) *Rent-to-own stores:* no outside storage.
- (3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Setbacks				Maximum Height of Structure
		Front Setback (Minimum)	Front Setback (Maximum)	Rear	Side	
NA	NA	0 ft	20 ft	20 ft	0 ft and (a)	35 ft and (b)

- (a) No closer than 15 feet (ft) when adjacent to a residential district boundary.
- (b) Maximum height of structures in the Brookwood Overlay District shall be determined by the requirements of Article IV, Section CC "Brookwood Overlay District."
- (4) *Other regulations:*
- (a) Supplemental Use Regulations, Article V.
- (b) District Development Criteria, Article VI.
- (c) Neighborhood shopping centers may be developed in the C-2 District, upon approval of a final development plan, by the planning commission, as required in Article VII.
- (d) Off-Street Parking and Loading Regulations, Article VIII.
- (e) Signs, see Article X.

### **Sec. N. C-3 Community Shopping District.**

- (1) *Intent:* To provide areas for community-wide and regional retail shopping establishments, which by their nature, are located along major traffic arteries.

(2) *Use Regulations:* Refer to Section GG in Article IV and the provisions below.

- (a) *Auto parts store:* no service, installation, or repair.
- (b) *Building material sales and home improvement centers:* no outside storage visible from off the premises.
- (c) Office buildings in excess of two thousand five hundred (2,500) square feet of floor area may use ten (10) percent of the floor area for retail and service uses such as restaurants, opticians, gift shops, barber and beauty shops, quick copy services, specialty shops, banks, and other commercial uses appropriate to the professional office environment.
- (d) *Major vehicle repair:* all work must be conducted entirely within an enclosed building.
- (e) *Minor vehicle repair:* all work must be conducted entirely within an enclosed building.
- (f) *Rent-to-own stores:* no outside storage.

(3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Setbacks				Maximum Height of Structure
		Front Setback (Minimum)	Front Setback (Maximum)	Rear	Side	
10,000 sq. ft.	NA	35 ft	60 ft	20 ft	0 ft and (a)	45 ft

- (a) No closer than 15 feet (ft) when adjacent to a residential district boundary.

(4) *Other regulations:*

- (a) Shopping centers may be developed in the C-3 District, upon approval of a development plan by the planning commission, as required in Article VII.
- (b) Supplemental Use Regulations, Article V.
- (c) District Development Criteria, Article VI.
- (d) Off-Street Parking and Loading Regulations, Article VIII.
- (e) Signs, see Article X.

## **Sec. O. C-4 Central Business District.**

- (1) *Intent:* To provide flexibility in development criteria and land use within the Homewood central business district; to encourage greater densities, a variety of uses, and pedestrian circulation.
- (2) *Use Regulations:* Refer to Section GG in Article IV and the provisions below.
  - (a) *Auto parts store:* no service, installation, or repair.
  - (b) *Office:* must be located above the first floor of the building.
- (3) *Area and Dimension Regulations:*

Minimum Lot Area	Setbacks			Rear	Side	Maximum Height of Structure
	Minimum Lot Width at Front Building Line	Front Setback (Minimum)	Front Setback (Maximum)			
6,000 sq. ft.	NA	0 ft	30 ft	20 ft	0 ft and (a)	35 ft

- (a) No closer than 15 feet (ft) when adjacent to a residential district boundary.
- (4) *Other regulations:*
  - (a) Shopping centers may be developed in the C-4 District upon approval of a development plan, by the planning commission, as required in Article VII.
  - (b) Supplemental Use Regulations, Article V.
  - (c) District Development Criteria, Article VI.
  - (d) Required Development Plans, Article VII.
  - (e) Off-Street Parking and Loading Regulations, Article VIII.
  - (f) Signs, see Article X.

## **Sec. P. C-4(a) Retail Shopping District.**

- (1) *Intent:* To provide a compact area within the Central Business District, for retail trade and service establishments which are dependent upon pedestrian shoppers, continuous store frontage at street level, off premise parking, and unity of purpose.
- (2) *Use Regulations:* Refer to Section GG in Article IV and the provisions below.
  - (a) *Auto parts store:* no service, installation, or repair.

- (b) *Office*: must be located above the first floor of the building.

(3) *Area and Dimension Regulations:*

Minimum Lot Area	Setbacks			Rear	Side	Maximum Height of Structure
	Minimum Lot Width at Front Building Line	Front Setback (Minimum)	Front Setback (Maximum)			
1,500 sq. ft.	25 ft	0 ft	20 ft	15 ft	NA	35 ft

(4) *Other regulations:*

- (a) Supplemental Use Regulations, Article V.
- (b) District Development Criteria, Article VI.
- (c) Off-street parking is not required for permitted uses located on the street level story of a building. Floor area above the street level story shall provide off-street parking spaces as required for the C-4 District in the Off-Street Parking and Loading Regulations, Article VIII.
- (d) Signs, see Article X.

**Sec. Q. C-4(b) High Rise Office/Commercial District.**

- (1) *Intent*: To permit areas for high rise buildings, and to require that high rise buildings be permitted only under conditions that insure: adequate light and air around buildings and on the streets; useable open space available to the public; and prevent excessive congestion on streets.
- (2) *Use Regulations*: Refer to Section GG in Article IV and the provisions below.
  - (a) *Auto parts store*: no service, installation, or repair.
  - (b) *Health clubs and fitness centers*: must be located within an office building with total floor area greater than twenty thousand (20,000) square feet.
  - (c) *Fast-food restaurant*: must be located in an office building with total floor area greater than twenty thousand (20,000) square feet.

(3) *Area and Dimension Regulations:*

Minimum Lot Area	Setbacks			Rear	Side	Maximum Height of Structure
	Minimum Lot Width at Front Building Line	Front Setback (Minimum)	Front Setback (Maximum)			
50,000 sq. ft.	150 ft	0 ft	20 ft	NA	NA	Floor/area ratio

- (4) A through H shall apply only if the subject building is to be constructed to a height greater than thirty- five (35) feet using the floor area ratio as the determinant of building height.
- (a) The maximum gross floor area of a building shall be two hundred (200) percent of the lot area; however, the gross floor area may be increased as stipulated by the following provisions. This ratio of building floor area to lot area shall determine the permitted height of all buildings.
  - (b) For every five (5) percent of lot area developed and maintained as permanent open space at grade, the maximum gross floor area of the building may be increased by an amount equal to fifty (50) percent of said permanent open space area, provided that such open space is not located within the proposed right-of-way of any street.
  - (c) Each time the maximum horizontal area occupied by that portion of a building above the second story level is reduced by five (5) percent of lot area, the maximum gross floor area of the building may be increased by an amount equal to fifty (50) percent of lot area.
  - (d) If that portion of a building above the second-story level sets back from its front street line an average distance not less than two (2) feet for each additional story in height, the maximum gross floor area may be increased by an amount equal to one hundred fifty (150) percent of lot area.
  - (e) If that portion of a building above the second story level sets back from any interior side lot line by a distance not less than eight-tenths foot for each additional story in height or fifteen (15) feet, whichever is greater, the maximum gross floor area may be increased by an amount equal to fifty (50) percent of lot area.
  - (f) If that portion of a building above the second story level sets back from any side street by an average distance not less than one and one-half (1.5) feet for each additional story in height, the maximum gross floor area may be increased by an amount equal to one hundred fifty (150) percent of lot area.
  - (g) If a building sets back from any street line by a distance equal to proposed right-of-way widening of such street, gross floor area may be increased by an amount equal to four (4) times the lot area contained in the proposed right-of-way widening.

- (h) If a building contains an arcade or atrium with open floor space designed, furnished, and intended to be accessible by, and provided for the convenience of the general public during business hours, then for each square foot of non-leasable floor space in such arcade or atrium, the maximum gross floor area of the building may be increased by six (6) square feet.
- (i) Supplemental Use Regulations, Article V.
- (j) District Development Criteria, Article VI. C-4(a) quantitative development criteria shall apply unless the proposed building exceeds thirty-five (35) feet in height, using the floor area ratio as the determinant of building height.
- (k) Off-Street Parking and Loading Regulations, Article VIII.
- (l) Signs, see Article X.

## **Sec. R. C-5 General Business District.**

- (1) *Intent:* To provide areas for the conduct of wholesale trade, warehousing, light fabrication, repair and storage uses, in a manner which minimizes the negative impact of such uses off the premises.
- (2) *Use Regulations:* Refer to Section GG in Article IV and the provisions below.
  - (a) *Auto parts store:* no service, installation, or repair.
  - (b) *Building material sales and home improvement centers:* no outside storage visible from off the premises.
  - (c) Office buildings in excess of two thousand five hundred (2,500) square feet of floor area may use ten (10) percent of the floor area for retail and service uses such as restaurants, opticians, gift shops, barber and beauty shops, quick copy services, specialty shops, banks, and other commercial uses appropriate to the professional office environment.
  - (d) *Major vehicle repair:* all work must be conducted entirely within an enclosed building.
  - (e) *Minor vehicle repair:* all work must be conducted entirely within an enclosed building.
  - (f) *Manufacturing and industrial, artisanal:* all work must be conducted entirely within an enclosed building.
  - (g) *Manufacturing and industrial, light:* all work must be conducted entirely within an enclosed building.
  - (h) *Rent-to-own stores:* no outside storage.

(3) *Area and Dimension Regulations:*

Minimum Lot Area	Setbacks			Rear	Side	Maximum Height of Structure
	Minimum Lot Width at Front Building Line	Front Setback (Minimum)	Front Setback (Maximum)			
10,000 sq. ft.	75 ft	20 ft	80 ft	20 ft	0 ft and (a)	35 ft

- (a) No closer than 25 feet (ft) from a public street, nor 15 feet (ft) from the district boundary.

(4) *Other regulations:*

- (a) Repair, fabrication, and all other work activities shall be conducted entirely within an enclosed building.
- (b) Outside storage of materials, equipment, vehicles, and parking of fleet vehicles, shall be within an area behind the building set back line, and screened from view from off the premises.
- (c) Supplemental Use Regulations, Article V.
- (d) District Development Criteria, Article VI.
- (e) Off-Street Parking and Loading Regulations, Article VIII.
- (f) Signs, see Article X.

**Sec. S. I-1 Institution District.**

- (1) *Intent:* To provide areas for institutions that are complementary to residential neighborhoods, uses typically permitted in this district provide recreational or educational opportunities, public safety services, or commemorative services. Institution developments on sites of three (3) acres or more or featuring more than one (1) building on a lot or parcel, shall be developed in accord with an approved development plan as stipulated in Article VI.
- (2) *Use Regulations:* Refer to Section GG in Article IV.

(3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Lot Area Coverage (Building)
		Front	Rear	Each Side			
NA	75 ft	(a)	(a)	(a)	35 ft and (a)	NA	NA

- (a) No closer than 15 feet (ft) from the district boundary.

(4) *Other regulations:*

- (a) Supplemental Use Regulations, Article V.
- (b) District Development Criteria, Article VI.
- (c) Required Development Plans, Article VII.
- (d) Off-Street Parking and Loading Regulations, Article VIII.
- (e) Signs, see Article X.

**Sec. T. I-2 Institution District.**

- (1) *Intent:* To provide areas for institutions that are complementary to residential and commercial areas. Uses are commonly associated with public institutions or facilities that serve the needs of the community. They typically provide public services, social gatherings, or community events, and are often owned or operated by local government entities or religious institutions. Institution developments on sites of three (3) acres or more or featuring more than one (1) building on a lot or parcel, shall be developed in accord with an approved development plan as stipulated in Article VI.

- (2) *Use Regulations:* Refer to Section GG in Article IV.

(3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Lot Area Coverage (Building)
		Front	Rear	Each Side			
NA	75 ft	(a)	(a)	(a)	35 ft and (a)	NA	NA

- (a) No closer than 15 feet (ft) from the district boundary.

(4) *Other regulations:*

- (a) Supplemental Use Regulations, Article V.
- (b) District Development Criteria, Article VI.

- (c) Required Development Plans, Article VII.
- (d) Off-Street Parking and Loading Regulations, Article VIII.
- (e) Signs, see Article X.

**Sec. U. I-3 Institution District.**

- (1) *Intent:* To provide areas for institutions that are typically larger in scale and have a regional draw. Uses typically associated with this district include colleges, vocational schools, hospitals and medical centers, and athletic fields. Institution developments on sites of three (3) acres or more or featuring more than one (1) building on a lot or parcel, shall be developed in accord with an approved development plan as stipulated in Article VI.
- (2) *Use Regulations:* Refer to Section GG in Article IV.
- (3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Lot Area Coverage (Building)
		Front	Rear	Each Side			
NA	75 ft	(a)	(a)	(a)	35 ft and (b and c)	NA	NA

- (a) No closer than 15 feet (ft) from the district boundary.
  - (b) Athletic Fields – maximum height of light pole structures and light poles must be erected in such a location as to allow for a fall zone of 125% of the light pole height between the location of the pole and any dwelling.
  - (c) Maximum height of structures in the Brookwood Overlay District shall be determined by the requirements of Article IV, Section CC “Brookwood Overlay District.”
- (4) *Other regulations:*
  - (a) Supplemental Use Regulations, Article V.
  - (b) District Development Criteria, Article VI.
  - (c) Required Development Plans, Article VII.
  - (d) Off-Street Parking and Loading Regulations, Article VIII.
  - (e) Signs, see Article X.

## Sec. V. PCD-1 Planned Office District.

- (1) *Intent:* Planned development is a method of development which permits a tract of land to be developed as one lot, rather than separate lots. The technique is designed to encourage coordinated development, permit higher densities in conjunction with functional open space, promote efficient use of land, and preserve and enhance existing natural landscape features. This district is intended to provide areas for office and professional buildings that are compatible with commercial and residential environments. The development must comply with an approved development plan, as stipulated in Article VI.
- (2) *Use Regulations:* Refer to Section GG in Article IV and the provisions below.
  - (a) Office buildings in excess of two thousand five hundred (2,500) square feet of floor area may use ten (10) percent of the floor area for retail and service uses such as restaurants, opticians, gift shops, barber and beauty shops, quick copy services, specialty shops, banks, and other commercial uses appropriate to the professional office environment.
- (3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Lot Area Coverage (Building)
		Front	Rear	Each Side			
5 acres	100 ft	No structures located within 20 ft of a public street, or property line nor 15 ft from a district boundary. Permitted height of structures to be determined as part of development plan				NA	50%

- (4) *Other regulations:*
  - (a) Supplemental Use Regulations, Article V.
  - (b) District Development Criteria, Article VI.
  - (c) Required Development Plans, Article VII.
  - (d) Off-Street Parking and Loading Regulations, Article VIII.
  - (e) Signs, see Article X.

## Sec. W. PCD-2 Planned Commercial District.

- (1) *Intent:* Planned development is a method of development which permits a tract of land to be developed as one lot, rather than separate lots. The technique is designed to encourage coordinated development, permit higher densities in conjunction with functional open space, promote efficient use of land, and preserve and enhance existing natural landscape features. This district is intended to provide areas community-wide and regional shopping

establishments, which are typically found along major traffic arteries. The development must comply with an approved development plan, as stipulated in Article VI.

(2) *Use Regulations:* Refer to Section GG in Article IV and the provisions below.

- (a) *Auto parts store:* no service, installation, or repair.
- (b) *Building material sales and home improvement centers:* no outside storage visible from off the premises.
- (c) Office buildings in excess of two thousand five hundred (2,500) square feet of floor area may use ten (10) percent of the floor area for retail and service uses such as restaurants, opticians, gift shops, barber and beauty shops, quick copy services, specialty shops, banks, and other commercial uses appropriate to the professional office environment.
- (d) *Major vehicle repair:* all work must be conducted entirely within an enclosed building.
- (e) *Minor vehicle repair:* all work must be conducted entirely within an enclosed building.
- (f) *Rent-to-own stores:* no outside storage.

(3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Lot Area Coverage (Building)
		Front	Rear	Each Side			
5 acres	100 ft	No structures located within 20 ft of a public street, or property line nor 15 ft from a district boundary. Permitted height of structures to be determined as part of development plan				NA	50%

(4) *Other regulations:*

- (a) Supplemental Use Regulations, Article V.
- (b) District Development Criteria, Article VI.
- (c) Required Development Plans, Article VII.
- (d) Off-Street Parking and Loading Regulations, Article VIII.
- (e) Signs, see Article X.

## Sec. X. M-1 Light Manufacturing District.

- (1) *Intent:* To provide areas for large warehousing and light manufacturing activities which do not cause a nuisance or constitute a hazard beyond the site. Industrial parks or subdivisions may be developed in the M-1 District upon approval of a development plan, by the planning commission, as required in Article VI.
- (2) *Use Regulations:* Refer to Section GG in Article IV and the provisions below.
  - (a) *Auto parts store:* no service, installation, or repair.
  - (b) *Building material sales and home improvement centers:* no outside storage visible from off the premises.
  - (c) Office buildings in excess of two thousand five hundred (2,500) square feet of floor area may use ten (10) percent of the floor area for retail and service uses such as restaurants, opticians, gift shops, barber and beauty shops, quick copy services, specialty shops, banks, and other commercial uses appropriate to the professional office environment.
  - (d) *Major vehicle repair:* all work must be conducted entirely within an enclosed building.
  - (e) *Minor vehicle repair:* all work must be conducted entirely within an enclosed building.
  - (f) *Manufacturing and industrial, light:* all work must be conducted entirely within an enclosed building. Light manufacturing and industrial uses are permitted if they are not detrimental to property or to health and safety beyond the district, by reason of the emission of odor, gas, dust, fumes, smoke, noise, vibration or waste material.
  - (g) *Manufacturing and industrial, heavy:* no toxic or hazardous waste storage, processing, handling, or distribution. In addition, the following uses are not allowed: Slaughterhouses and tanneries, glue factories, rendering plants, fertilizer plants, junk yards, paper and pulpwood plants, iron and steel mills, minim or quarry operations, plants for processing stone, chert, gravel, cement, asphalt, clay, coal, or iron ore.
  - (h) *Rent-to-own stores:* no outside storage.

### (3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Lot Area Coverage (Building)
		Front	Rear	Each Side			
3 acres	100 ft	35 ft	35 ft	20 ft	45 ft	NA	NA

(4) *Other regulations:*

- (a) Supplemental Use Regulations, Article V.
- (b) District Development Criteria, Article VI.
- (c) Required Development Plans, Article VII.
- (d) Off-Street Parking and Loading Regulations, Article VIII.
- (e) Signs, see Article X.

**Sec. Y. PI Planned Industrial District.**

- (1) *Intent:* To provide areas for research, testing, and other light manufacturing establishments; set in a low-density suburban environment; compatible with the surrounding area and characterized by a low percentage of developed lot area; and featuring landscaping and improved open space. The development must comply with an approved development plan, as stipulated in Article VI.
- (2) *Use Regulations:* Refer to Section GG in Article IV and the provisions below.
  - (a) Office buildings in excess of two thousand five hundred (2,500) square feet of floor area may use ten (10) percent of the floor area for retail and service uses such as restaurants, opticians, gift shops, barber and beauty shops, quick copy services, specialty shops, banks, and other commercial uses appropriate to the professional office environment.
  - (b) *Manufacturing and industrial, artisanal:* all work must be conducted entirely within an enclosed building.
  - (c) *Manufacturing and industrial, light:* all work must be conducted entirely within an enclosed building and have no negative impact on surrounding property.

(3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Lot Area Coverage (Building)
		Front	Rear	Each Side			
10 acres	200 ft	No structure located within 40 ft of a public street or property line, nor 50 ft from a district boundary. Permitted height of structures to be determined as part of development plan				NA	50%

(4) *Other regulations:*

- (a) No outside storage or equipment handling.

- (b) Loading areas shall be screened from view.
- (c) Supplemental Use Regulations, Article V.
- (d) District Development Criteria, Article VI.
- (e) Required Development Plans, Article VII.
- (f) Off-Street Parking and Loading Regulations, Article VIII.
- (g) Signs, see Article X.

## **Sec. Z. PMUD Planned Mixed Use District.**

- (1) *Intent:* To encourage the development of vibrant communities with a mix of residential housing types, commercial, and institutional uses, surrounded by open spaces. The development must comply with an approved development plan, as stipulated in Article VI.
- (2) *Use Regulations:* Refer to Section GG in Article IV and the provisions below.
  - (a) *Manufacturing and industrial, artisanal:* all work must be conducted entirely within an enclosed building.
  - (b) *Manufacturing and industrial, light:* all work must be conducted entirely within an enclosed building, and have no negative impact on surrounding property.
  - (c) *Retail and storage uses:* may not store materials or equipment outside of a building.
- (3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Lot Area Coverage (Building)
		Front	Rear	Each Side			
50 acres	NA	(Determined by development plan)				NA	NA

- (4) *Other regulations:*
  - (a) District Development Criteria
    - (i) Minimum land area shall be fifty (50) acres.
    - (ii) No structures within fifty (50) feet of a PMUD boundary or thirty-five (35) feet of a land use boundary as described on a Final Development Plan. Setbacks for detached residential structures shall be determined by the development plan.

- (iii) Maximum area of ground coverage by buildings and parking shall be seventy-five (75) percent for each lot or parcel.
- (iv) There shall be no maximum height for buildings. The gross floor area of a building or buildings, shall not exceed two hundred (200) percent of the area of the lot or parcel on which the building is located. The maximum permitted floor area for each lot and parcel of land shall be noted on the development plan when presented to the city for final development plan review.
- (b) Supplemental Use Regulations, Article V.
- (c) District Development Criteria, Article VI.
- (d) Required Development Plans, Article VII.
- (e) Off-Street Parking Regulations, Article VII.
- (f) Signs, see Article X.

#### **Sec. AA. MXD Mixed Use District.**

- (1) *Intent:* The Mixed Use District is intended to combine commercial, institution, public and residential uses within a unified development concept that is diverse, compact and pedestrian oriented; with attributes sufficient to justify the application of a land use and development plan that may not comply in certain respects with other requirements of this Zoning Ordinance. The development must comply with an approved development plan, as stipulated in Article VI.
- (2) *Use Regulations:* Refer to Section GG in Article IV and the provisions below.
  - (a) *Auto parts stores:* no service, installation or repair.
- (3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Minimum Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Lot Area Coverage (Building)
		Front	Rear	Each Side			
(Determined by Development Plan)							

- (4) *Zoning Application:* A development plan, containing the following information about the proposed development of a parcel, and the following additional items and information shall be filed with each application for the change of the zoning classification to a Mixed Use District. The following requirements are in addition to, and not in lieu of, the requirements of Article VII with respect to an application for a zoning amendment.

- (a) Development Plan.
  - (i) Size, area, boundary lines, dimensions and street frontage of the subject property;
  - (ii) Location of proposed land uses;
  - (iii) Location of parking areas and means of vehicular ingress and egress;
  - (iv) The location and size of any public or common open space;
  - (v) Location and dimensions of service yards;
  - (vi) Location, height, other dimensions and floor area of buildings;
  - (vii) Sidewalks, landscaping, exterior lighting, signs, fire hydrants and storm drainage facilities;
  - (viii) Outside appearance and exterior finishes of buildings;
  - (ix) The distance between each building, and the front, rear and side building setbacks;
  - (x) The percentage of the parcel devoted to each proposed use;
  - (xi) Building height and number of floors in each building;
  - (xii) The number of parking spaces and dimensions of all parking areas; and
  - (xiii) Parking, driveway and sidewalk paving materials.
- (b) The above information shall be shown on the development plan, except that where necessary for a clear explanation of such information, the site plan may be accompanied by supplemental material.
- (c) *Additional items and information:*
  - (i) A current survey and legal description of the subject property, prepared by a surveyor licensed as a surveyor by the State of Alabama;
  - (ii) The proposed density of land use for the subject property with tabulations by acreage and the percentage of the property to be occupied by each use;
  - (iii) A copy of any covenants or restrictions to which the property is subject;
  - (iv) A copy of any proposed covenants or restrictions which will be imposed upon the property or any improvements thereon;

- (v) A development schedule indicating the approximate commencement and completion dates of the development, and any phases thereof if the development is to be developed in phases;
  - (vi) A comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered professional engineer. (When required by the City);
  - (vii) A fire protection plan, approved by the Homewood Fire Department, indicating the location of all proposed fire hydrants and fire access lanes, as well as a description of all fire protection measures and devices for structures, which is to include sprinkler system design approved pursuant to the fire prevention code as currently adopted by the City of Homewood.
  - (viii) Proposed sign regulations.
- (5) The city council may: (a) Approve the development plan, which approval would be evidenced by the signature of the president of the city council; (b) Disapprove the development plan; (c) Make suggestions for revisions to the development plan and, with the approval of the applicant, continue its consideration of the development plan to a future meeting of the city council; or (d) Approve the development plan subject to the applicant making certain specified minor revisions, which revisions would be subject to the approval of the zoning officer, and if such revisions are approved by the zoning officer the approval of the development plan would be final upon it being signed by the president of the city council. An application for rezoning to the Mixed Use District may be denied by the city council based upon anyone (1) or more of the items of information included in the development plan or any supplemental materials.
- (6) Property which is the subject of an approved Mixed Use District zoning application shall be developed in compliance with the development plan and additional items and information approved by the city as part of the Mixed Use District zoning process.
- (7) An approved development plan may be amended by the City, provided the procedure specified in Subsection (3) of this Section for Mixed Use District zoning is followed.
- (8) Minor changes in the location, siting, elevation, or character of buildings and structures shown on the final development plan may be authorized by the Zoning Official. No change authorized by the Zoning Official under this Section may increase the size of any building or structure by more than ten (10) percent, nor change the location of any building, or structure by more than ten (10) feet in any direction; provided, notwithstanding anything in the foregoing, the Zoning Official may not permit changes beyond the minimum or maximum requirements set forth in the Mixed Use District zoning approval.
- (9) *Other Regulations:* Supplemental Use Regulations (Article V), District Development Criteria (Article VI), Required Development Plans (Article VII) and Off-street Parking and Loading Regulations (Article VIII) shall not apply to a Mixed Use District. Such

development standards shall be established for each Mixed Use Development as part of the development plan review process as required in Subsection (4) of this Section.

- (a) *Refuse and garbage service yards:* Each building erected in a Mixed Use District shall be provided with a separate service yard for the storage of garbage and trash; provided, that a service yard may serve more than one (1) building if such arrangement is part of the development plan approved by the city council. Each service yard shall be located so as to be conveniently accessible by vehicles collecting such refuse and to occupants of the building or buildings served by such yard. Each service yard shall be paved with asphalt or concrete and shall be enclosed with an opaque wall or fence of permanent construction least six (6) feet in height, and designed and constructed so as to conceal such storage area from visibility from outside such wall or fence. Each entrance to the service yard shall be screened with a gate constructed of an opaque material, which gate must be at least six (6) feet, but not more than eight (8) feet in height.
- (b) *Exterior lighting:* If artificial illumination is provided for a parking area, it shall be arranged so as to shine and reflect away from any adjacent residential areas and away from any streets adjacent to or near the parcel of land. No lighting fixtures used for any parking area shall be elevated more than fourteen (14) feet above the ground. Each lighting fixture shall be designed and installed so as to direct its beam of light below the horizontal plane of such lighting fixture.
- (c) *Fire protection:* Each development plan shall provide information sufficient to show compliance with the applicable fire protection codes adopted by the city.

## **Sec. BB. EURD Edgewood Urban Renewal District.**

- (1) *Intent:* To facilitate the maintenance, revitalization and redevelopment of the Edgewood Business District by requiring mixed use projects that feature a combination of residential, commercial and institutional uses in a pedestrian oriented, neighborhood environment.
- (2) *Use Regulations:* Refer to Section GG in Article IV and the provisions below.
  - (a) *Auto parts store:* no service, installation, or repair.
  - (b) Office buildings in excess of two thousand five hundred (2,500) square feet of floor area may use ten (10) percent of the floor area for retail and service uses such as restaurants, opticians, gift shops, barber and beauty shops, quick copy services, specialty shops, banks, and other commercial uses appropriate to the professional office environment.
  - (c) *Office building:* must be less than five thousand (5,000) square feet floor area.
  - (d) *Pet shop:* no outside business.
  - (e) *Rent-to-own stores:* no outside storage.

(3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Setbacks				Maximum Height of Structure
		Front Setback (Minimum)	Front Setback (Maximum)	Rear	Side	
NA	NA	0 ft	10 ft and (a)	35 ft	0 ft and (a)	35 ft and (b)

(a) No closer than 35 feet (ft) where adjacent to a detached dwelling district boundary.

(b) No structure shall be more than two (2) stories.

(4) *Other regulations:*

(a) Each structure shall have a minimum roof pitch of 5:12

(b) Supplemental Use Regulations, Article V.

(c) District Development Criteria, Article VI.

(d) Off-Street Parking and Loading Regulations, Article VIII.

(e) On-street parking and public parking may be used to satisfy the off-street parking requirements of Article VIII. All dwelling units shall have dedicated off-street parking spaces.

(f) Signs, see Article X.

**Sec. CC. GURD Greensprings Urban Renewal District.**

(1) *Intent:* To encourage the maintenance, revitalization and redevelopment of the Greensprings corridor by encouraging a variety of commercial and institutional uses within a community shopping environment that reduces land use conflicts and improves the appearance of the corridor.

(2) *Use Regulations:* Refer to Section GG in Article IV and the provisions below.

(a) *Building material sales and home improvement centers:* no outside storage visible from off the premises.

(b) Office buildings in excess of two thousand five hundred (2,500) square feet of floor area may use ten (10) percent of the floor area for retail and service uses such as restaurants, opticians, gift shops, barber and beauty shops, quick copy services, specialty shops, banks, and other commercial uses appropriate to the professional office environment.

- (c) *Minor vehicle repair:* All work must be conducted within an enclosed building and vehicle storage.
- (d) *Pet shop:* no outside business
- (e) *Rent-to-own stores:* no outside storage.
- (f) *Sales showrooms for appliances, carpet, furniture, home furnishings, medical and office equipment, pianos and organs, light fixtures and similar uses:* no outside storage.

(3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Setbacks				Maximum Height of Structure
		Front Setback (Minimum)	Front Setback (Maximum)	Rear	Side	
10,000 sq. ft.	NA	35 ft	100 ft	20 ft	0 ft and (a)	45 ft

- (a) No closer than 15 ft when adjacent to a residential district boundary.

(4) *Other regulations:*

- (a) Shopping centers may be developed in the Greensprings Urban Renewal District, upon approval of a final development plan by the planning commission, as required in Article VI.
- (b) Supplemental Use Regulations, Article V.
- (c) District Development Criteria, Article VI.
- (d) Off-Street Parking and Loading Regulations, Article VIII.
- (e) Signs, see Article X.

**Sec. DD. BOD Brookwood Overlay District.**

- (1) *Intent:* The intent of the Brookwood Overlay District (BOD) is to establish height regulations for structures that reflect the current development pattern of the district, while protecting adjacent residential neighborhoods.

*Method:* The Brookwood Overlay District (BOD) is depicted on City of Homewood Zoning Map. The requirements of the underlying zoning districts shall apply to the development of property in the BOD, Except that the height regulations set out herein shall

replace the Maximum Height of Structure requirement in Table 1 of Article V and shall be controlling for Development within in the BOD.

(2) *Height Regulations:*

- (a) Land disturbance is prohibited within fifty (50) feet of the corporate boundaries of the City of Homewood.
- (b) When any portion of a structure, alteration or attachment thereto is located less than three hundred (300) feet from the corporate boundaries of the City of Homewood, said structure, alteration or attachment thereto shall be set back at least three and one half (3 ½) feet from the corporate boundaries of the city of Homewood for each one (1) foot of structure height.
- (c) When any portion of an alteration to a structure or group of attached structures, is located three hundred (300) feet or more from the corporate boundaries of the City of Homewood, said alteration shall not extend above the elevation of the highest point of the structure or group of attached structures being altered.
- (d) When a structure is attached to an existing structure or group of attached structures, including but not limited to attachment by means of pedestrian or vehicle access structures; said attachment shall not extend above the elevations of the highest point of the structure or group of attached structures, to which it is attached, when any portion of the attachment is located three hundred (300) feet or more from the corporate boundaries of the City of Homewood.
- (e) When any portion of a detached structure is located three (300) feet or more from the corporate boundaries of the City of Homewood, said structure shall not exceed ninety-six (96) feet in height.

**Sec. EE. LPD Land Preserve District.**

- (1) *Intent:* To preserve publicly and privately owned open space lands within the City in a natural or largely undeveloped state in order to maintain through time the City's natural beauty and/or to protect environmentally sensitive areas.
- (2) *Use Regulations:* Refer to Section GG in Article IV and the provisions below.
  - (a) Facilities are intended to serve diverse passive recreational activities such as trailheads, outdoor classrooms, restrooms, scenic overlooks, but not including active recreational facilities (such as ball fields, pools, etc.)

(3) *Area and Dimension Regulations:*

Minimum Lot Area	Minimum Lot Width at Front Building Line	Setbacks			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Lot Area Coverage (Building)
		Front	Rear	Each Side			
(Determined by Development Plan)							

(4) *Zoning Application:*

(a) *Development Plan:*

- (i) Size, area, boundary lines, dimensions and street frontage of the subject property;
- (ii) Location of proposed land uses;
- (iii) Location of parking areas and means of vehicular ingress and egress;
- (iv) The location and size of any public or common open space;
- (v) Location and dimensions of service yards;
- (vi) Location, height, other dimensions and floor are of buildings;
- (vii) Sidewalks, landscaping, exterior lighting, signs, fire hydrants and storm drainage facilities;
- (viii) Outside appearance and exterior finishes of buildings;
- (ix) The distance between each building, and the front, rear and side building setbacks;
- (x) The percentage of the parcel devoted to each proposed use;
- (xi) Building height and number of floors in each building;
- (xii) The number of parking spaces and dimensions of all parking areas; and
- (xiii) Parking, driveway and sidewalk paving materials.

The above information shall be shown on the development plan, except that, where necessary for a clear explanation of such information, the site plan may be accompanied by supplemental material.

(b) Additional items and information.

- (i) A current survey and legal description of the subject property, prepared by a surveyor licensed as a surveyor by the State of Alabama;
- (ii) The proposed density of land use for the subject property with tabulations by acreage and the percentage the property to be occupied by each use;
- (iii) A copy of any covenants or restrictions to which the property is subject;
- (iv) A copy of any proposed covenants or restrictions which will be imposed upon the property or any improvements thereon;
- (v) A development schedule indicating the approximate commencement and completion dates of the development, and any phases thereof if the development is to be developed in phases;
- (vi) A comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered professional engineer (when required by the City);
- (vii) A fire protection plan, approved by the Homewood Fire Department, indicating the location of all proposed fire hydrants and fire access lanes, as well as a description of all fire protection measures and devices for structures, which is to include sprinkler system design approved pursuant to the fire prevention code as currently adopted by the City of Homewood;
- (viii) *Proposed sign regulations:*

The City Council may: (a) Approve the development plan, which approval would be evidenced by the signature of the President of the City Council; (b) Disapprove the development plan; (c) Make suggestions for revisions to the development plan and with the approval of the applicant, continue its consideration of the development plan to a future meeting of the City Council; or (d) Approve the development plan subject to the applicant making certain specified minor revisions, which revisions would be subject to the approval of the zoning officer, and if such revisions are approved by the zoning officer the approval of the development plan would be final upon it being signed by the President of the City Council. An application for rezoning to the Land Preserve District may be denied by the City Council based upon any one (1) or more of the items of information included in the development plan or any supplemental materials.

Property which is the subject of an approved Land Preserve district zoning application shall be developed in compliance with the development plan and additional items and information approved by the City as part of the Land Preserve District zoning process.

An approved development plan may be amended by the City, provided the procedure specified in Subsection (3) of this Section for Land Preserve District zoning is followed.

Minor Changes in the location, siting, elevation, or character of buildings and structures shown on the final development plan may be authorized by the Zoning Official. No change authorized by the Zoning Official under this Section may increase the size of any building or structure by more than ten percent (10%), nor change the location of any building, or structure by more than ten (10) feet in any direction; provided, notwithstanding anything in the foregoing, the Zoning Official may not permit changes beyond the minimum or maximum requirements set forth in the Land Preserve District zoning approval.

- (5) *Other Regulations:* Supplemental Use Regulations (Article V), District Development Criteria (Article VI), Required Development Plans (Article VII) and Off-street Parking and Loading Regulations (Article VIII) shall not apply to a Land Preserve District. Such development standards shall be established for each Land Preserve District development as part of the development plan review process as required in subsection (4) of this Section.
  - (a) *Refuse and garbage service yards:* Each building erected in a Land Preserve District shall be provided with a separate service yard for the storage of garbage and trash; provided, that a service yard may serve more than one (1) building if such arrangement is part of the development plan approved by the City Council. Each service yard shall be located so as to be conveniently accessible by vehicles collecting such refuse and to occupants of the building or buildings serve by such yard. Each service yard shall be paved with asphalt or concrete and shall be enclosed with an opaque wall or fence of permanent construction least six (6) feet in height, and designed and constructed so as to conceal such storage area from visibility from outside such wall or fence. Each entrance to the service yard shall be screened with a gate constructed of an opaque material, which gate must be at least six (6) feet, but not more than eight (8) feet, in height.
  - (b) *Exterior lighting:* If artificial illumination is provided for a parking area, it shall be arranged so as to shine and reflect away from any adjacent residential areas and away from any streets adjacent to or near the parcel of land. No lighting fixtures used for any parking area shall be elevated more than fourteen (14) above the ground. Each light fixture shall be designed and installed so as to direct its beam of light below the horizontal plane of such light fixture.
  - (c) *Fire protection:* Each development plan shall provide information sufficient to show compliance with the applicable fire protection codes adopted by the City.

## **Sec. FF. West Homewood.**

(1) *Purpose and Intent:*

- (a) The West Homewood District Ordinance is adopted to ensure that development projects, public and private, in the West Homewood District exhibit the highest standards of urban design, and create a form that is compact, walkable (pedestrian oriented) and mixed-use in character.
- (b) The West Homewood District Illustrative Plan below shall serve as a guide to the Planning Commission and staff with regard to the City's intent for land development in the West Homewood District. The images contained in this Ordinance are meant to demonstrate the character intended for the West Homewood District, but are for illustrative purposes only.
- (c) If any provision of this Ordinance is held, be a court of competent jurisdiction, to be invalid then the validity of the remaining provisions of this Ordinance shall not in any way be affected or impaired.

(2) *Process:* A development plan, containing the following information about the proposed development of a parcel and the following additional items and information shall be filed with an application.

(a) *Development Plan:*

- (i) Size, area, boundary lines, dimensions and street frontage of the subject property;
- (ii) Location of proposed land uses;
- (iii) Location of parking areas and means of vehicular ingress and egress;
- (iv) The location and size of any public or common open space;
- (v) Location and dimensions of service yards;
- (vi) Location, height, other dimensions and floor area of buildings;
- (vii) Sidewalks, landscaping, exterior lighting, signs, fire hydrants and storm drainage facilities;
- (viii) Outside appearance and exterior finishes of buildings;
- (ix) The distance between each building, and the front, rear and side building setbacks;
- (x) The percentage of the parcel devoted to each proposed use;
- (xi) Building height and number of floors in each building;

- (xii) The number of parking spaces and dimensions of all parking areas; and
  - (xiii) Parking, driveway and sidewalk paving materials.
- (a) The above information shall be shown on the development plan, except that where necessary for a clear explanation of such information, the site plan may be accompanied by supplemental material.
- (b) *Additional items and information:*
- (i) A current survey and legal description of the subject property, prepared by a surveyor licensed as a surveyor by the State of Alabama;
  - (ii) The proposed density of land use for the subject property with tabulations by acreage and the percentage of the property to be occupied by each use;
  - (iii) A copy of any covenants or restrictions to which the property is subject;
  - (iv) A copy of any proposed covenants or restrictions which will be imposed upon the property or any improvements thereon;
  - (v) A development schedule indicating the approximate commencement and completion dates of the development, and any phases thereof if the development is to be developed in phases;
  - (vi) A comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered professional engineer (when required by the City);
  - (vii) A fire protection plan, approved by the Homewood Fire Department, indicating the location of all proposed fire hydrants and fire access lanes, as well as a description of all fire protection measures and devices for structures, which is to include sprinkler system design approved pursuant to the fire prevention code as currently adopted by the City of Homewood; and
  - (viii) Other information that should be deemed necessary by staff to assure compliance with the requirements of the West Homewood District.
- (c) *The City Council may:*
- (i) Approve the development plan, which approval would be evidenced by the signature of the President of the City Council;
  - (ii) Disapprove the development plan;

- (iii) Make suggestions for revisions to the development plan and, with the approval of the applicant, continue its consideration of the development plan to a future meeting of the city council; or
    - (iv) Approve the development plan subject to the applicant making certain specified minor revisions, which revisions would be subject to the approval of the zoning officer, and if such revisions are approved by the zoning officer the approval of the development plan would be final upon it being signed by the president of the city council. An application for development in the West Homewood District may be denied by the city council based upon any one or more of the items of information included in the development plan or any supplemental materials.
  - (d) Property which is the subject of an approved West Homewood District application shall be developed in compliance with the development plan and additional items and information approved by the city as part of the West Homewood District process.
- (3) *Non-Conforming Signs:*
- (a) Any signs that do not comply with the regulations set forth in Section 14 Sign Standards of this Ordinance will be considered a non-conforming sign, but will be allowed to continue as a non-conforming sign, unless the sign, the structure, use or property the sign is associated with is:
    - (i) Significantly renovated or damaged in any manner to the extent that the restoration cost exceeds 50% of the original value of the sign or structure immediately before the renovation or damage occurred, in which case the sign shall be removed or altered to conform with the sign regulations in Section 14;
    - (ii) Abandoned for a period of 30 days or greater; or
    - (iii) Changed from one non-conforming sign to another non-conforming sign.
  - (b) Non-conforming portable and temporary signs shall be removed or converted to a permitted sign within 30 days of official notification of a nonconforming status by the Code Enforcement Office.
  - (c) Signs in the West Homewood District that are not regulated by the Sign Standards of this Ordinance are not defined as non-conforming signs. The following signs in the West Homewood District are not regulated by the Sign Standards of this Ordinance:
    - (i) Any sign located in the public right-of-way (ROW) and installed or maintained by the public works department of the City or by any other public entity having legal authority to maintain signs;

- (ii) Any sign that is located in a building or enclosed area designed to be viewed primarily by persons inside of such building or enclosed area; and
- (iii) Signs directly appended to a building with the sole purpose of displaying and communicating the building's address.

(4) *Pre-existing Conditions: Lots:*

- (a) An existing lot within the West Homewood District shall not be subject to the lot dimensions (width and depth) requirements of Section (11) *Urban Standards* - G and H unless the lot is subdivided. Newly platted lots with an area of less than 3.5 acres shall be dimensioned according to Section (11) *Urban Standards* - G and H.

(5) *Language:*

- (a) When used in this Ordinance, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should," and "are encouraged to" are not mandatory but are strongly recommended; "may" is permissive.

(6) *Abbreviations:*







bldg. = building	max. = maximum	o.c. = on center
PC = Planning Commission	min. = minimum	POR = parking occupancy rate
BZA = Board of Zoning Adjustments	- or n/a= not applicable	ROW = right-of-way
ft or ' = feet	N/P = not permitted	s.f. = square feet
" = inch	# = number (amount)	



(7) *Components of the Ordinance:*

- (a) *Urban Standards (Sections (9) - (12)):* The Urban Standards consist of the Regulating Plan, acceptable uses, building placement, height, parking placement and encroachment regulations for properties or lots fronting the West Homewood District. The Urban Standards also regulate various building elements and provide additional requirements for the West Homewood District.
- (b) *Frontage Types (Section (13)):* Frontage Types provide description and design standards for each allowed frontage type in the West Homewood District. The allowance of Frontage Types in the West Homewood District is determined by the underlying zone in the Regulating Plan.
- (c) *Sign Standards (Section (14)):* Sign Standards establish regulations that govern the type; size and location of signs in the West Homewood District to ensure all signs contribute to the character of the District's built environment and do not diminish the attractiveness of the District while providing an effective channel of communication. Sign Standards are also intended to safeguard and protect the public health, safety, and general welfare.
- (d) *Public Space Standards (Section (15)):* Public Space Standards regulate the configuration and design of the rights-of-way (ROW) in the West Homewood District to enhance the streetscape and improve the interaction between the public and private realm. Thoroughfare assemblies are used to illustrate and establish regulatory guidelines for rights-of-way in the West Homewood District. These thoroughfare standards are applicable to the transformation of existing streets or the creation of new streets on parcels within the West Homewood District. Additional thoroughfares may be integrated into Section (15) as they are approved by the Planning Commission.
- (e) *Glossary (Section 16):* Terms relevant to this Ordinance are defined in the Glossary.

(8) *How to Use this Document:*

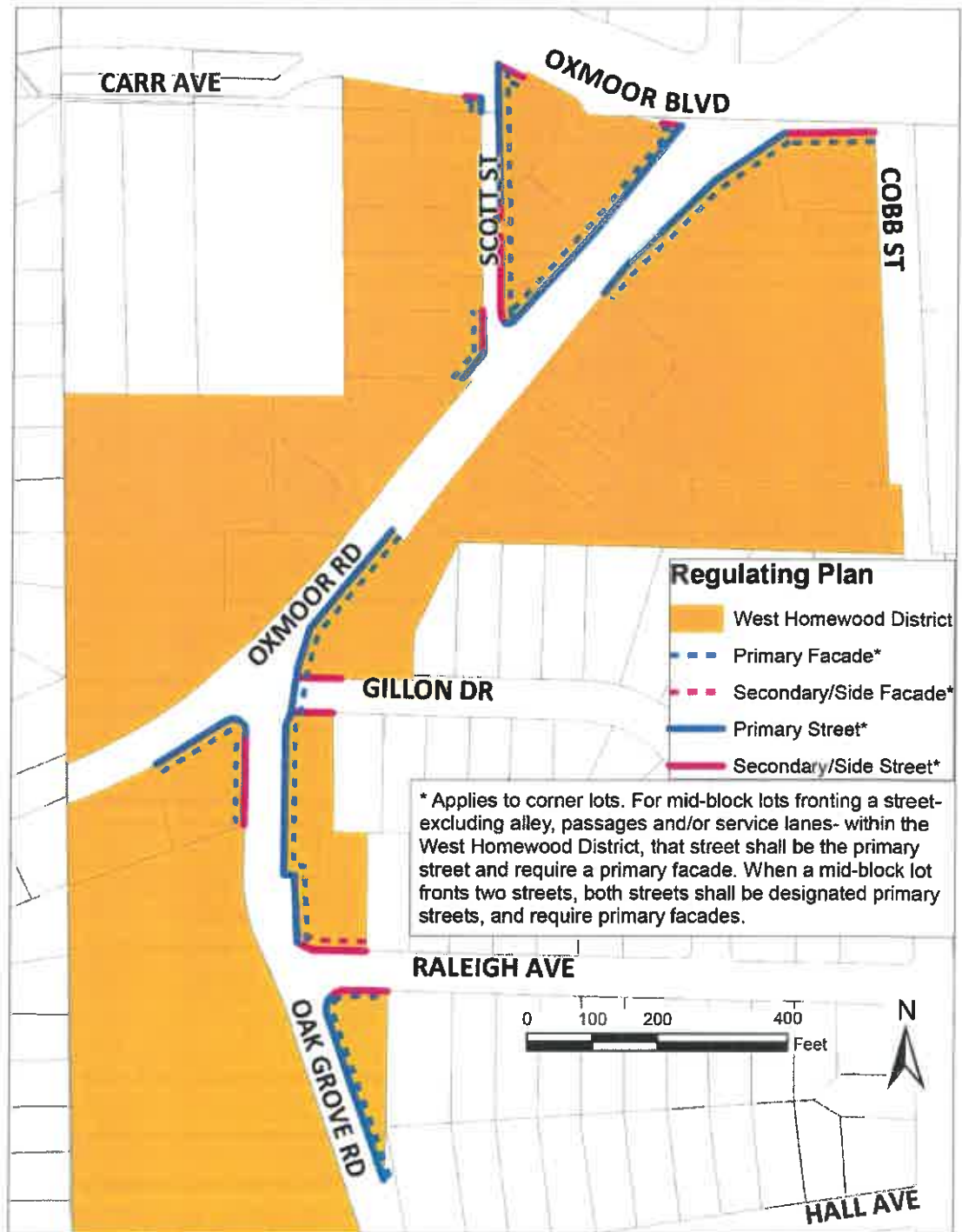
<p><b>Step 1: Locate your property and find the zone your property fronts:</b></p> <p>Use the Regulating Plan below (Section (9) a.) to locate your property.</p>	
<p><b>Step 2: Determine whether the intended use is permitted in the West Homewood District:</b></p> <p>Check the Land Uses Table (Section (10)) to see what uses are permitted and if a special permit is required for the use. To determine whether the use is allowed on the 1st floor or upper floor of your building check the “Use-by-Floor” (Section (11)).</p>	
<p><b>Step 3: Determine the placement, height, parking, encroachment, allowed frontage type, building element and other requirements for the West Homewood District :</b></p> <p>Review Sections (9) - (12) <i>Urban Standards</i></p>	
<p><b>Step 4: Understand the frontage types that are allowed in the West Homewood District:</b></p> <p>Use the Frontage Types (Section (13)) to see the design configuration and other requirements for the allowed frontage types.</p>	
<p><b>Step 5: Determine what signs are allowed and their requirements for the West Homewood District:</b></p> <p>Use the Sign Standards (Section (14)) to determine the types, orientation, location and size of signs allowed in the West Homewood District.</p>	
<p><b>Step 6: Determine the design requirements for modifying or creating rights-of-way within the West Homewood District.</b></p> <p>Use the Public Space Standards (Section (15)) for required minimum sidewalk widths, landscaping and on-street parking requirements.</p>	

(9) *Urban Standards:*

(a) *Regulating Plan:*

- (i) The Regulating Plan allocates and establishes the West Homewood District to provide a significant mixture of land uses and urban forms that meet the Intent (Section (1)) of this Ordinance. The Regulating Plan also identifies areas in the West Homewood District that are subject to the regulations of this Ordinance. The West Homewood District is delineated on the Regulating Plan using a street-based classification system. The street-based classification designates the West Homewood District by right-of-way and subjects the lot adjacent to or fronting the designated right-of-way to the requirements of the West Homewood District. A description of the West Homewood District is listed below.
- (ii) The intent of the West Homewood District is to facilitate a dense mixed-use development with a pedestrian oriented character along Scott Street, Oxmoor Road and Oak Grove Road. The District allows for both vertical mixed-uses (retail or office on ground floor and office or residential on upper floors) and horizontal mixed-uses (varying uses side by side on the same block or within the same lot).
- (iii) The Regulating Plan also designates primary and secondary (side) streets and primary and secondary (side) facades for lots within the West Homewood District. The primary street is fronted by the primary facade of the principal building, while the secondary street is fronted by the secondary facade and, only when indicated on the Regulating Plan, by the primary facade of the principal building. Corner lots are the only lots to have primary and secondary street designations. For mid-block lots fronting a street, that street shall be the primary street. Alleys, passages and/or service lanes are not primary or secondary streets. When a mid-block lot fronts two streets, both streets shall be designated primary streets, per City Council, and shall be fronted by primary facades.

## Regulating Plan



(10) *Urban Standards - Land Use and Permit Requirements:*

TABLE - LAND USES	
Allowed Uses	Permit Required by Zone
<b>RESIDENTIAL</b>	
Dwelling, Multifamily	P
Home occupation	P
Live-work	
<b>COMMERCIAL</b>	
<b>Retail</b>	
Bar, tavern, night club, except with any of the following: Operating between 2 am and 7 am	P
General retail, except with any of the following features: Alcoholic beverage sales*	P
Restaurants, cafe, coffee shop	P
<b>Services: Business, Financial, Professional</b>	
ATM	P
Auto or motor vehicle service	P
Bank, financial services	P
Business support service	P
Medical services: clinic, urgent care	P
Medical services: doctor office	P
Medical services: extended care	P
Office: business, service	P
Office: professional, administrative	P
<b>Services: General</b>	
Bed & breakfast	P
Day care center: child or adult	P
Mortuaries, funeral homes	P
Personal services	P
Residential Care: 6 or fewer/ 7 or more clients	P
<b>CIVIC &amp; RECREATIONAL</b>	
Botanical gardens	P
Commercial recreation facility: indoor	P
Community assembly, public or private	P
Health/fitness facility	P
Library, museum	P
* Refers to alcoholic beverage shops	
<b>CIVIC &amp; RECREATIONAL</b>	
Park, playground, plaza, etc.	P
Public safety: fire, police, etc.	P
Religious Institution	P
School, public or private	P

Studio: art, dance, martial arts, music, etc.	P
Theater, cinema or performing arts	P
<b>INDUSTRIAL</b>	
Artisan/craft product manufacturing	P
Furniture and fixture manufacturing, cabinet shop	P
Laboratory: medical, analytical	P
Manufacturing – light	P
Media production - office or storefront type (no sound stage)	P
Parking facility - public or commercial	P
Printing and publishing	P
Research and development	P
Wireless telecommunication facility	P

\* Refers to alcoholic beverage shops

### **NOTES**

A definition of each listed use is in Section (16).

Prohibited uses are defined in Section (16).

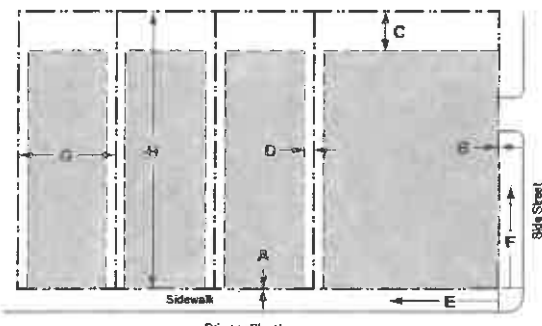




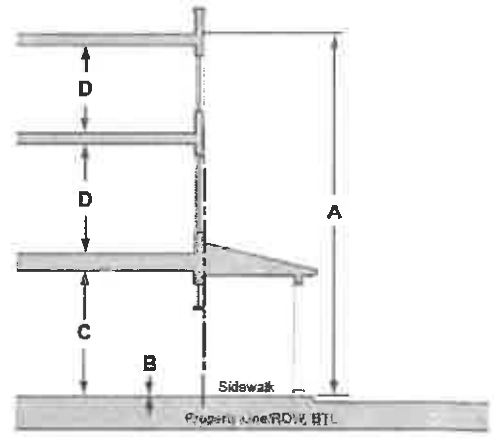
See Section (11) “Use-By-Floor” for uses that are allowed on the ground and/or upper stories.

### **KEY**

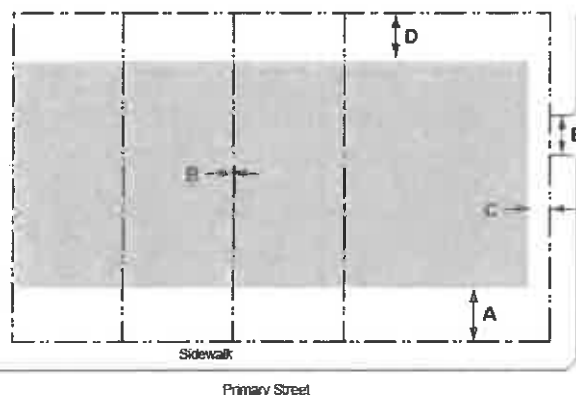
P = Permitted by Right

N/P = Not Permitted

### **(11) Urban Standards:**

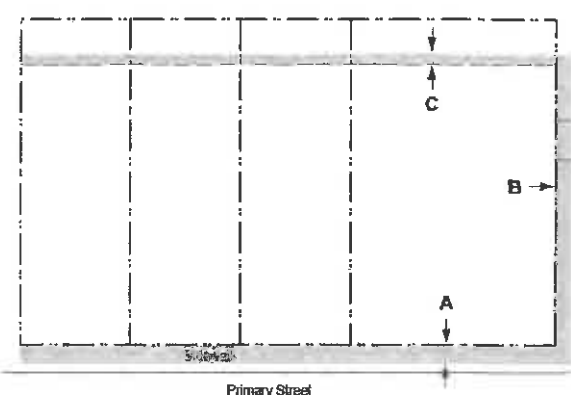
 <p>Key</p> <p>  Property Line               Setback Line   Build-to-Line (BTL)               Building Area       </p>					
BUILDING PLACEMENT			HEIGHT		
Build-to Line (Distance from Property Line/Row)	Min.	Max.	Building Height Regulations	Min.	Max.
A. Front-yard	0'	6' *	A. Main Building # of stories	1	3
B. Side Street	0'	6' *	To Eave/Base of Parapet	15'	48'
*When cross slope exists on side, building may only be set back 12' max. to allow for a raised shopfront.			B. Finish Ground Floor Level (above adjacent sidewalk or grade)	5' (n/a)	8' (6') *

Setback (Distance from Property Line)	Min.	Max.	C. Ground Story Clear Ceiling Height (finished floor to ceiling)	12' **	18'
C. Rear (adjacent to NPD)	5' (15')	n/a	D. Upper Story Clear Ceiling Height (finished floor to ceiling)	8'	12'
D. Side-yard (side adjacent to NPD)	0' (10')	n/a	Ancillary Building # of stories	1	2
Building Form	Min.	Max.	To Eave/Base of Parapet	15'	28'
E. Primary Facade built to BTL	60%	n/a	*May be 3' only when the ground story use is residential or when a raised shopfront is used.		
F. Side Facade built to BTL	30%	n/a	**May be 10' only when the ground story use is residential.		
G. Lot Width	20'	125'	<b>Notes</b>		
H. Lot Depth	n/a	220'	Parapet shall be between 3' and 5' in height. All flat roofs shall have a parapet.		
I. Lot Coverage	n/a	90%	Mezzanines greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.		
<b>Notes</b>			A parking structure within 40' of any principal building shall not exceed the building's eave or parapet height.		
Street facades must be built to BTL within 30' of the block corner (except for chamfered corners used as a corner entry, which may be up to 12' in width.			Balconies shall be a min 8' above adjacent grade or sidewalk.		
Buildings on corner lots may be required to have more than one primary street facade (see Regulating Plan for requirements).			Height limits for all buildings so not apply to chimneys, or elevator bulk heads.		
Jogs/recesses of no more than 16" in depth allowed in portions of facade for no more than 20' linear of the street facade.					
Ancillary buildings shall be located in the rear of the primary building and shall be set 6' back 15' max. and 5' min. from rear property line.					



#### Key

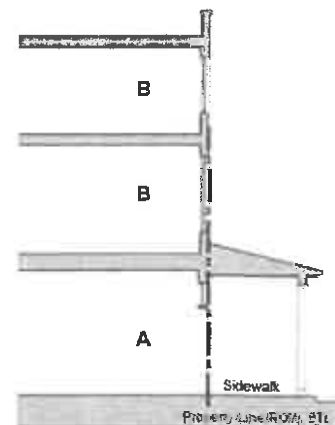
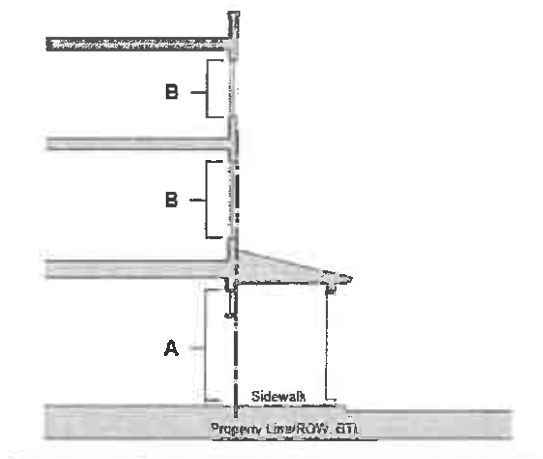
--- Property Line  
 --- Parking Area



#### Key

--- Property Line  
 --- Setback Line  
 --- Encroachment Area

<b>OFF-STREET PARKING (more information in Section (12))</b>			<b>ENCROACHMENTS</b>		
<b>Location(Setback Distance from Property Line)</b>	<b>Min.</b>	<b>Max.</b>	<b>Location</b>	<b>Min.</b>	<b>Max.</b>
<b>A. Front-yard*</b>	25% of lot depth	n/a	<b>A. Front-yard/Primary Street</b>		
<b>B. Side-yard</b>	0'	n/a	<b>Awnings and Canopies</b>	n/a	2' of curb*
<b>C. Side Street</b>	5'	n/a	<b>Arcades and Galleries</b>	n/a	2' of curb*
<b>D. Rear (with alley)</b>	5' (0')	n/a	<b>Balconies / Bay Windows</b>	n/a	4' / 2'
*May be setback 5' for 20% of lot width.			<b>Stoops**</b>	n/a	6'
<b>Required Spaces</b>		<b>Min.</b>	<b>B. Side Street</b>		
Residential Uses			<b>Awnings and Canopies</b>	n/a	2' of curb*
1 dwelling unit		1 space/unit	<b>Arcades and Galleries</b>	n/a	2' of curb*
Non-Residential Uses			<b>Balconies / Bay Windows</b>	n/a	4' / 2'
Uses < 3,000 s.f.	No off-street parking required		<b>Stoops**</b>	n/a	6'
<b>Driveway Widths</b>		<b>Min.</b>	<b>Max.</b>	<b>C. Rear</b>	
<b>E. 1-way</b>		9'	12'	<b>Balconies / Bay Windows</b>	n/a 4' / 2'
<b>2-way</b>		18'	24'	<b>Stoops**</b>	n/a 5'
<b>Notes</b>			<b>*Within 2' of curb except at curb extensions.</b>		
Vehicular access to the off-street parking shall be from alley or side street and is only permitted from primary street when an alley or side street is not present.			<b>**Shall only encroach into setback. Shall not encroach into ROW</b>		
50% of the on-street parking spaces adjacent to lot may count toward parking requirements.			<b>Notes</b>		
Parking structures shall be set back a min. of 30' from the frontage lines of all adjacent streets, except alleys, to reserve room for Liner Buildings.			Eave permitted to 3' of property line. Eave may encroach setback up to 3'.		
Surface parking within 20' of frontage line shall be masked from the primary and/or secondary frontage by a building or streetwall.			Upper story galleries facing the street must not be used to meet primary circulation requirements.		
<b>ALLOWED FRONTAGE TYPES (see Section (13) for more info)</b>					
Arcade*, Forecourt, Gallery*, Raised Shopfront, Shopfront, and Stoop					
*Arcade: 3 stories, and Gallery: 2 stories.					



ELEMENTS			USE-BY-FLOOR
Openings/Glazing (windows, doors, etc.)	Min.	Max.	Location
Primary Street (% of facade)*			A. Ground Floor Residential, Commercial, Civic &
A. Ground Floor* (Residential Use)	35% (50%)	70%	Recreational, Industrial *
B. Upper Floor	30%	70%	B. Upper Floor Residential, Commercial, Civic &
Side Street (% of facade)			Recreational, *
A. Ground Floor* (Residential Use)	55% (35%)	85%	*See Land Uses Table (Section (10)) for specific uses.
B. Upper Floors	30%	70%	ADDITIONAL REQUIREMENTS
			A. All outdoor electrical, plumbing and mechanical equipment and other services shall be concealed from the direct view of streets or traffic or pedestrian aisles.
			B. Services and their appurtenances shall be screened and shall not be located in required setback.
			C. Where an alley is present, services, including all utility access, above ground equipment, and trash enclosures, shall be located on alley.

\*No opaque or reflecting glazing allowed.

Screenwall Heights*	Min.	Max.	D. Driveways of adjacent parking lots shall connect to provide access between parking lots, except where access cannot be provided because of existing topographic conditions or an environmental feature requiring protection and/or preservation.
Streetwall Height	2'	2'	
Fence / Hedge Height**	3' / 3'	7'5'	
*Height measured above adjacent sidewalk or grade.			E. Parking may be provided off-site within 1,300' or as shared Parking.
**Fence permitted along rear and common property line. Hedge permitted along secondary frontage lines. Not to go beyond front building line.			F. Awnings are not permitted on the ground floor when the ground floor use is residential and are not allowed on the upper floor.

#### Notes

All ground floors must have a primary entrance along the primary street facade (may have 1 primary entrance for buildings on a corner or to a courtyard).

Blank lengths of wall exceeding 15 linear feet are prohibited on all required BTL.

Any building or structure wider than 50' must be designed to read as a series of buildings no wider than 50' each.

A property/lot not occupied by a primary building along the BTL shall be defined by a streetwall along the lot's frontage line.

Streetwalls may be built along entire property line, except for entryways, driveways, and walkways.

50' max. distance between ground floor entries.

#### (12) Urban Standards - Additional Parking Requirements

- (a) *Parking Requirements:* Parking requirements are correlated to the building's use and zone in the West Homewood District. For specific uses permitted within the West Homewood District see Land Uses Table (Section (10)).

Table - Minimum Parking Requirements by Building Use and Zone	
Uses	Zone SS Zone
Residential	1.5 / dwelling unit (d u)
Commercial*	
Retail	3.0/ 1,000 s.f.
Services: Business, Financial, Professional	3.0/ 1,000 s.f.
Services: General	1.0 / dwelling unit (d.u) for Lodging; 1.0/1000 s.f.
Civic & Recreational**	1.0 / 5 seats assembly use; 1.0 / 1,000 s.f. of exhibition or indoor recreation area
Commercial Recreation Facility: Indoor	1.0/500 s.f. of exhibition or indoor recreation area; 2.0/lane for bowling alleys
Religious Institution	1.0/5 seats assembly use; 1.0/1000 s.f. of exhibition or indoor recreation area
Theater, Cinema, or Performing Arts	1.0/3 seats assembly use; 1.0/500 s.f. of exhibition or indoor recreation area

<b>Industrial**</b>	1.0/1,000 s.f.
*Commercial uses < 3000 s.f. do not have to meet parking requirements set forth in this Table.	
**City Council may also use Article VII, Sec. M (Institutional Uses, Amusement and Recreation, and Warehouse Uses) of the City Zoning Ordinance to determine parking requirements for Civic & Recreational and Industrial Uses.	

#### **NOTES**

Parking requirement for Residential, Commercial (> 3000 s.f.), and Institutional & Recreational uses may be reduced according to the Parking Occupancy Rate Table below.

<b>Table - Minimum Parking Requirements by Building Use and Zone</b>	
<b>Uses</b>	<b>Zone</b>
	<b>SS Zone</b>
<b>Residential</b>	1.0 / dwelling unit (d u)
<b>Commercial*</b>	
Retail	3.0/ 1,000 s.f.
Services: Business, Financial, Professional	3.0/ 1,000 s.f.
Services: General	1.0 / dwelling unit (d.u) for Lodging; 1.0/1000 s.f.
<b>Civic &amp; Recreational**</b>	1.0 / 5 seats assembly use; 1.0 / 1,000 s.f. of exhibition or indoor recreation area
Commercial Recreation Facility: Indoor	1.0/500 s.f. of exhibition or indoor recreation area; 2.0/lane for bowling alleys
Religious Institution	1.0/5 seats assembly use; 1.0/1000 s.f. of exhibition or indoor recreation area
Theater, Cinema, or Performing Arts	1.0/3 seats assembly use; 1.0/500 s.f. of exhibition or indoor recreation area
<b>Industrial**</b>	1.0/1,000 s.f.
*Commercial uses < 3000 s.f. do not have to meet parking requirements set forth in this Table.	
**Planning Commission may also use Article VII, Sec. M (Institutional Uses, Amusement and Recreation, and Warehouse Uses) of the City Zoning Ordinance to determine parking requirements for Civic & Recreational and Industrial Uses.	

#### **NOTES**

Parking requirement for Residential, Commercial (> 3000 s.f.), and Institutional & Recreational uses may be reduced according to the Parking Occupancy Rate Table below.

- (a) *Shared Parking*: Cumulative parking requirements for two or more uses in the same building or on the same lot or adjacent lot may be reduced. The gross minimum number of parking spaces listed in Table - Parking Requirements by Building Use and Zone above shall be multiplied by the “occupancy rate” as found in Table - Parking Occupancy Rate (POR) below, for each use for the weekday night, daytime and evening periods respectively, and weekend night, daytime and evening periods respectively. The gross minimum number of parking spaces for each of the uses referred to for each time period shall be added to produce the aggregate gross minimum number of parking spaces for each time period. The time period that requires the greatest aggregate gross minimum number of parking spaces shall be used (see Table - Required Parking and Shared Parking Calculation below for example).

<b>Table - Parking Occupancy Rate (POR)</b>						
<b>Uses</b>	<b>Days and Times</b>					
	<b>M-F</b>	<b>M-F</b>	<b>M-F</b>	<b>SAT &amp; SUN</b>	<b>SAT &amp; SUN</b>	<b>SAT &amp; SUN</b>
	<b>8AM - 6PM</b>	<b>6PM - 12AM</b>	<b>12AM - 8AM</b>	<b>8AM - 6PM</b>	<b>6PM - 12AM</b>	<b>12AM - 8AM</b>
<b>Residential</b>	60%	100%	100%	80%	100%	100%
<b>Commercial</b>						
Retail	90%	80%	5%	100%	70%	5%
Bar, Tavern, Night Club	40%	100%	10%	80%	100%	50%
Restaurant (all types)	70%	100%	20%	70%	100%	20%
Services: Business, Financial, Professional	100%	20%	5%	5%	5%	5%
Services: General	100%	20%	5%	10%	5%	5%
<b>Civic &amp; Recreational</b>	100%	20%	5%	20%	20%	5%
Commercial Recreation Facility: Indoor	80%	100%	5%	80%	100%	5%
Religious Institution	20%	20%	5%	100%	50%	5%
Theater, Cinema, or Performing Arts	40%	80%	10%	80%	100%	10%
<b>Industrial</b>	100%	20%	5%	5%	5%	5%

- (a) *Calculating Parking:* The Minimum Required Parking and Shared Parking Calculation Table below provides an example of how to calculate the required and shared parking for a site or building with more than one use. For numbers with a decimal value (e.g., 0.3) that is  $< 0.5$  round down to the nearest whole number, and for numbers with a decimal value  $\geq 0.5$  round up to the nearest whole number.

<b>Table - Minimum Required Parking and Shared Parking Calculation</b>		
<b>KEY</b>	<b>Residential</b>	<b>Commercial</b>
		<b>Retail</b>
<b># of units or # of sq. ft.</b>	20 units	8000 s.f.
<b>Required Parking Per Unit or sq. ft.</b>	1/d.u.	3/1000 s.f.
<b>Gross Minimum # of spaces for each use</b>	20	24
<b>Cumulative Minimum Required Spaces</b>	44	
<b>Parking Occupancy Rate</b>		
M-F (6PM - 12AM)*	100%	80%
SAT & SUN (6PM - 12AM)*	80%	100%
<b>Gross Minimum # of Parking Spaces x POR</b>		
M-F (6PM - 12AM)	20 x 100% = 20 spaces	24 x 80% = 19.2 spaces
SAT & SUN (6PM - 12AM)	20 x 80% = 16 spaces	24 x 100% = 24 spaces
<b>Aggregate Gross Minimum # of Parking Spaces for Each Time Period</b>		
M-F (6PM - 12AM)	20 + 19 = 39 spaces	
SAT & SUN (6PM - 12AM)	16 + 24 = 40 spaces	

Greatest Aggregate Gross Minimum # of Parking Spaces	
SAT & SUN (6PM - 12AM)	40 min. shared spaces for both uses
* The two time periods were chosen after performing the calculations outlined in this Table for each time period in Table - Parking Occupancy Rate (POR) above. This was done to determine the greatest aggregate gross minimum number of parking spaces needed to accommodate shared parking for all time periods.	

(b) *Parking Space Dimensions:*

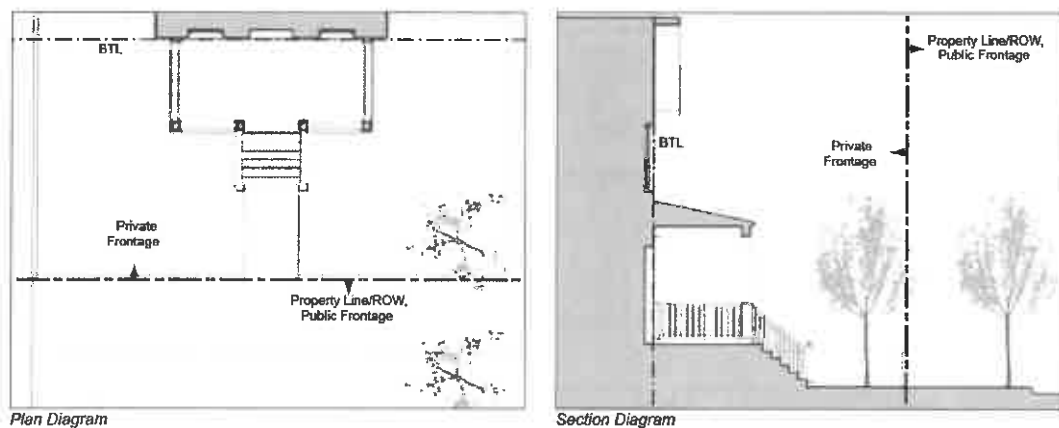
Table - Parking Space Dimensions for all Zones					
Angle	Space Width (min.)	Space Depth* (min.)	Space Length (min.)	One-way Aisle Width (min.)	Two-way Aisle Width (min.)
Parallel	8'	8'	20'	12'	20'
30° *	9'	18'	20'	12'	24'
45° *	9'	20'6"	20'	14'	24'
60° *	9'	22'	20'	18'	24'
Perpendicular	9'	18'	18'	24'	24'
*Measured perpendicular to aisle.					

Notes

The paved parking space length may be decreased by up to two feet by providing an equivalent vehicle overhang into landscaped areas, or over paved walkways.

(13) *Frontage Types:*

(a) *Application:*



- (i) **What are frontage types?** Frontage Types are the architectural element of a building located between the transition area of the building facade and the public right-of-way (ROW). An example of a frontage type would be a front-yard and/or porch, as indicated in the frontage plan and section

diagrams above. Frontage types help to define the public and private realm as well as enhance the streetscape.

- (ii) **What are the various frontage types in the West Homewood District?**  
The various frontage types in the West Homewood are: arcade, gallery, shopfront, raised shopfront, forecourt, and stoop.
- (iii) **Where are frontage types allowed?** The allowance of frontage types in the West Homewood District is determined by the underlying zone to ensure that the proposed frontage type is consistent with the zone's form and character. The following table identifies the frontage types that are allowed in the West Homewood District's Scott Street Zone.

Table - Allowed Frontage Types by Zone	
Frontage Types	Zones
Arcade	A
Gallery	A
Shopfront	A
Raised Shopfront*	A
Forecourt	A
Stoop	A
*See Scott Street Zone "Allowed Frontage Types" Section (15) for specific requirements when Raised Shopfront is Allowed	

A = Allowed, NP = Not Permitted

(b) *Description:*

1. Arcade

Arcade is a facade with an attached colonnade, covered by habitable space on upper stories. The arcade projects over the sidewalk sheltering the pedestrian and encroaches into the public right-of-way (Due to the overlap of the right-of-way, an easement is usually required.) The facade at sidewalk level remains at or behind the frontage line. This frontage type is ideal for commercial use but only when the sidewalk is fully absorbed within the colonnade so that a pedestrian cannot bypass it. The entrances should be at the same grade as the sidewalk. Arcades may be used in conjunction with shopfront and/or forecourt frontage types. An arcade may be set back no greater than 1' from the frontage line to create a private arcade.



## 2. Gallery

Gallery is a facade with an attached colonnade that supports a cantilevered shed roof or flat roof with a parapet, and/or colonnades on upper stories. The gallery projects over the sidewalk and encroaches into the public right-of-way (Due to the overlap of the right-of-way, an easement is usually required.) This frontage type is ideal for commercial use, but only when the sidewalk is fully absorbed within the colonnade so that a pedestrian cannot bypass it. The entries should be at the same grade as the sidewalk. Galleries may be used in conjunction with shopfronts and/or forecourt frontage types. A gallery may be set back no greater than 1' from the frontage line to create a private gallery.



## 3. Shopfront

Shopfront is the ground story facade aligned at or close to the frontage line, with substantial glazing at the sidewalk level. Entrances should be at the same grade as the sidewalk and awnings may accompany this frontage type and project over the sidewalk. Recessed shopfronts are also acceptable. The shopfront facade consists of the bulkhead and openings such as doors, display windows and transoms. This frontage type is ideal for commercial use. Shopfronts can be used in conjunction with arcade, gallery, and/or forecourt frontage types.



## 4. Raised Shopfront

Raised Shopfront is a frontage type that should only to be used when the access into a shop is made difficult by a cross slope along the shop's front. The raised shopfront consists of a terrace that allows access at grade and as the sidewalk follows the slope, the terrace follows the plane of the shopfront finished floor level. Steps leading from the sidewalk to the terrace provide access to the shop. ADA access shall be accommodated within the raised shopfront. The raised shopfront frontage standards are to be used in addition to the standards found in shopfront.



## 5. Forecourt

Forecourt is an exterior space created by recessing a portion of the facade from the BTL. A streetwall may be placed along the BTL where it is not defined by a building. Forecourt can be used in conjunction with shopfront, arcade, and gallery frontage types. The court is suitable for gardens, outdoor dining or, in some cases, vehicular drop-offs. ADA access shall be accommodated within the lot. This frontage type can be used for commercial and/or residential.

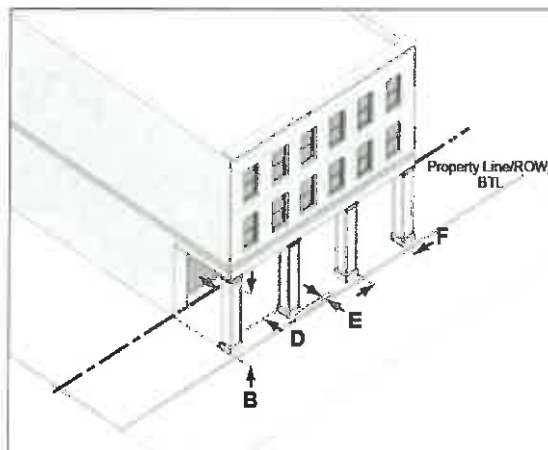


## 6. Stoop

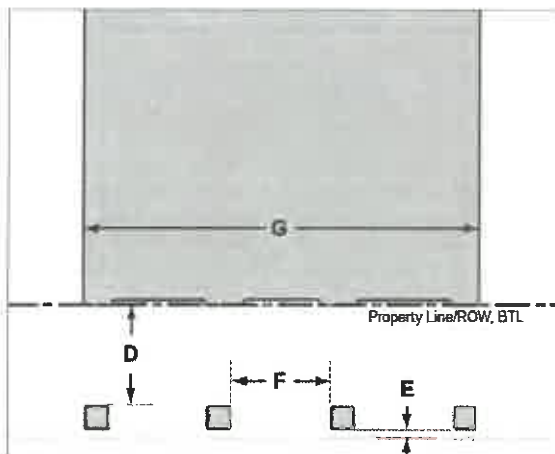
Stoop is an elevated entry pad that is aligned to the entrance of the building. The stoop and ground floor of the building are both elevated above the adjacent sidewalk to secure privacy for the windows and front rooms. The stairs from the stoop may extend directly to the frontage line or may be side loaded. This frontage type is ideal for residential uses with shallow setbacks.



### (c) Frontage Configurations:



Axonometric Diagram: Arcade



Plan Diagram: Arcade

#### 1. Arcade Configurations

Min. Max.

The proportions of the arcade may correspond to the facade and architectural style of the building.

A.	Height (# of stories determined by underlying zone)	n/a	n/a
B.	Soffits, columns/arches may be treated consistent with the architecture of the building - Clear Height (above adjacent sidewalk)	12'	16'
C.	Encroachment Depth (determined by underlying zone encroachment standards)	n/a	n/a
D.	Clear Depth	12'	n/a
E.	Setback (from curb, except at curb extensions for intersections)	2'	n/a
F.	Arcade should correspond to shopfront openings along primary street frontage. - Distance (spacing between the columns/posts of the arcade along the right-of-way or property line)	8'	n/a
G.	Shopfront Height and Proportion (see Shopfront Configurations)	n/a	n/a
H.	Shopfront Opening Height (see Shopfront Configurations)	n/a	n/a
I.	Bulkhead Height (see Shopfront Configurations)	n/a	n/a

#### Arcade Elements

Awnings are not allowed on arcade.

Signs (see Section (14) Sign Standards).

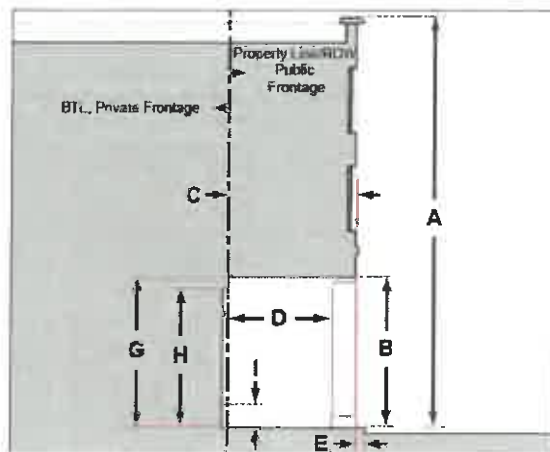
#### Notes

Heights measured from adjacent sidewalk.

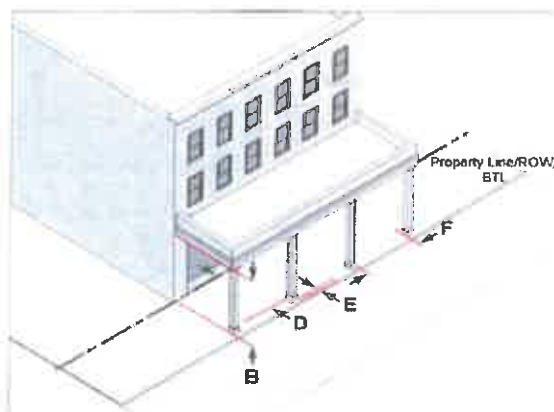
Arcade may wrap corner.

Glazing determined by underlying zone.

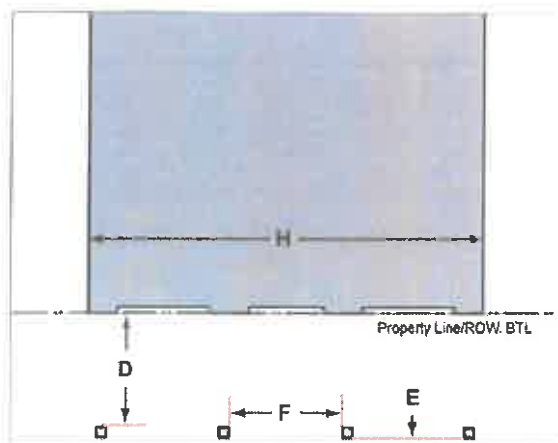
Private arcades shall meet the requirements established in this Section.



**Section Diagram: Arcade**



**Axonometric Diagram: Gallery**



**Plan Diagram: Gallery**

## 2. Gallery Configurations

**Min. Max.**

The proportions of the gallery may correspond to the facade and architectural style of the building.

<b>A.</b>	Height (# of stories determined by underlying zone)	n/a	n/a
<b>B.</b>	Soffits, columns/arches may be treated consistent with the architecture of the building. - Clear Height (above adjacent sidewalk)	12'	16'
<b>C.</b>	Encroachment Depth (determined by underlying zone encroachment standards)	n/a	n/a
<b>D.</b>	Clear Depth	12'	n/a
<b>E.</b>	Setback (from curb, except at curb extensions for intersections) Gallery may correspond to shopfront openings along primary street frontage.	2'	n/a
<b>F.</b>	Distance (spacing between the columns/posts of the gallery along the right-of-way or property line)	8'	n/a
<b>G.</b>	Height	3'	5'
<b>H.</b>	Shopfront Height and Proportion (see Shopfront Configurations)	n/a	n/a
<b>I.</b>	Shopfront Opening Height (see Shopfront Configurations)	n/a	n/a
<b>J.</b>	Bulkhead Height (see Shopfront Configurations)	n/a	n/a

## Gallery Elements

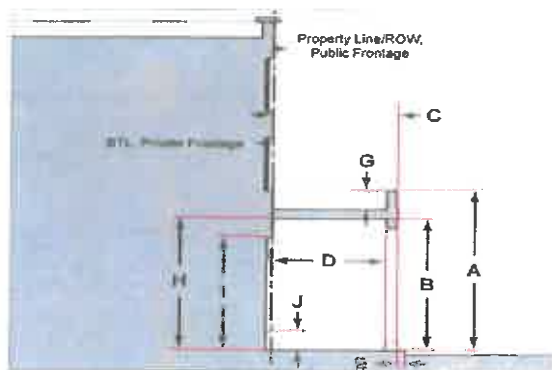
Awnings are not allowed on gallery.

Signs (see Section (14) *Sign Standards*).

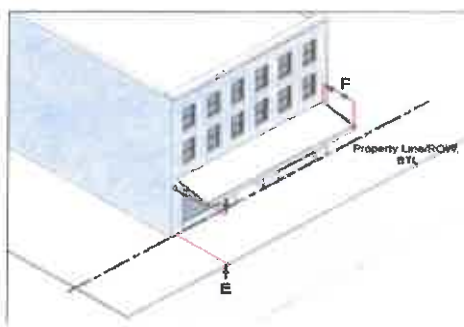
## Notes

Heights measured from adjacent sidewalk.

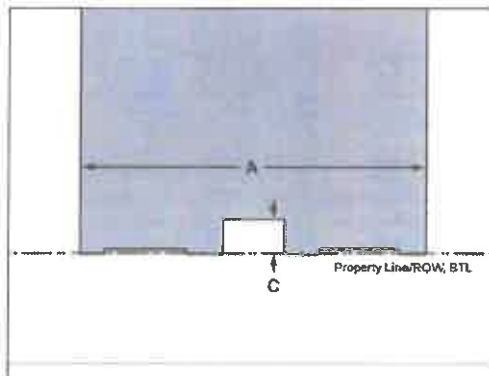
Gallery may wrap corner.



**Section Diagram: Gallery**



**Axonometric Diagram: Shopfront**



**Plan Diagram: Shopfront**

Glazing determined by underlying zone.

### 3. Shopfront Configurations

Min. Max.

The proportions of the shopfront may correspond to the facade and architectural style of the building.

**A.** Height (determined by underlying zone height requirements for the ground floor clear ceiling height) n/a n/a

**B.** Shopfront Opening Height (above adjacent sidewalk or walkway) 10' 15'

**C.** Recessed Depth n/a 5'

**D.** Transition between the opening and the adjacent grade with a bulkhead. Aluminum shopfront or spandrel panel shall not substitute for a bulkhead.

- Bulkhead Height 18" 30"

**Shopfront Elements** Min. Max.

Awnings and Canopies\*

**E.** Clear Height (above adjacent sidewalk or walkway) 8' n/a

**F.** Projection\*\* n/a n/a

Signs (see Section (14) Sign Standards).

\*Allowed only on ground story, not allowed on upper story openings.

\*\*Determined by underlying zone encroachment standards

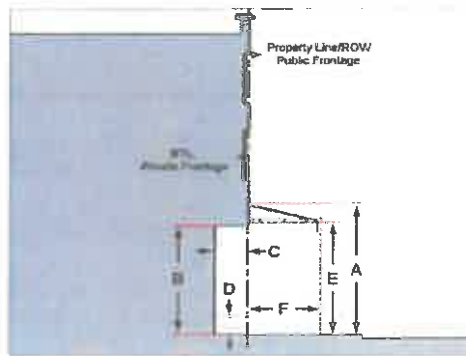
### Notes

Height is measured from walkway when the shopfront directly fronts a forecourt.

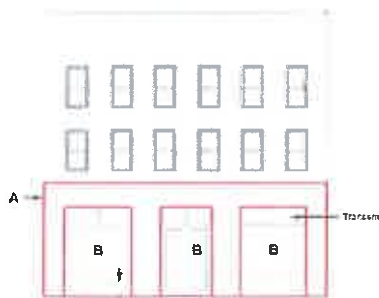
At least 80% of the shopfront display (windows and doors) shall provide unobstructed views of merchandise within the shop space. This also applies to lighted merchandise display.

Transom required over openings.

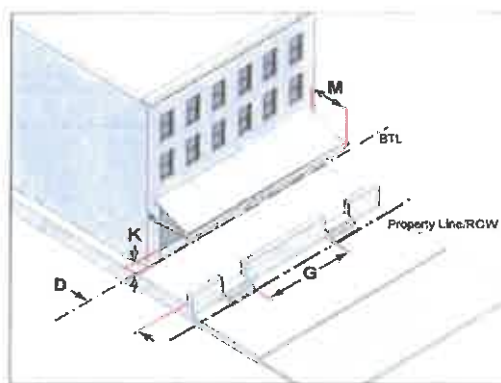
Awnings are only allowed on ground story occupied by Commercial, Civic & Recreational, and/or Industrial uses.



**Section Diagram: Shopfront**



**Shopfront and Shopfront Opening Identification Diagram**



**Axonometric Diagram: Raised Shopfront**

Awnings shall only cover shopfront openings and may only provide continuous cover from one shopfront opening to another when the shopfront openings are less than 3' apart.

Awnings are not allowed on shopfront when an arcade or gallery is appended to the shopfront.

Awning's valance shall have a max height of 1'.

4. Raised Shopfront Configurations		Min.	Max.
A.	Terrace Width	n/a	120'
B.	Finished Floor of Terrace (above adjacent sidewalk)	n/a	3'
C.	Terrace Wall Height (above adjacent walkway)	n/a	3'
D.	Clear Depth	8'	n/a
E.	Encroachment Depth	n/a	11'
F.	Terrace Wall Setback (from ROW)	1'	n/a
G.	Distance (between stairs)	n/a	15'
H.	Stair Width	5'	n/a
I.	The proportions of the shopfront may correspond to the façade and architectural style of the building - Height (determined by underlying zone height requirements for the first floor ceiling height)	n/a	n/a
J.	Shopfront Opening Height	10'	15'
K.	Transition between the opening and the adjacent grade with a bulkhead. Aluminum shopfront or spandrel panel shall not substitute for a bulkhead. - Bulkhead Height	18"	30"
Raised Shopfront Elements		Min.	Max.



\*Allowed only on ground story, not allowed on upper story openings.

At least 80% of the shopfront display (windows and doors) shall provide unobstructed views of merchandises within the shop space. This also applies to lighted merchandise display.

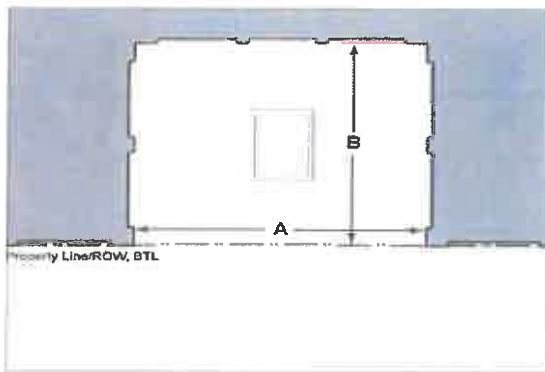
Glazing determined by underlying zone.

Wherever possible terrace walls should be made into or be able to be used as seating.

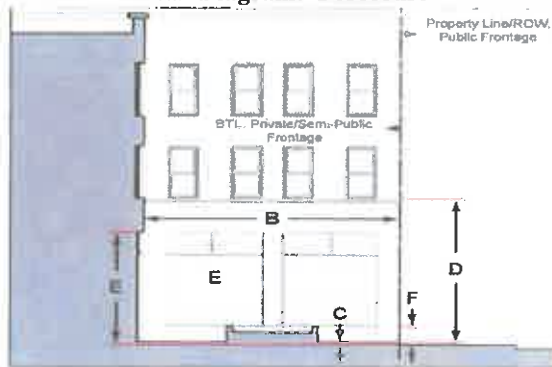
Steps may lead from face of terrace wall to property line/ROW. Entry steps to raised shopfront shall not encroach into the public frontage (ROW).

Awning's valance shall have a max height of 1'

\_\_\_\_\_



**Plan Diagram: Forecourt**



**Section Diagram: Forecourt**



**Axonometric Diagram: Stoop**

**H. Projection\*\*** n/a 10'

Signs (see Section (14) *Sign Standards*).

\*Allowed only on ground story, not allowed on upper story openings.

\*\*Determined by underlying zone encroachment standards when projecting from facade at BTL. Projections above apply to facades directly fronting the forecourt.

#### Notes

Entry steps to forecourt shall not encroach into the public frontage (ROW).

When the forecourt is raised above sidewalk, the height of retaining wall shall be 3' max. above adjacent sidewalk or grade.

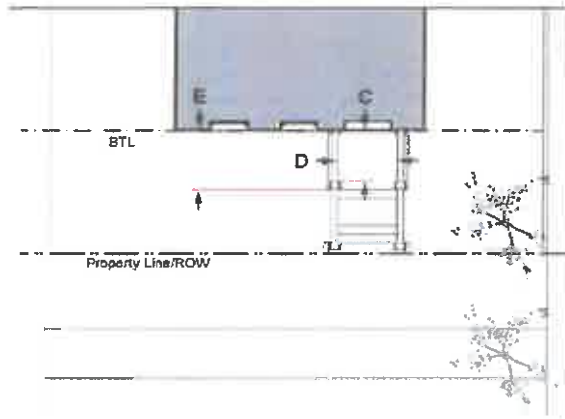
Glazing requirements for primary and secondary street facades are determined by underlying zone. Glazing for facades fronting the forecourt shall meet the following requirements: a min. of 60% and a max. of 90% for the ground story; and a min. of 30% and a max. of 70% on the upper story.

Awning's valance shall have a max. height of 1'.

6. Stoop Configurations	Min.	Max.
A. The height and the proportions of the stoop may correspond to the facade and architectural style of the building.	n/a	n/a
B. Stoop Floor Height (above adjacent sidewalk or grade)	n/a	3'
C. Clear Depth (distance between the face of the facade and the posts/columns of the stoop)	5'	n/a
D. Clear Width of Stoop	5'	n/a
E. Encroachment Depth (determined by underlying zone)	n/a	n/a
F. Stoop must directly align to the entrance of the building	n/a	n/a
Stoop Elements	Min.	Max.
Streetwalls defining edge of frontage line (property line/ROW)		
- Height above Adjacent Sidewalk or Grade (determined by underlying zone)	n/a	n/a

#### Notes

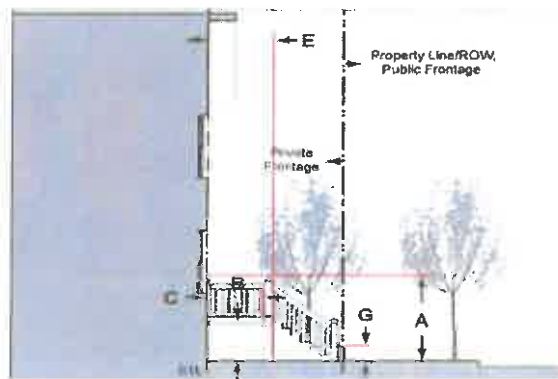
Stoop shall not encroach into public frontage (ROW).



**Plan Diagram: Stoop**

Roofs may be used to cover the landing of the stoop. Height of the roof may correspond to the facade and architectural style of the building.

Stairs from Stoop may lead directly to frontage line, but shall not encroach into the public frontage (ROW). Stairs may also be side loaded.



**Section Diagram: Stoop**

(14) *Sign Standards:*

(a) *General Provisions:*

- (i) *Allowed Signs:* The following signs are allowed within the West Homewood District: Alley/Passage, Awning Top-mounted, Awning Valance, Display Case, Marquee, Monument, Name Plate, Projecting, Sidewalk, Wall Mounted, Window, and Yard. Table - Allowed Signs by Frontage Type below identifies the allowed signs by frontage types.
- (ii) *Applicability:* The regulations of the Sign Standards shall apply to signs located in the West Homewood District, except for signs not regulated by this Ordinance (see Section (3)). Signs that do not comply with the standards set forth in this Section are not allowed in the West Homewood District (see Section (3)). Additional sign types may be integrated into this Section as they are approved by the Planning Commission.

(iii) *Materials:* Sign materials should complement the architecture of the structure. The following finish materials for signs are allowed:

1. Wood: painted or natural
2. Metal: copper, brass, galvanized steel
3. Painted Canvas
4. Neon
5. Masonry: brick, stone, concrete, stucco

(iv) *Lighting:* Sign lighting shall meet the following requirements:

1. External light sources shall only be used to provide lighting for the sign they are illuminating and shall be shielded or positioned in such a way that they do not produce glare on any other object.
2. Signs shall not have lights that flash, blink, flutter, or change brightness, color or intensity.
3. Sign lighting shall not have lights used in a manner that can be confused or construed as traffic control devices.
4. Sign lighting shall not create safety hazards for pedestrians and motorist.
5. Sign lighting shall consist of fluorescent or compact fluorescent lamps, or more energy efficient light sources. Incandescent lamps are prohibited, except when it is used in historic signs.

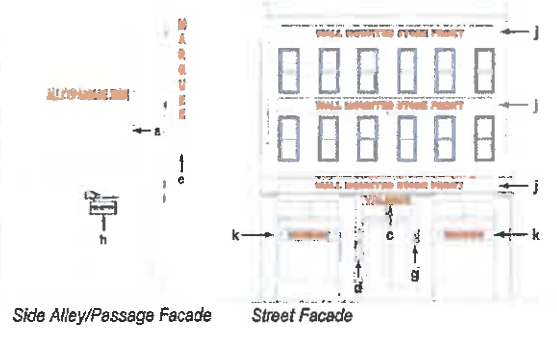
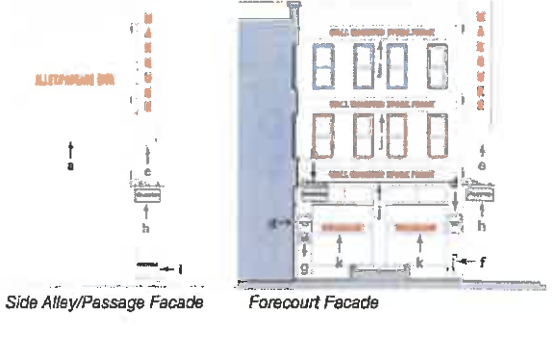
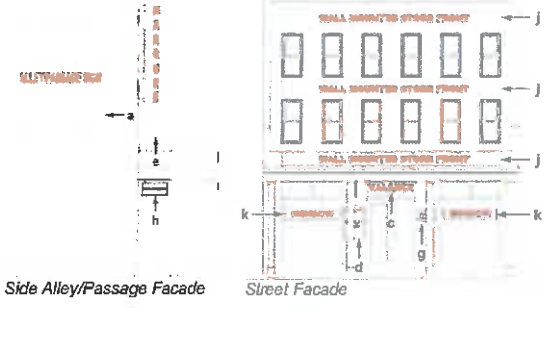
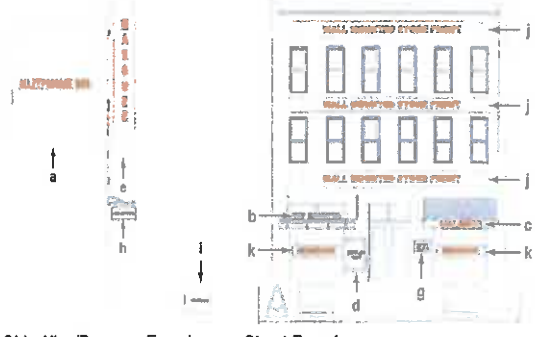
Table - Allowed Signs by Frontage Types							
	Sign Types	Frontage Types					
		Arcade	Gallery	Forecourt	Raised Shopfront	Shopfront	Stoop
a.	Alley/Passage	A	A	A	A	A	N/P
b.	Awning Top-mounted	NP	NP	A	A	A	N/P
c.	Awning Valance	A*	A*	A	A	A	N/P
d.	Display Case	A	A	A	A	A	N/P
e.	Marquee	A	A	A	A	A	N/P
f.	Monument	N/P	N/P	A	N/P	N/P	N/P
g.	Name Plate	A	A	A	A	A	A
h.	Projecting	A	A	A	A	A	N/P
i.	Sidewalk	N/P	N/P	A	A	A	N/P
j.	Wall Mounted	A	A	A	A	A	N/P
k.	Window	A	A	A	A	A	N/P
l.	Yard	N/P	N/P	N/P	N/P	N/P	A
* Awning (Valance) signs are only allowed on an arcade and gallery when it is a horizontal sign hung between the openings parallel to the facade of the.							

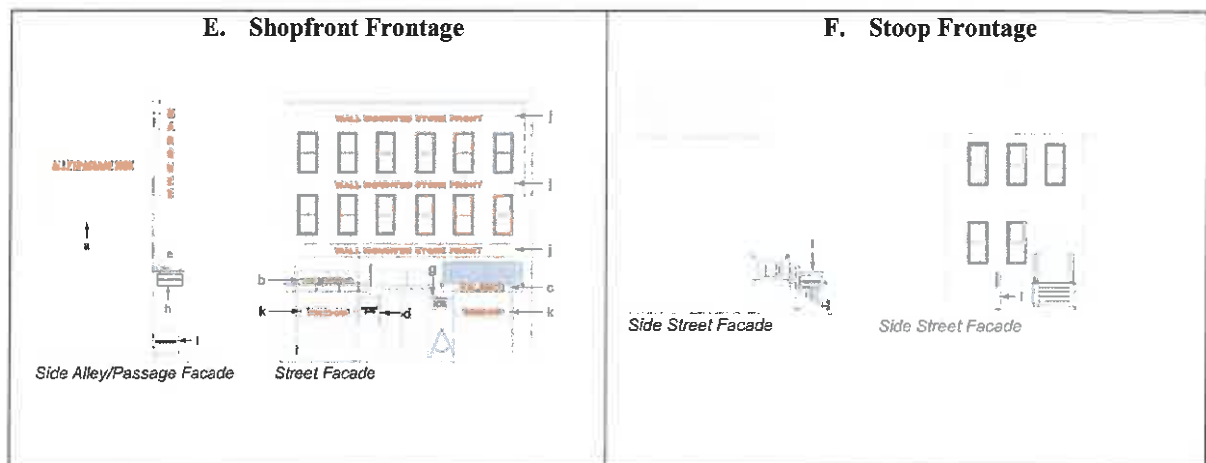
## NOTES

See Sign Location diagrams for the locations of signs on the various frontage types listed in the table above.

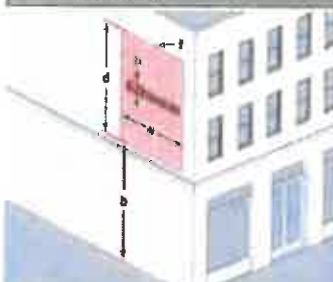
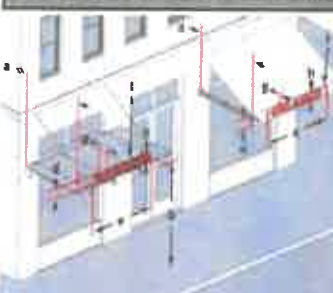
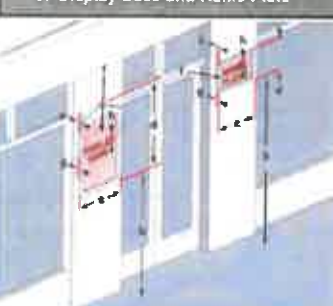
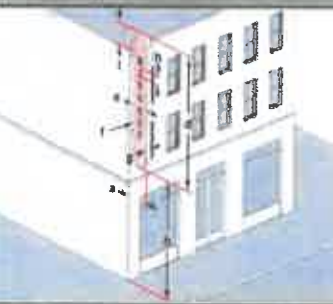
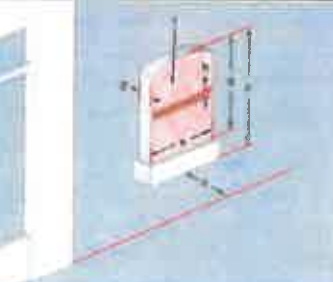
N/P = Not Permitted, A = Allowed

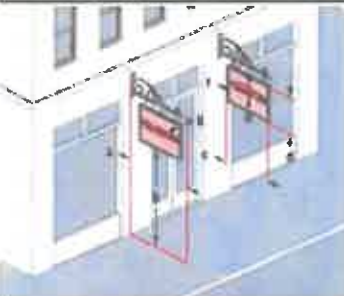
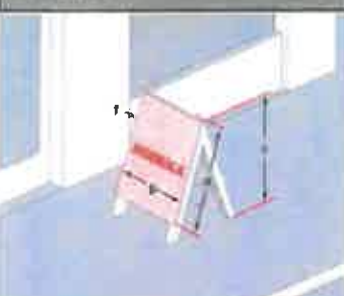
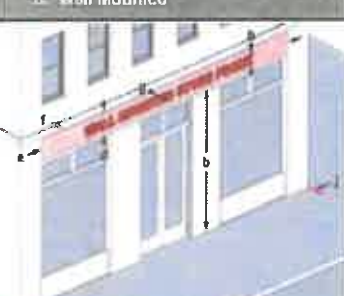
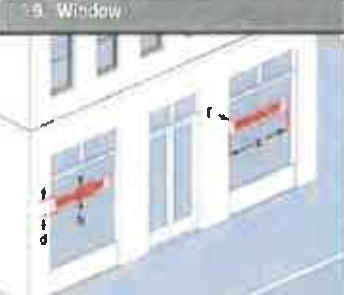

- (v) *Sign Location:* The diagrams below identify the allowed signs by the various frontage types and the general locations where signs are permitted. A max of two sign types are allowed per business (only one marquee sign per building):

<p><b>A. Arcade Frontage</b></p>  <p><i>Side Alley/Passage Facade</i>      <i>Street Facade</i></p> <p><b>Notes:</b> "c" can be located between any of the arcade's openings as long as it is in compliance with Section (18) b. 2.</p>	<p><b>B. Forecourt Frontage</b></p>  <p><i>Side Alley/Passage Facade</i>      <i>Forecourt Facade</i></p> <p><b>Notes:</b> Refer to the Shopfront location diagram for Awning Top-Mounted and Valance.</p>
<p><b>C. Gallery Frontage</b></p>  <p><i>Side Alley/Passage Facade</i>      <i>Street Facade</i></p> <p><b>Notes:</b> "c" can be located between any of the arcade's openings as long as it is in compliance with Section (18) b. 2.</p>	<p><b>D. Raised Shopfront Frontage</b></p>  <p><i>Side Alley/Passage Facade</i>      <i>Street Facade</i></p>



(b) *Sign Configurations:*

<div>1. Alley Passage</div> 	<div>A. Description</div> <p><b>Alley Passage:</b> A painted or mounted sign on the facade fronting an alley/ passage. Sign does not go beyond roof line and must be contained within the facade.</p>	<div>B. Configurations</div> <table><tr><td>a. Projection</td><td>n/a</td></tr><tr><td>b. Clear Height</td><td>8' Min.</td></tr><tr><td>c. Post Height</td><td>n/a</td></tr><tr><td>d. Sign Height</td><td>60% of alley/passage facade's height</td></tr><tr><td>e. Sign Width</td><td>Max. 70% of alley/passage facade's width</td></tr><tr><td>f. Sign Area</td><td>Max. 40% of alley/passage facade</td></tr><tr><td>g. Sign Thickness</td><td>n/a</td></tr><tr><td>h. Letter Height</td><td>n/a</td></tr><tr><td>i. Height above Roof Line</td><td>n/a</td></tr><tr><td>Quantity</td><td>1 per alley/passage facade</td></tr></table>		a. Projection	n/a	b. Clear Height	8' Min.	c. Post Height	n/a	d. Sign Height	60% of alley/passage facade's height	e. Sign Width	Max. 70% of alley/passage facade's width	f. Sign Area	Max. 40% of alley/passage facade	g. Sign Thickness	n/a	h. Letter Height	n/a	i. Height above Roof Line	n/a	Quantity	1 per alley/passage facade													
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i. Height above Roof Line	n/a																																			
Quantity	1 per alley/passage facade																																			
<div>2. Awning Top-Mounted and Valance</div> 	<div>A. Description</div> <p><b>Awning Top Mounted:</b> A mounted sign on top of a horizontal awning. <b>Awning Valance:</b> A horizontal sign applied directly to an awning's valance. It can also be a horizontal sign hung between the openings of an arcade or gallery.</p>	<div>B. Configurations</div> <table><tr><th></th><th>Top-Mounted</th><th>Valance</th></tr><tr><td>a. Projection</td><td>Max. within 2' of curb</td><td>Max. within 2' of curb</td></tr><tr><td>b. Clear Height</td><td>8' Min.</td><td>8' Min.</td></tr><tr><td>c. Post Height</td><td>n/a</td><td>n/a</td></tr><tr><td>d. Sign Height</td><td>18"</td><td>1'</td></tr><tr><td>e. Sign Width (between the opening of an arcade or gallery)</td><td>80% of awning's width</td><td>80% of valance width (80% of arcade/gallery opening width)</td></tr><tr><td>f. Sign Area</td><td>1 sf per linear ft of awning's width</td><td>Max. 90% of valance area</td></tr><tr><td>g. Sign Thickness</td><td>Max. 24"</td><td>1"</td></tr><tr><td>h. Letter Height</td><td>16"</td><td>8"</td></tr><tr><td>i. Height above Roof Line</td><td>n/a</td><td>n/a</td></tr><tr><td>Quantity</td><td>1 per awning</td><td>1 per awning</td></tr></table>			Top-Mounted	Valance	a. Projection	Max. within 2' of curb	Max. within 2' of curb	b. Clear Height	8' Min.	8' Min.	c. Post Height	n/a	n/a	d. Sign Height	18"	1'	e. Sign Width (between the opening of an arcade or gallery)	80% of awning's width	80% of valance width (80% of arcade/gallery opening width)	f. Sign Area	1 sf per linear ft of awning's width	Max. 90% of valance area	g. Sign Thickness	Max. 24"	1"	h. Letter Height	16"	8"	i. Height above Roof Line	n/a	n/a	Quantity	1 per awning	1 per awning
	Top-Mounted	Valance																																		
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h. Letter Height	16"	8"																																		
i. Height above Roof Line	n/a	n/a																																		
Quantity	1 per awning	1 per awning																																		
<div>3. Display Case and Name Plate</div> 	<div>A. Description</div> <p><b>Display Case:</b> A mounted sign, typically encased with translucent materials, used to display items and communicate information to pedestrians. <b>Name Plate:</b> A sign consisting of either a panel or individual letters mounted to the building's wall, and within 10' of the building's entrance.</p>	<div>B. Configurations</div> <table><tr><th></th><th>Display Case</th><th>Name Plate</th></tr><tr><td>a. Projection</td><td>Max. 5"</td><td>Max. 3"</td></tr><tr><td>b. Clear Height</td><td>4'6" Min.</td><td>4'6" Min.</td></tr><tr><td>c. Post Height</td><td>n/a</td><td>n/a</td></tr><tr><td>d. Sign Height</td><td>Max. 3'6"</td><td>Max. 6"</td></tr><tr><td>e. Sign Width</td><td>Max. 3'6"</td><td>Max. 24"</td></tr><tr><td>f. Sign Area</td><td>Max. 6 s.f.</td><td>Max. 1 s.f.</td></tr><tr><td>g. Sign Thickness</td><td>5"</td><td>3"</td></tr><tr><td>h. Letter Height</td><td>n/a</td><td>5"</td></tr><tr><td>i. Height above Roof Line</td><td>n/a</td><td>n/a</td></tr><tr><td>Quantity</td><td>1 per shopfront</td><td>1 per address or business</td></tr></table>			Display Case	Name Plate	a. Projection	Max. 5"	Max. 3"	b. Clear Height	4'6" Min.	4'6" Min.	c. Post Height	n/a	n/a	d. Sign Height	Max. 3'6"	Max. 6"	e. Sign Width	Max. 3'6"	Max. 24"	f. Sign Area	Max. 6 s.f.	Max. 1 s.f.	g. Sign Thickness	5"	3"	h. Letter Height	n/a	5"	i. Height above Roof Line	n/a	n/a	Quantity	1 per shopfront	1 per address or business
	Display Case	Name Plate																																		
a. Projection	Max. 5"	Max. 3"																																		
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g. Sign Thickness	5"	3"																																		
h. Letter Height	n/a	5"																																		
i. Height above Roof Line	n/a	n/a																																		
Quantity	1 per shopfront	1 per address or business																																		
<div>4. Marquee</div> 	<div>A. Description</div> <p><b>Marquee:</b> A sign that projects from the upper floor facade (preferably the primary street facade) displaying a message and/or figural design. Allowed on buildings over 2 stories.</p>	<div>B. Configurations</div> <table><tr><td>a. Projection</td><td>Max. 4'</td></tr><tr><td>b. Clear Height</td><td>20' Min.</td></tr><tr><td>c. Post Height</td><td>n/a</td></tr><tr><td>d. Sign Height</td><td>Max. 80% upper story height</td></tr><tr><td>e. Sign Width</td><td>Max. 3'</td></tr><tr><td>f. Sign Area</td><td>Max. 36 s.f.</td></tr><tr><td>g. Sign Thickness</td><td>Max. 2'</td></tr><tr><td>h. Letter Height</td><td>n/a</td></tr><tr><td>i. Height above Roof Line</td><td>Max. 6'</td></tr><tr><td>Quantity</td><td>1 per building</td></tr></table>		a. Projection	Max. 4'	b. Clear Height	20' Min.	c. Post Height	n/a	d. Sign Height	Max. 80% upper story height	e. Sign Width	Max. 3'	f. Sign Area	Max. 36 s.f.	g. Sign Thickness	Max. 2'	h. Letter Height	n/a	i. Height above Roof Line	Max. 6'	Quantity	1 per building													
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<div>5. Monument</div> 	<div>A. Description</div> <p><b>Monument:</b> A pedestrian-oriented sign that is attached to the ground and used to display text and graphics such as name and logo of business. May be used on lots where the primary use is residential.</p>	<div>B. Configurations</div> <table><tr><td>a. Projection (distance from sidewalk)</td><td>( 5' Min. )</td></tr><tr><td>b. Clear Height</td><td>n/a</td></tr><tr><td>c. Post Height (Overall Height)</td><td>( 5' )</td></tr><tr><td>d. Sign Height</td><td>Max. 4'</td></tr><tr><td>e. Sign Width</td><td>Max. 4'</td></tr><tr><td>f. Sign Area</td><td>Max. 16 s.f.</td></tr><tr><td>g. Sign Thickness</td><td>1'</td></tr><tr><td>h. Letter Height</td><td>n/a</td></tr><tr><td>i. Height above Roof Line</td><td>n/a</td></tr><tr><td>Quantity</td><td>1 per lot</td></tr></table>		a. Projection (distance from sidewalk)	( 5' Min. )	b. Clear Height	n/a	c. Post Height (Overall Height)	( 5' )	d. Sign Height	Max. 4'	e. Sign Width	Max. 4'	f. Sign Area	Max. 16 s.f.	g. Sign Thickness	1'	h. Letter Height	n/a	i. Height above Roof Line	n/a	Quantity	1 per lot													
a. Projection (distance from sidewalk)	( 5' Min. )																																			
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h. Letter Height	n/a																																			
i. Height above Roof Line	n/a																																			
Quantity	1 per lot																																			

	<b>6. Projecting</b>  <b>A. Description</b> <b>Projecting:</b> A pedestrian-oriented sign that is mounted perpendicular to the building's facade (preferably the primary street facade) and projects over the sidewalk providing visibility to pedestrians.	<b>B. Configurations</b>  a. Projection 4' b. Clear Height 8' Min. c. Post Height n/a d. Sign Height Max. 2' e. Sign Width Max. 4' f. Sign Area 8 s.f. each side g. Sign Thickness Max. 1' h. Letter Height Max. 8" i. Height above Roof Line n/a Quantity 1 per business
	<b>7. Sidewalk</b>  <b>A. Description</b> <b>Sidewalk:</b> A secondary sign, used during business hours, that is placed on the sidewalk adjacent to the building. The sign should not affect pedestrian travel or encroach into the required accessible path.	<b>B. Configurations</b>  a. Projection n/a b. Clear Height n/a c. Post Height (Overall Height) (Max. 42") d. Sign Height Max. 38" e. Sign Width Max. 28" f. Sign Area 7 s.f. each side g. Sign Thickness n/a h. Letter Height n/a i. Height above Roof Line n/a Quantity 1 per business with a shopfront
	<b>8. Wall Mounted</b>  <b>A. Description</b> <b>Wall Mounted:</b> A sign that is horizontally mounted or painted above the openings of the shopfront and is viewable by both pedestrians and motorists.	<b>B. Configurations</b>  a. Projection Max 8" b. Clear Height 9' Min. c. Post Height n/a d. Sign Height Max. 2' e. Sign Width Max. 80% of "J" width f. Sign Area 2 s.f. per linear ft of "J" g. Sign Thickness Max. 6" h. Letter Height Max. 18" i. Height above Roof Line n/a j. Shopfront/Business Facade Width varies Quantity 1 per business with a ground story occupancy (2 for corner buildings)
	<b>9. Window</b>  <b>A. Description</b> <b>Window:</b> A sign consisting of letters and/or designs applied directly to the inside of the shopfront window. Professionally painted signs are encouraged and plastic or vinyl cutouts are strongly discouraged.	<b>B. Configurations</b>  a. Projection n/a b. Clear Height n/a c. Post Height n/a d. Sign Height varies e. Sign Width varies f. Sign Area Max. 25% of display window g. Sign Thickness n/a h. Letter Height Max. 8" i. Height above Roof Line n/a Quantity 1 per display window
	<b>10. Yard</b>  <b>A. Description</b> <b>Yard:</b> A sign that projects or hangs from a post located in the front yard of a property.	<b>B. Configurations</b>  a. Projection (distance from sidewalk) (5' Min.) b. Clear Height Max. 3" c. Post Height Max. 5'6" d. Sign Height Max. 2' e. Sign Width Max. 4' f. Sign Area 8 s.f. each side g. Sign Thickness Max. 6" h. Letter Height Max. 8" i. Height above Roof Line n/a Quantity 1 per lot

(14) *Public Space Standards:*

(a) *General Provisions:*

- (i) Thoroughfares Assemblies Public Space Standards establish design standards for thoroughfares located within the West Homewood District. The design guidelines for thoroughfare assemblies, outlined in Section (15) b., work to achieve the following:

1. Provide the information with which to modify existing thoroughfares; and
2. Produce new thoroughfares that are designed to support both motor vehicles, and non-motor vehicles such as pedestrians.

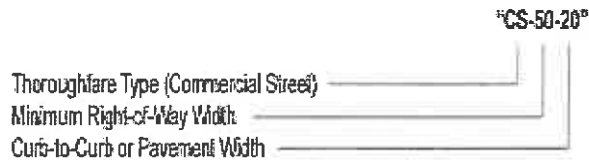
(ii) *Applicability:*

1. The requirements of the Public Space Standards apply to new thoroughfares (public and private) and to the modification, reconstruction, or retrofit of existing thoroughfares within the West Homewood District. Inclusion of wider sidewalks, tree plantings, and narrowed travel lanes shall be a priority and shall be incorporated into all phases of design for improvement of the area. Intersection designs, with the exception of curb radius dimensions, are not subject to the requirements of the Public Space Standards and should be appropriately engineered. Roundabouts are permitted instead of signalization, but require the approval of the City Council.
2. Where applicable, the Public Space Standards shall be used as criteria for the planning approval process and shall be sanctioned through the respective City departments including Engineering, Planning, Public Works and Parks & Recreation. Provisions of this Section, when in conflict, take precedence over those of other codes, ordinances, regulations and standards for Engineering, Planning, Public Works and Parks & Recreation, except the Local Health and Safety Codes and Local, State and National Building Codes.
3. The Thoroughfare Assembly Plan (Section (15) a. 1.) identifies the existing right-of-ways that are subject to the requirements of the Public Space Standards and the applicable thoroughfare assembly for each existing right-of-way.

- (iii) *Types of thoroughfares:* The thoroughfare assembly type for the West Homewood District is listed below with design provisions further outlined in Section (15) b.

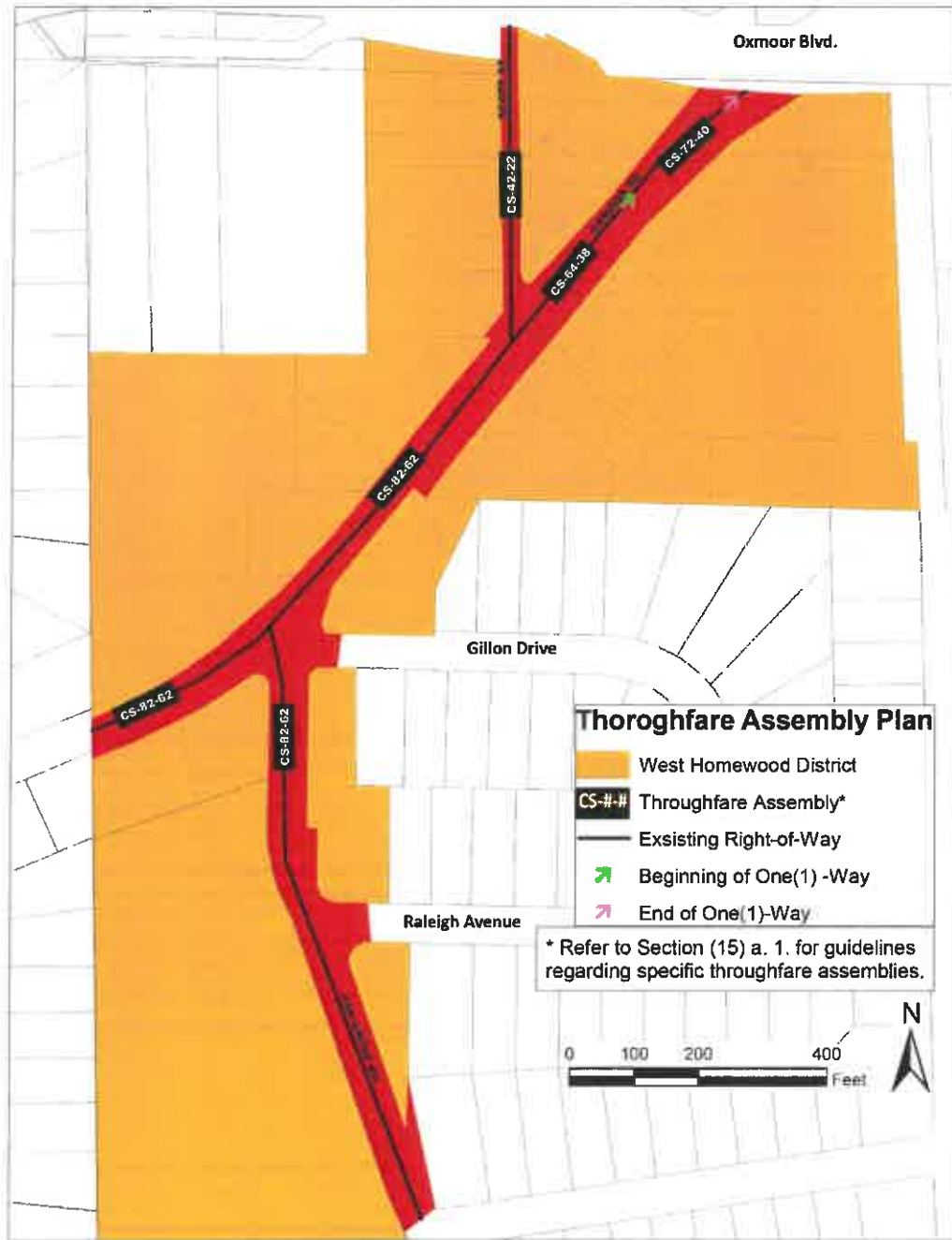
1. Commercial Street

**NOTE:** Since each type of thoroughfare assembly can have multiple configurations, the following classification system is used to differentiate the various configurations within each type of thoroughfare assembly:

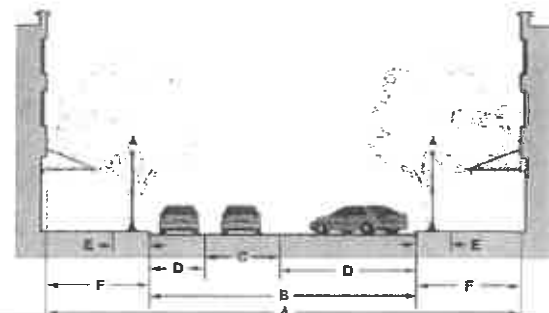
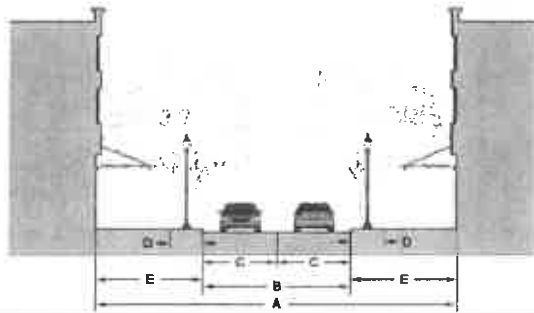


- (iv) *Adding and Modifying Thoroughfare Assemblies:* Thoroughfare assemblies, beyond those identified on the Thoroughfare Assembly Plan and in Section (15) b., may be added upon approval by the City Council, provided that the applicable safety requirements are addressed to the satisfaction of the City Council. Existing thoroughfare assemblies may be modified upon approval by the City Council.

## Thoroughfare Assembly



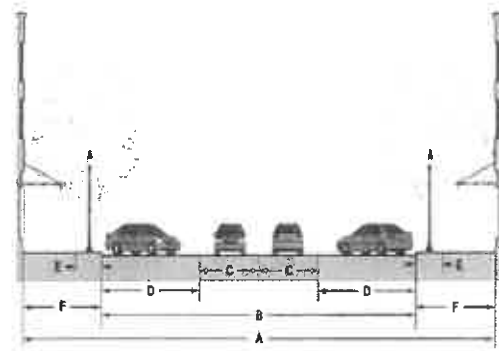
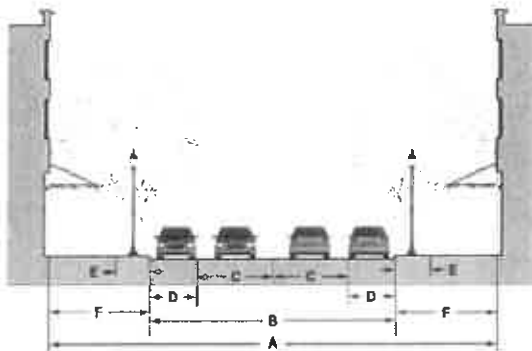
## Thoroughfare Assembly Configurations



1. Scott Street (CS-42-22)			2. Oxmoor Road (CS-72-40)		
Application			Application		
Movement Type	Slow		Movement Type	Slow	
Target Speed	25-30 mph		Target Speed	25-30 mph	
Applicable Zones	SS		Applicable Zones	SS	
Overall Width			Overall Width		
A. Right-of-Way (ROW)*	42' min.		A. Right-of-Way (ROW)*	72' min.	
B. Curb-to-Curb	22'		B. Curb-to-Curb	40'	
*Easement may be needed to achieve ROW requirements.			*Easement may be needed to achieve ROW requirements.		
Lanes			Lanes		
C. Traffic Lanes	2 at 11' (2-way travel)		C. Traffic Lanes	1 at 11' (1-way travel)	
Bicycle Lanes	None		Bicycle Lanes	None	
Parking Lanes	None		D. Parking Lanes	Angle (30°): 1 at 21'**; Parallel: 1 at 8'	
Medians	None		Medians	None	
Edges			**Measured perpendicular to curb.		
Paved Edge	Curb and gutter		Paved Edge	Curb and gutter	
Planter Type	Tree well		Planter Type	Tree well	
D. - Tree Well	4' x 4' min.		E. - Tree Well	4' x 4' min.	
Tree Type			Tree Type		
- Spacing	40' o.c. avg.		- Spacing	40' o.c. avg.	
Lighting Type	Low, pedestrian oriented lighting		Lighting Type	Low, pedestrian oriented lighting	
- Spacing	80' o.c. avg.		- Spacing	80' o.c. avg.	
Walkway Type	Sidewalk		Walkway Type	Sidewalk	
E. - Commercial	2 at 10' min.		F. - Commercial	2 at 16' min.	
Intersection			Intersection		
Curb Radius	10' - 15' max.		Curb Radius	10' - 15' max.	
Notes			Notes		
A 28' radius Clear Zone is required to allow for emergency vehicles.			A 28' radius Clear Zone is required to allow for emergency vehicles.		
Sidewalks should be constructed per "Type N" construction standards to accommodate for encroachment of emergency vehicles.			Sidewalks should be constructed per "Type N" construction standards at curb intersections for encroachment of emergency vehicles.		
ROW width may vary; sidewalk and planter width may increase, but shall not decrease based on					

available ROW. All other dimensions remain constant.

ROW width may vary; sidewalk and planter width may increase, but shall not decrease based on available ROW. All other dimensions remain constant.



### 3. Oxmoor Road (CS-64-38)

Application	
Movement Type	Slow
Target Speed	25-30 mph
Applicable Zones	SS
Overall Width	
A. Right-of-Way (ROW)*	64' min.
B. Curb-to-Curb	38'
*Easement may be needed to achieve ROW requirements.	
Lanes	
C. Traffic Lanes	2 at 11' (2-way travel)
Bicycle Lanes	None
Parking Lanes	Parallel: 2 at 8'
Medians	None
Edges	
Paved Edge	Curb and gutter
Planter Type	Tree well
D. - Tree Well	4' x 4' min.
Tree Type	
- Spacing	40' o.c. avg.
Lighting Type	Low, pedestrian oriented lighting
- Spacing	80' o.c. avg.
Walkway Type	Sidewalk
E. - Commercial	2 at 13' min.
Intersection	
Curb Radius	10' - 20' max.
Notes	

### 4. Oxmoor Road (CS-82-62)

Application	
Movement Type	Slow
Target Speed	25-30 mph
Applicable Zones	SS
Overall Width	
A. Right-of-Way (ROW)*	82' min.
B. Curb-to-Curb	62'
*Easement may be needed to achieve ROW requirements.	
Lanes	
C. Traffic Lanes	2 at 11' (2-way travel)
Bicycle Lanes	None
D. Parking Lanes	Angle (30°): 2 at 20'**
Medians	None
**Measured perpendicular to curb.	
Edges	
Paved Edge	Curb and gutter
Planter Type	Tree well
E. - Tree Well	4' x 4' min.
Tree Type	
- Spacing	40' o.c. avg.
Lighting Type	Low, pedestrian oriented lighting
- Spacing	80' o.c. avg.
Walkway Type	Sidewalk
F. - Commercial	2 at 10' min.
Intersection	
Curb Radius	10' - 15' max.

A 28' radius Clear Zone is required to allow for emergency vehicles.

Sidewalks should be constructed per "Type N" construction standards to accommodate for encroachment of emergency vehicles.

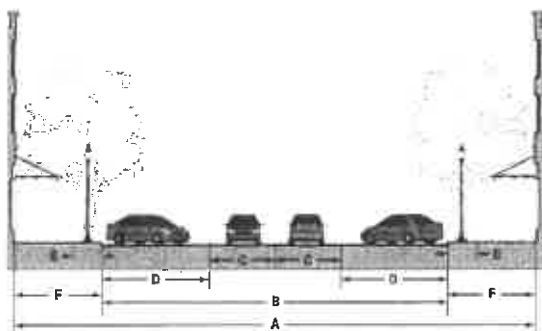
ROW width may vary; sidewalk and planter width may increase, but shall not decrease based on available ROW. All other dimensions remain constant.

#### Notes

A 28' radius Clear Zone is required to allow for emergency vehicles.

Sidewalks should be constructed per "Type N" construction standards at curb intersections for encroachment of emergency vehicles.

ROW width may vary; sidewalk and planter width may increase, but shall not decrease based on available ROW. All other dimensions remain constant.



#### 5. Oak Grove Road (CS-82-62)

##### Application

Movement Type	Slow
Target Speed	25-30 mph
Applicable Zones	SS

##### Overall Width

A. Right-of-Way (ROW)*	82' min.
B. Curb-to-Curb	62'

\*Easement may be needed to achieve ROW requirements.

##### Lanes

C. Traffic Lanes	2 at 11' (2-way travel)
Bicycle Lanes	None
D. Parking Lanes	Angle (30°): 2 at 20'***
Medians	None

\*\*\*Measured perpendicular to curb.

##### Edges

Paved Edge	Curb and gutter
Planter Type	Tree well
D. - Tree Well	4' x 4' min.
Tree Type	
- Spacing	40' o.c. avg.
Lighting Type	Low, pedestrian oriented lighting
- Spacing	80' o.c. avg.
Walkway Type	Sidewalk
E. - Commercial	2 at 10' min.

Intersection	
Curb Radius	10' - 15' max.
Notes	
A 28' radius Clear Zone is required to allow for emergency vehicles.	
Sidewalks should be constructed per "Type N" construction standards to accommodate for encroachment of emergency vehicles.	
ROW width may vary; sidewalk and planter width may increase, but shall not decrease based on available ROW. All other dimensions remain constant.	

(15) *Glossary - Definitions:*

*Abandoned:* Forsaken or deserted by owner and commencing when the power and/or water utilities are disconnected or discontinued.

*Access:* The physical pedestrian entrance to a unit that is provided directly from the street or courtyard.

*Alcohol Beverage Shops:* Location where the primary purpose, use, function, or product sold is alcohol, spirits, liquor, wine, beer, or any liquid or solid containing alcohol, spirits, wine, or beer containing one-half of one percent or more of alcohol by volume, and that is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances for off-site consumption.

*Alley:* An alley is any public or private thoroughfare for the use of pedestrians or vehicles, not less than ten (10) feet or more than thirty (30) feet in width, and is intended for service and only a secondary means of access to abutting properties, typically located in the rear of a lot.

*Alley/Passage Sign:* See Section 14 Sign Standards.

*Ancillary/Accessory Building:* A building located on the same lot and customarily incidental and subordinate to the Primary Building on the lot or to the use of land. Where an ancillary building is attached to the Primary Building, as by a roof or common wall, such structures shall be considered a portion of the Primary Building. Typically, ancillary buildings are intended for a variety of purposes such as vehicular parking (garages housing a maximum of 4 vehicles), storage of lawn and garden equipment, storage of household items, play house and green house. Accessory structures may include a habitable area such as a home office, recreation room, guesthouse, and sleeping room. The habitable area of an ancillary building shall not exceed 600 s.f. Ancillary structures shall not be greater than 800 s.f.

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

*Artisan Shop:* Premises available for the creation, assemblage, and/ or repair of artifacts, using hand-powered and table-mounted electrical machinery, and including their retail sale.

*ATM:* An automated teller machine (computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel), located outdoors at a bank, or in another location. Does not include check-cashing stores.

*Attic:* The area found between the ceiling joists of the top story and roof rafters of a structure.

*Auto or Motor Vehicle Service:* Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts. Typical uses include muffler shops, tire shops, automotive detailing, tune-up shops, automobile repair garages, vehicle stereo installation and automobile glass shops

*Average Grade:* The average elevation of the surface of the ground comprising a site as determined by a survey taken from five equally-spaced points along each setback line.

*Bank, Financial Service:* An establishment for the custody, loan, exchange or issue of money for the extension of credit, and for facilitating the transmission of funds. Includes banks and trust companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, other investment companies, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies. Excludes check-cashing, payday loan, title loan stores and pawn shops.

*Bar, Tavern, Night Club, Brew Pub:*

*Bar, Tavern, Brew Pub:* A business where alcoholic beverages are sold for on-site consumption that is not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery ("brew-pub"), and other beverage tasting facilities. Excludes "Alcoholic Beverage Shops."

*Night Club:* A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc. Does not include adult oriented businesses.

*Bed & Breakfast:* A residential structure with one or more bedrooms rented for overnight lodging, where meals may be provided subject to applicable Health Department regulations.

*Botanical Garden:* An establishment where plants are grown for display to the public and often for scientific study.

*Building Height:* The vertical extent of a building measured in stories, not including a basement or a habitable attic. Height limits do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads and similar structures. Building height shall be measured from the curb level or average elevation of the finished grade along the front of the building when building is set back from front property line, to the building's eave or the base of the building's parapet.

*Build-to Line (BTL):* A stated setback dimension graphically represented by a line, along which a building facade must be placed.

*Bulkhead:* Panel that provides a transition from the display window of a shopfront to the adjacent grade and allows for merchandise to be elevated within the display window. The panels can be wood, cast iron, and, and masonry.

*Business Support Service:* An establishment within a building that provides services to other businesses. Examples include: computer-related services (rental, repair), copying, quick printing and blueprinting services, film processing and photofinishing (retail), and mailing and mail box services.

*Carriage House:* An ancillary housing unit located above or adjacent to the garage of a primary housing unit on the lot, with the front door and access directed towards an alley.

*Chamfered:* Angled to create a diagonal facade from two perpendicular facades.

*City:* The City of Homewood, Alabama

*Civic & Recreational:* For the purposes of this Ordinance, civic & recreational uses shall be considered to encompass all of the civic & recreational use categories as defined in the Land Uses Table in Section (10).

*Commercial:* For the purposes of this Ordinance, commercial uses shall be considered to encompass all of the commercial use categories as defined in the Land Uses Table in Section (10).

*Commercial Recreation Facility - Indoor:* An establishment providing indoor amusement and entertainment services for a fee or admission charge, including: bowling alleys, coin-operated amusement arcades, electronic game arcades (video games, pinball, etc.), ice skating, roller skating, and pool and billiard rooms as primary uses. This use does not include adult businesses. Four or more electronic games or coin-operated amusements in any establishment, or premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above. Three or fewer machines are not considered a land use separate from the primary use of the site.

*Common Property/Lot Lines:* Lot lines shared by adjacent private lots that are not fronted by the primary building facade.

*Community Assembly (Public or Private):* Group gatherings conducted indoors, such as community centers, bingo halls, private clubs, fraternal, philanthropic and charitable organizations and lodges.

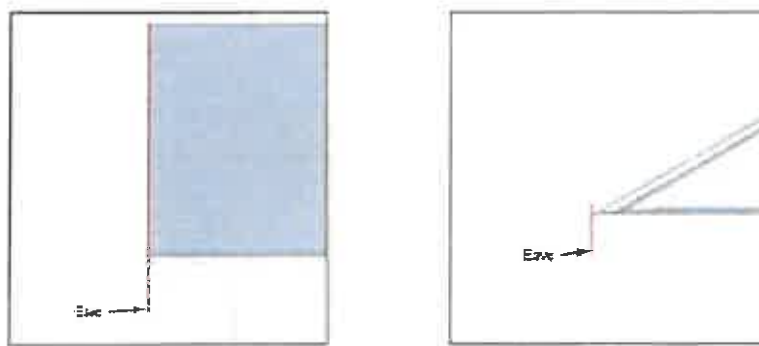
*Day Care Center (Child or Adult):* A state-licensed facility that provides non-medical care and supervision for adult clients or minor children for periods of less than 24 hours for any client. These facilities are required to be licensed by the Alabama State Department of Social Services.

*Display Window:* The transparent opening made of large expanses of glass or some other translucent material that provides unobstructed visibility into the shop interior and to merchandise in the shop.

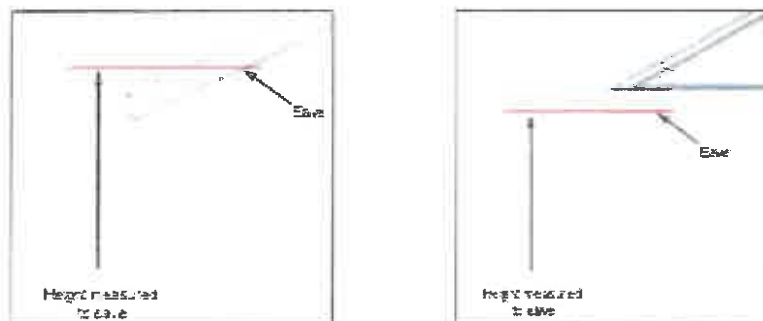
*District:* A portion of the territory of the City of Homewood, known as the West Homewood District, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

*Dwelling, Dwelling Unit, or Housing Unit:* A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a longterm basis.

*Eave:* Where used to limit encroachment, the eave shall be defined as the edge of the building or structure's roof, usually projecting beyond the exterior wall of the building or structure. See diagrams below.



*Eave (Height):* Where used to limit building's height, the eave shall be defined as the lowest point of intersection between the exterior wall and the roof (any part of the roof) of the building (not applicable to flat roofs). See diagrams below.



*Elevation:* An exterior wall of a building not along a primary street BTL or side street BTL.

*Encroach:* To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public frontage/ROW, or above a height limit.

*Entrance:* The principal point of access for pedestrians to a building. In support of pedestrian activity, the main or primary entrance should be oriented to the frontage rather than to the parking.

*Facade:* The vertical surface of a building that is built along the BTL and is usually set facing the street.

*Fast Food Restaurant:* A restaurant with a drive-through facility providing food service directly to occupants of a motor vehicle. Fast food restaurants are not permitted within the West Homewood District.

*Fence:* A type of screenwall permitted along the common lot line and rear lot line. A fence is also defined as a barrier attached to the ground that may consist of vertical and horizontal supports and cross members which separate lot lines or yards. Fences may be built of wrought iron, cast iron, and welded steel ornamental fences or wood picket fences of substantial design. Metal fences also may be mounted on a low masonry wall and/ or spanning masonry piers. Wooden fences should be painted, preferably a light color. Chain link fences are highly discouraged, but are allowed under this Ordinance.

*Fenestrated:* Having one or more openings, measured in percentage of wall surface area.

*Form:* Refers to the physical public and private realm that make up the built environment in the West Homewood District. Form includes, but is not limited to, the following:

- (a) Building type, character, placement, height, mass, scale, relationship to the public frontage, adjacent private frontage, and other elements that are addressed in this Ordinance.
- (b) The public right-of-way, which consist of sidewalks, vehicular lanes, bicycle lanes, street trees and landscaping, street furniture, parking lanes and other elements that are part of the public realm. Also the relationship of the public frontage to the private frontage.
- (c) The type and character of signs along with the allocation of uses and off-street parking.

*Frontage:* The area between a building facade and the vehicular lanes of the public ROW, inclusive of its built and planted components. Frontage is divided into Private Frontage and Public Frontage (see Section (13) *Frontage Types*).

*Frontage Line:* The property lines of a lot bordering a street or other public right-of-way (public frontage).

*Front Yard:* The area between the frontage line and the facade of the primary building that extends the full width of the lot.

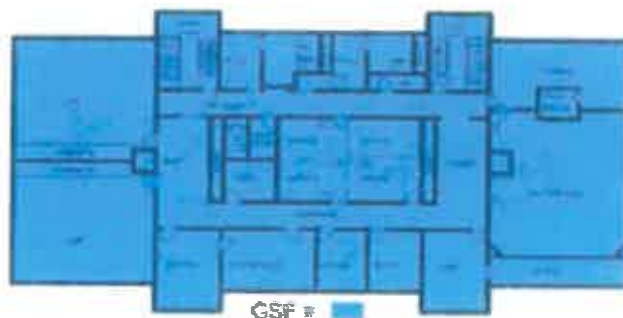
*Furniture and Fixture Manufacturing, Cabinet Shop:* The manufacture or assembly of high grade articles of furniture and fixtures calling for fine finish, such as decorative cabinets, desks

and chairs, store fixtures and office equipment. In the production of such goods, noise above 60 dB CNEL beyond the walls of the building is prohibited.

*General Retail:* Stores and shops selling many lines of merchandise. Examples include: art galleries, retail, art supplies including framing services, books, magazines, and newspapers, cameras and photographic supplies, clothing, shoes, and accessories, collectibles (cards, coins, comics, stamps, etc.), drug stores and pharmacies, dry goods, fabrics and sewing supplies, furniture and appliance stores, hobby materials, home and office electronics, jewelry, luggage and leather goods, musical instruments, parts and accessories, small wares, specialty grocery stores, specialty shops, sporting goods and equipment, stationery, toys and games, variety stores, videos, DVDs, records, CDs including rental stores. General retail does not include the following:

- (a) Adult business as defined in Homewood City Zoning Ordinance, title loans, payday loans and pawn shops.
- (b) Sheet metal shops, body-fender works, automobile paint shops, repair garages, and any activity which includes the processing, treatment, manufacturing, assembling or compounding of any product, other than that which is clearly and traditionally incidental and essential to a particular retail activity.

*Gross Square Footage (GSF):* The sum of all areas on all floors of a building included within the outside faces of its exterior walls, including all vertical penetration areas, for circulation and shaft areas that connect one floor to another. Also includes all areas on all floors of any structure that is directly appended to the building and located on the same lot as the building. Gross Area is computed by physically measuring or scaling measurements from the outside faces of exterior walls, disregarding cornices, pilasters, buttresses, etc., that extend beyond the wall faces. When referring to sign area, the gross square footage shall be the sum of all areas on all parts of a sign, including all areas outside and inside of the sign.



*Ground Story/Floor:* The first level of a building at or above grade. The next story above the ground story is the second story or floor.

*Health/Fitness Facility:* A fitness center, gymnasium, health and athletic club, which may include any of the following: exercise machines, weight facilities, group exercise rooms, sauna, spa or hot tub facilities, indoor tennis, handball, racquetball, archery and shooting ranges, other indoor sports activities, and indoor or outdoor pools.

*Hedge:* A type of screenwall made up of rows of closely planted shrubs or low-growing trees. Hedges are permitted along the common lot line and rear lot line, and along the secondary frontage line only when used as screens for surface parking. The heights of hedges along the frontage line shall not exceed five feet. Hedges shall not encroach into the ROW and shall be maintained.

*Home Occupation:* Residential premises used for the transaction of business or the supply of professional services. Home occupation shall be limited to the following: agent, architect, artist, broker, consultant, sman, dressmaker, engineer, interior decorator, lawyer, notary public, teacher, and other similar occupations, as determined by the Board of Zoning Adjustments. Such use shall not simultaneously employ more than 1 person in addition to residents of the dwelling. The total gross area of the home occupation use shall not exceed 40 percent of the gross square footage of the residential unit. The home occupation use shall not disrupt the generally residential character of the neighborhood. The Board of Zoning Adjustments shall review the nature of a proposed home occupation use at the time of review of a business license for such use, and may approve with conditions, continue or deny the application.

*Industrial:* For the purposes of this Ordinance, industrial uses shall be considered to encompass all of the Industrial use categories, except the waste-related services and any animal processing, as listed in the Land Uses Table in Section (10).

*Laboratory (Medical, Analytical):* A place equipped for experimentation or observation in a field of study, or devoted to the application of scientific principles in testing and analysis. Quantities of biological or hazardous materials used on site shall be limited to those quantities established by the State or Local fire department.

*Library, Museum:* Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

*Light Manufacturing:* The manufacture or assembly of products from previously treated material where no impact is created to the adjacent uses and no hazardous materials are used in the production of such products. The maximum number of employees shall be 15. Examples include: athletic equipment, bakeries, camera, photo equipment, clothing, electronics, musical instruments, optical goods, and woodworking (limited)

*Live-Work:* An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity.

*Liner Building:* A habitable building designed to mask a parking lot or a parking structure (any structure where the primary purpose is for parking of five (5) or more vehicles). A Liner Building shall be no less than 20' deep.

*Lodging:* A facility (typically a hotel or motel) with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging, for example, restaurants, meeting facilities, personal

services, etc. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

*Lot:* A single parcel of land accommodating a building or buildings which is legally described and recorded as such.

*Lot Area:* The computed area contained within the lot or property lines. *Lot Coverage:* The ratio of the ground floor area of all buildings or structures on a lot and the total area of the lot.

*Lot Coverage:* The ratio of the ground floor area of all buildings or structures on a lot and the total area of the lot.

*Lot Line:* The boundary that legally and geometrically demarcates a lot.

*Lot Width and Depth:* The lot width is the dimension of the primary frontage line. When a lot has more than one primary frontage line, only one of the primary frontage lines shall be used to determine the lot width - typically the shortest primary frontage line. Lot width is the shorter average horizontal dimension, generally perpendicular to the longer average horizontal dimension, which is the depth.

*Mansard Roof:* A four-sided gambrel-style hip roof characterized by two slopes on each of its sides, with the lower slope punctured by dormer windows at a steeper angle than the upper. Mansard roofs are not allowed in the West Homewood District.

*Media Production (Office or Storefront Type):* An establishment dedicated to the production of visual and audio mass media, including television, film, videos, video games, mobile devices, internet, and digital interactive media, but excluding magazines, newspapers and periodicals.

*Medical Services (Clinic, Urgent Care):* A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples include: medical offices with five or more licensed practitioners and/or medical specialties, outpatient care facilities, urgent care facilities, and other allied health services. These facilities may also include incidental medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/ Administrative."

*Medical Services (Doctor Office):* A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, dentist, etc., other than nursing staff) within an individual office suite. A facility with five or more licensed practitioners is instead classified under "Medical Services - Clinic, Urgent Care." Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative."

*Medical Services (Extended Care):* Residential facilities providing nursing and health-related care as a primary use with inpatient beds. Examples include: board and care homes, convalescent and rest homes, extended care facilities, and skilled nursing facilities. Long-term

personal care facilities that do not emphasize medical treatment are included under “Residential Care.”

*Mid-block Lot:* Refers to any lot that is not directly located on the corner(s) of a block.

*Mixed-use:* Multiple functions within the same building or the same general area through superimposition or within the same area through adjacency.

*Mezzanine:* An intermediate level between the ground floor and the second story. It may be in the form of a platform, podium, or wide balcony. Mezzanine uses are limited to a continuation of the ground floor activity.

*Mortuary, Funeral Homes:* A funeral home or parlor where deceased are prepared for burial or cremation and funeral services may be conducted. Does not include on-site cremation.

*Multi-Family:* A building containing two or more dwelling units. The following multi-family building types are allowed:

- (a) *Mixed-use multi-family dwelling:* A building with a non-residential use that also contains two or more dwelling units.
- (b) *Townhouse:* A two-or three-story building with two or more single-family dwellings attached side-by-side and reading as a continuous façade. Townhouses are permitted on sites of 3.5-acres or more, which sites shall also contain at least one (1) mixed-use multi-family dwelling as defined herein.

*Municipality:* Shall mean the City of Homewood.

*Nonconforming Sign:* A sign that lawfully existed before the effective date of this Ordinance or amendment, and does not conform to the present requirements of this Ordinance (see Section (7))

*Nonconforming Structure or Building:* A structure or building that lawfully existed before the effective date of this Ordinance or amendment, and does not conform to the present requirements of this Ordinance (see Section (3))

*Nonconforming Use:* A use of land and/or a structure (either conforming or nonconforming) that lawfully existed before the effective date of this Ordinance or amendment, but which is no longer allowed under this Ordinance.

*Neighborhood Preservation District (NPD):* see City Of Homewood Zoning Ordinance.

*Office:* These do not include medical offices:

- (a) *Business, Service:* Establishments providing direct services to consumers. Examples include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, elected official satellite offices,

etc. This use does not include “Bank, Financial Service,” which is separately defined.

- (b) *Administrative*: Office-type facilities characterized by high employee densities and occupied by businesses engaged in information processing and other computer-dependent or telecommunications-based activities. Examples include: airline travel agencies (not including retail travel agencies) computer software and hardware design and development, consumer credit reporting, data processing services, health management organization (HMO) offices where no medical services are provided, insurance claim processing, mail order and electronic commerce transaction processing, telecommunications facility design and management, and telemarketing
- (c) *Professional, Administrative*: Office-type facilities occupied by businesses that provide professional services or are engaged in the production of intellectual property. Examples include: accounting, auditing and bookkeeping services, advertising agencies, attorneys, business associations, chambers of commerce, commercial art and design services, construction contractors (office facilities only), counseling services, court reporting services, design services including architecture, engineering, landscape architecture, urban planning, detective agencies and similar services, educational, scientific and research organizations, financial management and investment counseling, literary and talent agencies, management and public relations services, media postproduction services, news services, photographers and photography studios, political campaign headquarters, psychologists, secretarial, stenographic, word processing, and temporary clerical employee services, security and commodity brokers, writers’ and artists’ offices.

*Opening/Glazing*: Openings in the building wall, including windows and doors, allowing light and views between interior and exterior. Opening/ Glazing is measured as glass area (excluding muntins and similar window frame elements with a dimension greater than one inch) for conditioned space and as open wall area for parking structures or other unconditioned, enclosed space.

*Open Space*: Land dedicated for the sole purpose of public outdoor recreation, which includes, but is not limited to, the following: parks, playgrounds, plazas and other types of outdoor recreation facilities. Open space does not include commercial recreation facilities. Land dedicated ‘Open Space’ shall not be subject to Section (11) and Section (13). However, structures, including but not limited to open-air pavilions, gazebos, picnic shelters, and outdoor theaters, shall be designed and furnished to be consistent with the character of adjacent developments in the West Homewood District.

*Ordinance*: Shall mean the West Homewood District Ordinance.

*Park, Playground, Plaza*: An outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, open space areas for passive recreation and picnicking, and sport and active recreation facilities.

*Parking Facility, Public or Private:* Parking lots or structures operated by the City, or a private entity providing parking for a fee. Does not include towing impound and storage facilities.

*Parking Occupancy Rate (POR):* Parking occupancy rate is the percent of the basic minimum spaces needed during a specific time period for shared parking.

*Parking Setback:* A line/plane which extends vertically and generally parallel to the right-of-way, in front of which parking shall not be located unless otherwise specified on a regulating plan. The parking setback line shall only apply to off-street parking and not to on-street parking.

*Parking Structure:* Any structure where the primary purpose is for parking five (5) or more vehicles.

*Passage:* A pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages.

*Pedestrian Oriented:* The practice of addressing the needs of people, once out of their automobiles, through a series of interdependent urban design and streetscape principles that typically include the following:

- (a) Building facades that are highly articulated at the street level, with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk.
- (b) Visibility into buildings at the street level.
- (c) A continuous sidewalk, with minimum intrusions into pedestrian right-of-way and on-street parking.
- (d) Continuity of building facades along the street with few interruptions in the progression of buildings and stores, as well as interconnected, short blocks.
- (e) Signs oriented and scaled to the pedestrian rather than the motorist.
- (f) May also include design amenities related to the street level, such as awnings, arcades, landscaping, and street furniture.

*Personal Services:* Establishments that provide non-medical services to individuals as a primary use. Examples include: barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), locksmiths, massage (licensed, therapeutic, non-sexual), nail salons, pet grooming with no boarding, shoe repair shops, tailors, tanning salons. These uses may also include accessory retail sales of products related to the services provided.

*Planning Commission:* The City of Homewood Planning Commission, referred to in this Ordinance, at times, as the Commission.

*Primary/Principal Building:* The main building on a lot, built along the BTL.

*Primary/Principal Frontage Line:* The property line of a lot bordering a primary street.

*Primary Street:* The primary street shall be defined as the street or main right-of-way on which the primary building facade fronts. Lots on a corner (intersection of two or more streets) are the only lots to have primary and secondary street designations. For all other lots fronting a street, that street shall be the primary street. Alleys and passages are not primary streets. The Regulating Plan identifies the primary and secondary streets for corner lots. It also identifies corner lots that have two designated primary facades.

*Primary Facade:* The facade of the primary building that fronts the primary street. Corner lots shall have at least one primary street facade, except when required to have two primary facades (see Regulating Plan). On corner lots, a building that is required to have more than one primary facade may have one primary entrance.

*Primary Frontage Line:* The property line along the ROW that the primary facade fronts.

*Private Frontage:* The privately held layer between the frontage line and the primary building facade. The structures and landscaping are held to specific standards. The variables of private frontage are the depth of the setback and the combination of architectural elements such as fences, stoops, porches and galleries. These elements influence social behavior in the public realm. The frontage layer may overlap the public streetscape in the case of awnings, galleries and arcades.

*Prohibited Uses:* The following are examples of uses not permitted anywhere within the West Homewood District area: title loan shop, payday loan shop, pawn shop; fast food restaurant; cemetery; animal hatchery; boarding house; chemical manufacturing, storage, or distribution; any commercial use where patrons remain in their automobiles while receiving goods or services, except service stations; enameling, painting, or plating of materials, except artist's studio; kennel; the manufacture, storage, or disposal of hazardous waste materials; mini-storage warehouse; outdoor advertising or billboard; packing house; prisons or detention center, except as accessory to a police station; drug and alcohol treatment and rehab center; thrift store; sand, gravel, or other mineral extraction; scrap yard; tire vulcanizing and retreading; vending machine, except within a commercial building; uses providing goods or services of a predominantly adult-only or sexual nature, such as adult book or video store or sex shop; and other similar uses as determined by the Planning Commission.

*Property:* A lot and/or any structure on that lot.

*Property Line:* The physical boundaries of a lot that are demarcated graphically by a line.

*Public Frontage:* The area between the curb of the vehicular lanes and the Frontage Line. Physical elements include the type of curb, sidewalk, planter, street tree and streetlight.

*Public Safety (Fire, Police, etc.):* Uses of a public, nonprofit, or charitable nature providing ongoing public safety to the general public on a regular basis, without a residential component.

*Rear Yard:* The area between any principal building and the property line in the rear of the lot that extends for the full width of the rear property line.

*Religious Institutions:* An establishment that supports religious group gatherings conducted indoors such as synagogues, mosques, temples, and churches.

*Renovation:* A change or alteration to the existing sign, structure or building. Examples include, but are not limited to:

- (a) Remodeling or changing the exterior of an existing sign, structure or building,
- (b) A structural change to the foundation, roof, floor, or exterior of load-bearing walls of a facility, or the extension of an existing facility to increase its floor area.
- (c) Alteration of an existing facility such as to significantly change its function, even if such renovation does not include any structural change to the facility.

*Research and Development:* A quasi-industrial facility where creative work is undertaken on a systematic basis in order to increase the stock of knowledge generally in the fields of medicine, scientific instruments, safety-critical mechanism or high technology. These facilities may include pilot plant operations as an ancillary use, which shall not exceed 25 percent of the floor area. A facility providing full scale production shall be deemed a manufacturing use.

*Residential:* Premises used primarily for human habitation. For the purposes of this Ordinance, residential uses shall be considered to encompass all of the residential use categories as defined in the Land Uses Table in Section (14). (Units shall not be less than 400 square feet in net area.)

*Residential Care, 6 or Fewer Clients:* A single dwelling or multi-unit facility with six or fewer clients, licensed or supervised by a Federal, State, or local health/welfare agency that provides 24-hour nonmedical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Does not include day care facilities, which are separately defined.

*Residential Care, 7 or more Clients:* A single dwelling or multi-unit facility with seven or more clients, licensed or supervised by a Federal, State, or local health/welfare agency that provides 24-hour nonmedical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Does not include day care facilities, which are separately defined.

*Restaurant (Cafe, Coffee Shop):* A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption ("counter service"); and establishments where customers are served food at their tables for on-premise consumption ("table service"), that may also provide food for take-out, but does not include drive-through services.

*Retail:* Characterizing premises available for the sale of merchandise and food service. For the purposes of this Ordinance, retail uses shall also be considered to encompass all of the retail use sub-categories as listed in the Land Uses Table in Section (14).

*Right-of-way (ROW):* An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure.

*School (Public or Private):* Includes the following facilities:

- (a) *Elementary, Middle, Secondary:* A public or private academic educational institution, including elementary (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades), and facilities that provide any combination of those levels. May also include any of these schools that also provide room and board.
- (b) *Specialized Education/Training:* A school that provides education and/or training, including tutoring or vocational training, in limited subjects. Examples of these schools include: art school, ballet and other dance school, business, secretarial, and vocational school, computers and electronics school, drama school, driver education school, establishments providing courses by mail, language school, martial arts, music school, professional school (law, medicine, etc.), and seminaries/religious ministry training facility.
- (c) Does not include pre-schools and child day care facilities (see “Day Care”). See also the definition of “Studio - Art, Dance, Martial Arts, Music, etc.” for smaller-scale facilities offering specialized instruction.

*Screenwall:* A freestanding wall built along the frontage line, or coplanar with the facade. It may mask a parking lot from the thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

*Services (Business, Financial, Professional):* For the purposes of this Ordinance, service (business, financial, professional) uses shall be considered to encompass all of the service (business, financial, professional) use sub-categories as listed in the Land Uses Table in Section (10).

*Services (General):* For the purposes of this Ordinance, service (general) uses shall be considered to encompass all of the service (general) use sub-categories as listed in the Land Uses Table in Section (10).

*Setback:* The area of a lot measured from a lot line to a building facade that must be maintained clear of permanent structures excepting galleries, fences, garden walls, arcades, porches, stoops, balconies, bay windows, and terraces, which are permitted to encroach into the setback subject to the standards established in Sections (9) - (12) *Urban Standards*, per zone.

*Side (Secondary) Street:* On a corner lot, the right-of-way that is not designated a primary street and is not fronted by the primary building facade.

*Side (Secondary) Facade:* On a corner lot, the facade of the primary building that fronts a side street or secondary right-of-way.

*Side Yard:* The area between any building and the side common property line that extends for the full depth of the lot.

*Sign:* Any device, display or structure, other than a building or landscaping, which is readily visible from public property and is used primarily for visual communication for the purpose of, or having the effect of, bringing the subject matter depicted on the device, display or structures to the attention of persons off the premises on which the sign is displayed. The foregoing definition includes (but is not limited to) any and all reading matter, letters, numerals, pictorial representations, emblems, trademarks, flags, banners, streamers, pennants, inscriptions, and patterns.

*Sign Area:* The total area of any portion of a structure to which any message is affixed.

*Single Family (Attached):* A building containing one dwelling unit. Permissible as part of a townhouse development or within a mixed-use building. The following single family building types are allowed:

- (a) *Mixed-use single family dwelling:* A building with a non-residential use that also contains one residential dwelling unit.
- (b) *Townhouse:* A two to three-story building with two or more single-family dwellings attached side-by-side and reading as a continuous facade.

*Story:* The habitable portion of a building included between the surface of any finished floor and the surface of the finished floor above it, or, if there is no floor above it, then the space between such floor and the ceiling above it.

*Story, Half (.5):* A story under a gable, hip or gambrel roof, the wall plates of which at least two opposite exterior walls are not more than two feet above the floor of such story.

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

*Streetwall:* A screenwall built along the BTL, frontage line, or coplanar with the building's facade. Streetwalls may be built along the common lot line and rear lot line. Streetwalls are required along the lot's BTL when a lot/property is not occupied by a primary building along the BTL. Streetwalls are built to the height specified in the respective zone's Urban Standards under the Building Elements section. All streetwalls shall have openings no larger than is necessary to allow automobile and pedestrian access. In addition, all streetwalls 4 feet high and over shall be fenestrated or articulated a minimum of 30 percent to avoid blank walls. Streetwalls shall be brick, stone, concrete, precast concrete, and/or stucco-faced concrete or concrete block. No streetwall

shall include razor wire or barbed wire. All streetwalls are subject to review and approval by the Planning Commission.

*Studio (Art, Dance, Martial Arts, Music, etc):* Small scale facilities, typically accommodating no more than two groups of students at a time, in no more than two instructional spaces. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

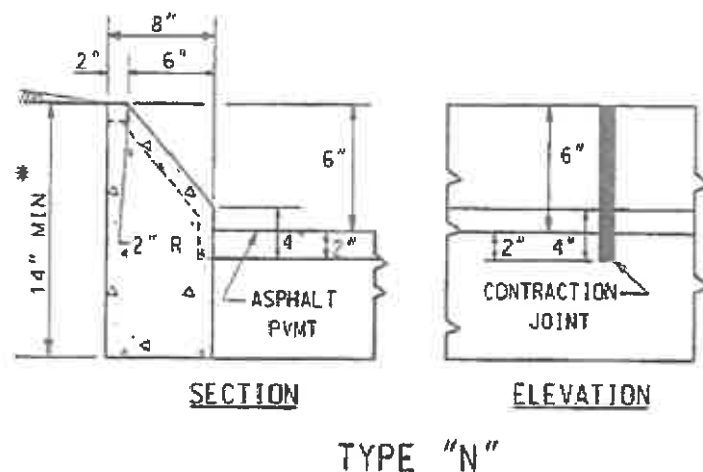
*Terrace Wall:* A type of screenwall used in conjunction with a raised shopfront. Terrace walls shall be no higher than 3'.

*Theater, Cinema or Performing Arts:* An indoor facility for group entertainment, other than sporting events. Examples of these facilities include: civic theaters, facilities for live theater and concerts, and movie theaters

*Thoroughfare:* A right-of-way for use by vehicular and pedestrian traffic to provide access to lots and open spaces, consisting of vehicular lanes and the public frontage.

*Transom:* Window located above the display window in a shopfront in order to provide more light and/or ventilation to the interior.

*Type N Construction:* See ALDOT standard drawing - Spread drawing # 623-XY and Index # 703.



*Upper Story:* The story located above the ground story.

*Wireless Telecommunications Facility:* Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas,

and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

## Sec. GG. Permitted Uses for Non-Residential Districts.

District Uses	Zoning Districts																		
	C-1	C-2	C-3	C-4	C-4(a)	C-4(b)	C-5	I-1	I-2	I-3	PCD-1	PCD-2	M-1	PI	PMUD	MXD	EURD	GURD	LPD
Commercial: Retail																			
Auto parts store		R	R	R	R	R	R					R	R			R	R		
Building material sales and home improvement centers			R				R					R	R					R	
Food and beverage (drive-thru)			P	P		R	P					P	P					P	
Food and beverage (no drive-thru)	R	P	P	P	P	P	P				R	P	P	R	P	P	P	P	
General retail	R	P	P	P	P	P	P				R	P	P	R	R	R	R	R	
Major vehicle repair			R				R					R	P						
Minor vehicle repair			R				R					R	R					R	
Package liquor store			P	P	P	P	P					P	P		P	P			
Rent-to-own store		R	R	R			R					R	R		P		R	R	
Sexually oriented business							R												
Shopping centers		R	R	R			R					R	R		P			R	
Tobacco – vape and related products shops			R	R			R					R	R		R				
Commercial: Service																			
Alternative financial services, pawn shop							R						R						
Car wash		P	P				P					P	P				P		
Day care center		P	P	P			P					P	P		P		P	P	
Funeral home	P		P	P			P				P	P	P	P			P	P	

District Uses	Zoning Districts																			
	C-1	C-2	C-3	C-4	C-4(a)	C-4(b)	C-5	I-1	I-2	I-3	PCD-1	PCD-2	M-1	PI	PMUD	MXD	EURD	GURD	LPD	
Gasoline service station		P	P	P			P					P	P				P	P		
Health club and fitness studio	P		P	P	P	R	P				R	P	P	R	P	P	P	P		
Hospital / medical center										P										
Medical office or clinic	R	P	P	P	P	P	P					P	P		P	P	P	P		
Office	R	R	R	R	R	P	R				R	R	R	R	P	P	R	R		
Outdoor kennel or boarding	R	R	R	R	R	R	R													
Commercial: Service																				
Services: business, financial, professional	P	P	P	P	P	P	P				P	P	P	P	P	P	P	P		
Services: personal		P	P	P	P	P	P				R	P	P	R	P	P	P	P		
Sexually oriented business							R													
Institutional																				
Botanical gardens, cemetery								P							P					
City hall, community center									P						P	P				
Community garden								R	R	R										
Convention or exhibition facilities									P						P	P				
Cultural (library, museum, gallery)		P	P	P			P	P				P	P		P	P	P	P		
Government administrative facilities	P		P	P	P	P	P				P	P	P	P	P	P	P	P		
Meeting hall / performing arts			P	P			P					P	P		P					
Municipal jail									P							P				
Playground								P							P	P				

District Uses	Zoning Districts														
	C-1	C-2	C-3	C-4	C-4(a)	C-4(b)	C-5	I-1	I-2	I-3	PCD-1	PCD-2	M-1	PI	PMUD
Public park and recreation facilities								P							P
Public services facilities								P							P
Place of worship									P						P
School: elementary or middle									P						P
School: high									P						P
School: post-secondary			P	P			P			P		P	P		P
Lodging															
Lodging: interior room access			P			P	P					P	P		P
Lodging: exterior room access			P				P					P	P		P
Residential															
Attached dwelling units															P
Detached dwelling units															P
Entertainment															
Athletic fields										P					
Coliseum / stadium										P					
Golf course								P							
Indoor sport facilities			P		P	P	P					P	P		P
Outdoor amusements and commercial recreation			P				P					P	P		
Recreational facilities (passive)															R
Sexually oriented business							R								
Theater, drive-in			P				P					P	P		
Theaters, indoor			P	P			P					P	P		P

District Uses	Zoning Districts																		
	C-1	C-2	C-3	C-4	C-4(a)	C-4(b)	C-5	I-1	I-2	I-3	PCD-1	PCD-2	M-1	PI	PMUD	MXD	EURD	GURD	LPD
Industrial																			
Ambulance service, public or private							P						P						
Armory							P		P				P						
Manufacturing light (artisanal)							R						P	R	R	P			
Manufacturing and industrial, light							R						R	R	R				
Manufacturing and industrial, heavy													R						
<p>P: The use is permitted by right subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to Section E and Section F in Article III.</p> <p>R: The use is allowed upon meeting the conditions set forth in this Ordinance. See Use Regulations within each district in Article IV and the provisions set forth in Article V: Supplemental Use Regulations.</p> <p>A blank cell indicates that the use is not permitted.</p> <p>Note: The West Homewood District has its own use matrix in Section FF(10) in Article IV. In addition, residential uses have their own use table in Section K in Article IV.</p>																			

## ARTICLE V. SUPPLEMENTAL USE REGULATIONS

### Sec. A. Community Gardens.

- (1) *Intent:* Community Gardens are hereby established in order to ensure that Community Gardens are appropriately located, protected to meet the needs of the community's health, education and environmental enhancement, for the preservation of green space and beautification, to assist in building social connections, to foster a spirit of community cooperation and enjoyment, to provide for recreational and leisure purposes, and to provide supplemental food sources for its members, on lots and parcels of land in the City pursuant to the provisions set out in this Section.
- (2) *Establishment and Applicability:*
  - (a) Community Gardens are permitted on lots of one (1) acre or larger in all Institution Zoning Districts.
  - (b) Community Gardens shall consist of land used for the operation of a Community Garden; an application for a permit to operate a Community Garden must be presented to the Zoning Official.
- (3) *Development Standards:* The following items will be needed to be documented to obtain a Community Garden Permit.
  - (a) *Water Supply:* The land shall be served by a water source.
  - (b) *Location and Building Coverage:* Any structure used in conjunction with the community garden shall comply with the following requirements:
    - (i) Be located at least ten (10) feet from any property line.
    - (ii) In the absence of a principal structure, structures must be located 10 ft behind the front line of any primary structure abutting the property.
    - (iii) The following are not considered structures for the purpose of this Section: benches, bike racks, cold-frames, raised/accessible planting beds, compost or waste bins, picnic tables, garden art and rain barrel systems.
  - (c) Location and description of proposed fence.
  - (d) *Soil testing:* Prior to establishing a community garden, site operators shall obtain a soil testing report from the Alabama Cooperative Extension System (ACES) or the Alabama A&M & Auburn Universities Extension Office. The report shall include, at minimum, totals for the following heavy metals: lead (Pb), cadmium (Cd), chromium (Cr), nickel (Ni), zinc (Zn), arsenic (As) and copper (Cu). For sites containing soil not suitable for gardening, site operators shall use raised planting beds with suitable soil for gardening. Soil testing is not needed for sites using raised planting beds.

- (e) *Operating procedures:* Site users must have an established set of operating rules addressing the following:
    - (i) Governing structure of the garden;
    - (ii) Hours of operation;
    - (iii) Maintenance and security requirements and responsibilities;
    - (iv) Identification of a garden coordinator to perform the coordinating role for the management of the community gardens; and
    - (v) The name, telephone number and email address of the garden coordinator and a copy of the operating rules shall be kept on file with the Zoning Official, and a copy will be laminated and posted at the site.
  - (f) *Offsite Drainage:* Explanation of the method of design and maintenance that will control water and fertilizer from draining onto adjacent properties.
  - (g) A copy of a signed written agreement either stating that the garden coordinator(s) is the person or persons who own or otherwise have the present right of possession and control of the tract upon which the community garden is situated. Any change of the coordinator will need to be in writing and given to the Zoning Official.
  - (h) Any other relevant information related to the operation of the Community Garden, if requested by the Zoning Official or Board of Zoning Adjustment.
- (4) *Other Regulations:*
- (a) There shall be no retail sales on site.
  - (b) The site will follow all other City ordinances that are applicable.
  - (c) Violation of any of the standards set out herein shall be cause for immediate revocation of the Community Gardens permit issued by the City.
  - (d) The City shall not be obligated for any loss, financial or otherwise, which may occur by a permittee as a result of a revocation or termination of the permit by the City. The permittee expressly waives any claims for expenses or loss which the permittee might incur as a result of the City's revocation or termination of the Community Garden permit.
  - (e) Upon expiration or the termination of the Community Garden permit, the permittee shall restore the premises to its pre-Garden condition on the effective date, normal wear and tear expected, immediately cease all operations on the premises.

- (f) The City may at all times enter upon the Community Garden site without notice and conduct a full inspection of the condition and assessment of the property on which the Community Garden is located.
- (g) Any Community Garden permittee shall protect, defend, indemnify and hold the City and its elected officials, officers, employees, representatives and agents harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property, including damages to permittee's officers, employees, invitees, guests, agents or contractors which arise out of or in any way directly or indirectly connected to any permit issued by the City permitting a Community Garden.

### **Sec. B. Tobacco and Vape Shops.**

- (1) No vape shop or tobacco shop shall be permitted or located within one thousand (1,000) feet of any school, daycare center, youth center, public library, place of worship, public park or playground, or residentially zoned use or districts. For the purposes of this Section, the distance between uses and districts shall be measured from the closest point of the property line on which such use is located to the nearest point of the property line on which the vape shop or tobacco shop is located.

### **Sec. C. Alternative Financial Services.**

- (1) The term "alternative financial services" as used in this Section includes, but is not limited to, payday loan businesses, title loan businesses, pawnshops/pawnbrokers and check cashing businesses, as defined below.
  - (a) *Chartered Institution.* Any state or federally chartered bank, savings association, credit union, industrial loan company or any retail seller engaged in the selling of consumer goods, such as consumables to retail buyers, that cashes checks or issues money orders for a minimum flat fee as a service to its customers that is incidental to its main purpose or business.
  - (b) *Check cashing business.* A business, excluding a Chartered Institution, that engages in whole or in part in the business of cashing checks, warrants, drafts, money orders, or other commercial papers serving the same purpose for compensation or a portion of the value of the above referenced financial instrument. It does not include a business that offers check cashing as an incidental service to its customers.
  - (c) *Pawnbroker.* Any person engaged in the business of lending money on the security of pledged goods left in pawn, or in the business of purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. The definitions set forth in the Alabama Pawnshop Act, Code of Alabama § 5-19A-2, shall be effective as definitions of the words, terms and phrases used in this Section. All words, terms and phrases used herein shall have the respective meanings ascribed to them in the

"Alabama Pawnshop Act," and shall have the same scope and effect that the same words, terms and phrases have where used in the Alabama Pawnshop Act.

- (d) *Payday loan (deferred presentment) business.* A business, excluding a Chartered Institution, that is subject to the requirements and restrictions listed in Chapter 18A of Title 5 of the Code of Alabama (Alabama Deferred Presentment Services Act), and 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.
  - (e) *Title loan business.* A business, excluding a Chartered Institution, 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). The business engages in whole or in part in making consumer loans using the equity power of a car or other vehicle as collateral when the title to such vehicle is owned by the borrower.
- (2) No alternative financial service business shall be permitted or located within one thousand (1,000) feet of any school, place of worship, or residentially zoned district. For the purposes of this Section, the distance between the school, place of worship or residentially zoned district shall be measured from the closest point of the property line on which such school, place of worship, or dwelling unit is located to the nearest point of the property line on which the vape shop or tobacco shop is located.
  - (3) No alternative financial service business shall be located within one thousand (1,000) feet of a state or federally chartered bank, savings association, credit union or industrial loan company, as measured by a straight line from the property line of the site of the proposed business to the property line of the property that is occupied by one of the uses.

#### **Sec. D. Tattoo and/or Body Art Establishments.**

- (1) Tattoo or body art establishments shall be allowed only in the C-5 district, and in addition to all other rules and regulations established by this Ordinance, the following regulations in this Section shall apply.
- (2) *Purpose:* The general purpose and intent of these regulations are to protect the public health, safety, and general welfare by requiring that all tattoo and body art establishments conform to Jefferson County health and safety regulations pertaining and to city regulations that will minimize impacts to surrounding properties.
- (3) *Applicability:* For the purposes of this Section, the standards of this Section apply to new tattoo and body art establishments. An establishment is considered new when no previous tattoo or body art business existed at that location for a period of 90 consecutive days or greater immediately preceding the filing date of an application for permit under this Section. Any properly licensed tattoo or body art establishment legally operating at the

effective date of this Ordinance shall be considered a legal nonconforming use and shall be subject to the provisions of Article III Sec. G of this Ordinance.

- (4) *Discontinuance and Termination:* Any tattoo or body art establishment, whether existing or subsequently granted under this Section, that voluntarily discontinues active operation for more than 90 consecutive days; does not maintain a valid city business license for more than 90 consecutive days; or ceases to be licensed by the State of Alabama or any other applicable licensing authority, shall be considered a termination of the use and all privileges and rights held therein.
- (5) *Definitions:* As used in this Section, the following words and phrases will have the following meanings:
  - (a) *Body art artist.* Any person who performs the work or procedures involving invasive methods such as body piercing or tattooing to physically adorn the body of another.
  - (b) *Body art establishment.* Any establishment, place or premises in which body piercing or tattooing is offered or performed.
  - (c) *Body art procedure.* The practice of applying physical body adornment to an individual using invasive procedures or methods such as body piercing, tattooing, and other similar procedures.
  - (d) *Body piercer.* Any person who performs the work or act of body piercing.
  - (e) *Body piercing.* The act of penetrating the skin of a person to make a hole, mark or scar, generally permanent in nature.
  - (f) *Body piercing establishment.* Any establishment, place or premises in which body piercing is performed.
  - (g) *Body piercing operator.* A person who controls, operates, owns, conducts or manages any body piercing establishment, whether performing the work of body piercing or not.
  - (h) *Ear piercing.* The puncturing of the outer perimeter or lobe of the ear with an instrument or mechanized ear-piercing system.
  - (i) *Tattoo.* To place any design, letter, scroll, figure, symbol or any other indelible mark upon or under the skin of any person with ink or any other substance resulting in the permanent coloration of the skin, which does not include permanent make-up but may include permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.
  - (j) *Tattoo artist.* Any person who performs the work of tattooing.

- (k) *Tattoo establishment.* Any place in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, which does not include permanent make-up but may include permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.
  - (l) *Tattoo operator.* Any person who controls, operates, conducts or manages any tattoo establishment, whether actually performing the work of tattooing or not. The term includes technicians or apprentices who work under the operator and perform body art activities.
- (6) *Location Requirements:*
- (a) No tattoo or body art establishment (as described and detailed within this Section) established after the date of this Section shall be located within 2,500 linear feet of any other tattoo parlor. The method of measurement that shall be used is a straight line measured from the property line of the site of the proposed business to the closest property line that is already occupied by these businesses.
  - (b) No tattoo or body art establishment shall be located within 500 feet of a residentially zoned district, as measured by a straight line from the property line of the site of the proposed business to the property line of the closest residentially zoned property.
  - (c) No tattoo or body art establishment shall be located within 500 feet of a public building, public or private school, day care center, nursery, preschool, park or playground, place of worship, as measured by a straight line from the property line of the site of the proposed business to the property line of the property that is occupied by one of the uses.
- (7) *Development and Operational Standards:*
- (a) Hours of operation. The hours of operation shall be limited to the hours between 9:00 A.M. and 6:00 P.M.
  - (b) No tattoo or body art establishment shall deal in alcoholic beverages.
  - (c) All tattoo and body art establishments, as defined in this Section, are subject to the provisions of the Alabama Department of Public Health Rules of State Board of Health Bureau of Environmental Services Division of Food, Milk and Lodging, Chapter 420-3-23 Body Art Practice and Facilities as currently written, or as may from time to time be amended.
  - (d) No tattoo or body art establishment shall have an entrance or exit way providing a direct passageway to any type of business, residence or living quarters.

- (e) Walls, ceilings and floors. All walls, ceilings, and floors shall be smooth and easily cleanable and have a nonabsorbent surface. There shall be no carpeting in the tattooing area. Walls and ceilings shall be a light color. Walls, ceilings and floors shall be kept clean, in good repair, and free from dust and debris. Floors, walls or ceilings shall not be swept or cleaned while tattooing is in progress.
  - (f) Lighting and ventilation shall be provided in each room or enclosure where services are performed on patrons, in accordance with the city building code.
  - (g) Adequate light (200-foot candles) shall be provided in each work area.
  - (h) Public restrooms shall be located in such a way so that traffic to the restrooms does not occur in any area in which instruments are sterilized or on any area in which tattoo or body piercing operations are conducted.
  - (i) Establishments must have written procedures on the proper handling and sterilization of equipment and demonstrate that all personnel are trained in the procedure.
  - (j) Establishments must post and provide to customers upon request, written instructions on tattoo and/or piercing care.
- (8) *Other Requirements:*
- (a) All tattoo or body art establishments are required to obtain a special exception use permit issued by the Homewood City Council upon the recommendation of the Homewood Planning Commission. The permit shall be required prior to the issuance of a business license for said use and prior to occupancy of the premises regarding said use.
    - (i) The Homewood Planning Commission shall hold a public hearing, notice of which will be given, for the consideration of the additional rules and regulations described above and comments from the applicant(s) and other interested parties will be heard. After completing an applicable public hearing, the Homewood Planning Commission will vote on a recommendation to make to the Homewood City Council and then submit its recommendation and report.
    - (ii) The Homewood City Council will also hold a public hearing considering the additional rules and regulations described above, as well as any requested exceptions, and shall make the final decision regarding the granting of a permit and issuance of an applicable business license.
  - (b) Before issuance of a business license from the city, each person proposing a tattoo or body art establishment shall provide proof that they have obtained a valid permit from the Alabama Department of Health for a "Body Art Operator's Permit".

- (c) No permit to conduct or operate a tattoo or body art establishment shall be granted unless the applicant shall first furnish proof from a physician duly licensed to practice medicine in the State of Alabama, bearing a date not more than 20 days prior to the date of application, that each tattoo or body art artist working in the establishment is free from contagious, infectious or communicable disease. Such proof shall be furnished annually thereafter and shall include documentation of lack of infection by demonstrating negative results for the following tests:
  - (i) Venereal Disease Research Laboratory (VDRL) for syphilis;
  - (ii) Hepatitis B surface antigen (HBsAg) for hepatitis B. Documentation of receipt of a three-dose series of hepatitis B vaccine may be substituted for HBsAg testing;
  - (iii) Human immunodeficiency virus antibody (HIV-Ab) for HIV infection;
- (d) Each permit applicant and tattoo or body art artist working in the establishment shall be nineteen (19) years of age minimum.
- (e) The applicant must furnish proof of completion of an approved apprenticeship of 380 hours or more in a licensed establishment in Alabama or other state to include the minimum established requirements.

#### **Sec. E. Outdoor Kennel and Boarding.**

- (1) All outdoor boarding facilities including kennels, animal run areas or play yard must be screened from the right-of-way and adjacent property by an opaque fence that is a minimum of six (6) feet in height or a continuous evergreen landscape strip that is a minimum of six (6) feet in height and ten (10) feet in width. Upon approval of a special exception by the Board of Zoning Adjustments, the width of an evergreen landscape strip may be reduced to five (5) feet when combined with an opaque fence.
- (2) Pet boarding, grooming and daycare facilities which include outdoor boarding facilities, kennels, animal run areas and play yards, must be separated from a residential district or use by a minimum of two hundred (200) feet.

#### **Sec. F. Assisted Living and Nursing Home Facilities.**

- (1) All assisted living and nursing home facilities are required to obtain a special exception issued by the Homewood Board of Zoning Adjustment. The special exception shall be required prior to the issuance of a business license for said use and prior to occupancy of the premises regarding said use and must satisfy the standards contained in this Section.
- (2) *Definitions:*
  - (a) *Person with disability:* A person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment.

- (b) *Senior adult:* A person who is 62 years of age or older.
- (3) *Standards:*
  - (a) The facility must meet all applicable federal, state, and county licensure, certificate, and regulatory requirements.
  - (b) Common open space shall be provided as in Section M of Article VI.
  - (c) The site or the proposed facility must have adequate accessibility to or provide on-site public transportation to medical service, shopping areas, recreation and other community services frequently desired by senior adults or persons with disabilities. The application must include a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical and public services within a one-mile radius of the proposed facility.
- (4) Resident staff necessary for operation of the facility may live on-site.

### **Sec. G. Single Room Occupancy (SRO) Housing.**

- (1) All single room occupancy (SRO) housing is required to obtain a special exception issued by the Homewood Board of Zoning Adjustment. The special exception shall be required prior to the issuance of a business license for said use and prior to occupancy of the premises regarding said use, and must satisfy the standards contained in this Section.
- (2) *Standards:*
  - (a) The facility must meet all applicable federal, state, and county licensure, certificate, and regulatory requirements.
  - (b) Common open space shall be provided in Section M of Article VI.

### **Sec. H. Artificial Turf.**

Artificial turf is permitted in all zoning districts, with the following requirements:

- (1) *General Regulations Applying to All Zoning Districts:*
  - (a) Under no circumstances shall artificial turf be permitted in areas that are subject to the Tree and Landscape Ordinance or buffering requirements.
  - (b) When used in the rear yard of a corner lot, or a yard that is adjacent to an accessible alley or street, artificial turf shall be screened by an opaque fence.
  - (c) For stormwater calculations, 50% of the area of artificial turf may be considered pervious, if the following information is approved by the City Engineer:

- (i) An artificial turf section shall be designed by a registered professional engineer or landscape architect and a detailed section and subsurface drainage plan shall be provided to the City Engineer.
  - (ii) A letter, certified by the design professional, shall be required prior to a certificate of occupancy or certificate of completion and shall acknowledge the design intent was met during installation.
- (2) *Detached Residential Districts:* In detached residential districts, artificial turf shall be permitted in rear yards only. Under no circumstances shall artificial turf be permitted in the area from the predominant front of the primary dwelling to the property line adjacent to the right-of-way.
- (3) *Attached Residential Districts:* In attached residential districts, artificial turf shall be permitted in yards used for amenities, such as outdoor dining areas, playgrounds or recreation areas.
- (4) *Non-Residential Districts:* In non-residential districts, artificial turf shall be permitted in yards used for amenities, such as outdoor dining areas or recreation/playground areas.

## **Sec. I. Courtyard Uses and Regulations**

- (1) Courtyards are permitted within a primary structure in all zoning districts.
- (2) Courtyards with an impervious base will be included in the total lot impervious area but will not be included in the primary structure square footage.
- (3) A swimming pool or hot tub may be installed within a courtyard with the following conditions:
  - (a) A swimming pool or hot tub shall not be permitted in a courtyard facing the primary front property line, or what is determined to be the primary front of a structure that is located on a corner lot or on a lot that is adjacent 2 or more streets or alleys.
  - (b) No part of a swimming pool or hot tub, including coping or decking, shall extend beyond the footprint of the primary structure.
  - (c) A swimming pool or hot tub placed within a courtyard that faces a street, alley, right-of-way, parking lot or adjacent property, shall be screened from view with a solid wall or opaque fencing that has a minimum height of 6 feet, but not greater than 8 feet.



## **ARTICLE VI. DISTRICT DEVELOPMENT CRITERIA**

This article provides regulations for minimum lot sizes and building setbacks, height of structures, size of structures, required buffer strips and site plan requirements and review procedures.

### **Sec. A. Quantitative Development Criteria.**

Table 1, in this Article, provides quantitative criteria for minimum lot sizes, setbacks, and structures as well as maximum height and building coverage area.

### **Sec. B. General Setback Modifications.**

- (1) The entire lot area within the required minimum distance from property line to building line shall be unobstructed by any accessory structure or part thereof, and unoccupied for storage, servicing or similar, use except as provided herein.
- (2) Sills, belt courses, ornamental features or other architectural features, may project beyond the building line no more than six (6) inches.
- (3) Cornices or eaves may project beyond the building line not more than eighteen (18) inches.
- (4) Decks and other un-roofed habitable structures, or ornamental features which do not extend more than five (5) feet above grade, may project beyond the rear or side building lines, provided such projections be no closer than five (5) feet to a property line.
- (5) Mechanical/electrical appurtenances, generators, solar panels and pool equipment which bottoms do not extend more than five (5) feet above bottom grade may project within the required minimum distance from side or rear property line to the building line, provided they be no closer than two (2) feet to a property line and comply with the manufacturer's specifications for access and separation from structures. Under no circumstances shall mechanical/electrical appurtenances, generators, solar panels or pool equipment be permitted in the area from the predominant front of a primary structure to the property line adjacent to the right-of-way. Mechanical/electrical appurtenances, generators, solar panels and pool equipment shall be screened from view from a right-of-way, street, alley, parking lot or adjacent property.

### **Sec. C. Front Setback Modifications.**

- (1) In residential districts, no building shall be closer to the front property line than any house on a lot where the lot is within one hundred (100) feet or less on either side of the subject property on the same side of the street, or to the nearest corner if less than one hundred (100) feet or in no case shall it be closer than twenty-five (25) feet to the right-of-way. Houses are not to be set back any further than ten (10) percent of the average setback within the same one hundred (100) feet thereof. For a corner lot with two fronts, one side may be set to no closer than (25) feet of the right-of-way.

- (2) Corner lots fronting two or more streets shall use the frontage with the least dimension as the primary front property line. The frontage with the longest dimension shall be the secondary front property line. Along the front property line in residential districts, the front setback shall meet the front setback requirements described in Article VI., Section C. (1).

#### **Sec. D. Accessory Structures.**

- (1) *Time of Construction:* No accessory building shall be constructed until the construction of the principal structure, to which it is accessory, has been commenced, and no accessory structure shall be used unless the principal structure is also being used.
- (2) *Location:*
  - (a) A garage or carport is the only accessory structure which may be located to the side of the primary structure, and in no case shall be located closer to the front property line than the front face of finish of the primary structure and must meet the required side setbacks of the zoning district. All other accessory structures must be located to the rear of the primary structure.
  - (b) Accessory structures of fifteen (15) feet or less in height shall have a five (5) foot side and rear setback. Accessory structures exceeding fifteen (15) feet in height shall have a ten (10) foot side and rear setback.
  - (c) In residential districts, an accessory structure may not be located closer than 10 feet to any other detached accessory structure on the same parcel, measured from the closest roof line, unless of the accessory structures is a swimming pool. An accessory structure must be located at least 5 feet from the primary structure on the parcel on which the accessory structure is located, measured from the closest roof line, and may not be attached to the principal structure by means of a covered, open breezeway.
- (3) *Size and Height:*
  - (a) The maximum building footprint of the accessory structure shall not exceed 25% of the building footprint of the primary structure.
  - (b) No accessory structure shall exceed the height of the primary structure, or twenty-five (25 feet), whichever is less. Building height shall be measured as the vertical distance from grade plane to the average height of the highest roof surface. (See also setbacks for garages and carports.)

#### **Sec. E. Accessory Dwelling Units (ADU).**

- (1) Accessory dwelling units are permitted in all detached residential districts.
- (2) One accessory dwelling unit (ADU) or guest house is permitted on each lot developed with a primary residence.

- (3) Occupancy of the ADU shall be limited to members of the family, as defined herein, that reside in the detached dwelling unit on the lot.
- (4) ADUs shall share utility services and meters with the primary structure.
- (5) Each ADU shall contain a kitchen and at least one bathroom.
- (6) All standards applicable to setbacks, lot coverage, etc. that pertain to accessory structures (Section D of Article VI.) shall be adhered to with the development of the ADU unless otherwise addressed within this Section.

#### **Sec. F. Visibility.**

No fence, wall, planting or structure shall be located so as to constitute a hazard to pedestrian or vehicular traffic on the public right-of-way.

#### **Sec. G. Lighting and Glare.**

Direct or reflected light or glare shall not be produced so as to adversely affect the visibility or tend to interfere with the safety or welfare of persons located at or beyond any property line.

#### **Sec. H. Non-Residential Glazing Requirements.**

The following provisions shall apply to commercial, institutional, and mixed use structures in the C-1, C-2, C-3, C-4, C-4(a), C-4(b), C-5, PCD-1, PCD-2, PMUD, MXD, GURD, and EURD districts, with modifications as necessary to meet applicable building codes.

- (1) Window glass must be clear and free of color and must permit at least ninety (90) percent light transmission on the first floor and at least seventy-five (75) percent light transmission on all upper floors.
- (2) Ground floor windows shall not be tinted, wrapped, or made opaque by window treatments, except by use of sunscreen devices intended to reduce solar gain within conditioned space.

#### **Sec. I. Buffer Strip.**

The following provisions shall apply to lots on which the construction of a new building is proposed. The provisions shall be enforced as part of the building permit approval process.

- (1) A buffer strip (as defined in Article II) shall be provided and maintained in a healthy condition along the side and rear property lines; except at approved entrances or exits to the property, in the following cases:
  - (a) Where an attached dwelling unit in the R-5, R-6, or R-7 districts abuts a detached dwelling unit or district.
  - (b) Where a non-residential use is located within a residential district. This does not include public parks.

- (c) Where a non-residential district abuts a residential district.
- (d) Where any use permitted in the M-1 district abuts any other use or district other than M-1.
- (2) Where the view from the adjoining district is blocked by a change in grade or other natural feature, a buffer strip may not be required. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, the Board of Adjustment may approve a substitute buffer.
- (3) Buffer strips (as defined in Article II) required in the Mixed Use District shall be determined as part of the development plan review as required in the Mixed Use District zoning process.

### **Sec. J. Storage and Dispensing of Combustible and Flammable Liquids Other Than for Sale.**

- (1) *Above ground storage:* Outside above ground storage of gasoline, diesel fuel, kerosene and other hazardous liquids is prohibited within the city, except for use by municipal emergency vehicles. Temporary use of moveable tanks in conjunction with the dispensing of such liquids into the fuel tanks of motorized equipment on premises not normally accessible to the public is permitted only after written approval for such uses has been obtained from the Homewood Fire Department. Inside above ground storage of gasoline, diesel fuel, kerosene and other hazardous liquids is permitted only after written approval is obtained from the Homewood Fire Department and must meet current NFPA standards.
- (2) *Below ground storage:* The below ground storage and/or dispensing of gasoline, diesel fuel, kerosene, and other hazardous liquids is prohibited in residential zones, except for use by municipal emergency vehicles. Such storage of hazardous liquids, other than for sale, is permitted in nonresidential zones, upon written approval of the Homewood Fire Department and must meet current NFPA standards.

### **Sec. K. Garbage and Trash Disposal.**

- (1) This Section only applies to non-residential districts or uses and attached dwelling units.
- (2) Containers for garbage and trash disposal shall be located:
  - (a) No closer to the front property line than the front face of finish of the primary structure
  - (b) To meet the required side setbacks of the zoning district
  - (c) On the subject property
  - (d) Not in a public right-of-way, street, alley or parking area.

- (e) Shall be enclosed in permanent structures, designed and constructed so as to completely screen and restrict the view of any containers or receptacles for garbage and trash disposals
- (f) Container pads shall be constructed of a minimum thickness of six (6) inch 4000 psi concrete and extend ten (10) feet into the access area.
- (g) Shall be accessible through a public right-of-way
- (h) Shall be maintained so as to be free from any trash, debris or garbage at all times.
- (i) Collection from the above identified containers or receptacles shall not be permitted between the hours of 8:00 p.m. and 6:00 a.m.

#### **Sec. L. Erection, Location and Construction of Exterior Fences and Walls.**

##### **(1) General Regulations:**

- (a) All fences and walls located, erected, or constructed in the City of Homewood shall conform to the requirements of this Section.
- (b) When this Section conflicts with the regulations of the building and/or fire code, the building and/or fire code shall prevail.
- (c) No exterior fence or wall exceeding twelve- (12) inches in height shall be erected, installed, constructed, or otherwise altered except in strict compliance with the terms and provisions of this Ordinance and any other adopted codes and regulations.
- (d) The following are exempted from the terms of this Section:
  - (i) Temporary or silt fencing on a construction site where land disturbing activity has been approved.
  - (ii) Temporary utility safety measures for work in the public right-of-way or on city property.
  - (iii) Temporary fencing for special events as determined by the Administrative Official.
  - (iv) Fences and walls enclosing public or private utility substations, including cell tower facilities.
- (e) No exterior fence or wall shall be erected, installed, constructed, or otherwise altered until such time a permit is issued, or upon the determination by the Administrative Official that a permit is not required.

- (f) No permit shall be issued until such time as the Administrative Official approves the plans and specifications for the erection, installation, construction or alteration of an exterior fence or wall.
- (g) Permit applications shall be accompanied by a plan or survey, and showing the following in sufficient detail to enable the Administrative Official to ascertain whether the proposed fence or wall is in conformance with this Ordinance:
  - (i) The location of the fence or wall.
  - (ii) The dimensions of the fence or wall, including height, width, and length.
  - (iii) A list and description of all materials to be used, including lighting, irrigation system, etc.
  - (iv) A photograph, manufacturer's cut-sheet, or other information that shows the appearance and finish of all materials.
  - (v) A landscape plan that includes the following information, as necessary for the Administrative Official's review: location, species, (common name), the caliper and/or container size at the time of installation, and the expected width, height, and percentage of opacity after one-year's growth.
- (h) Chain-link or wire mesh fences are prohibited in a front yard of any residential district.
- (i) Natural fences placed in any front yard shall be maintained at a height that does not exceed three (3) feet.
- (j) The placement of fences and walls on corner lots must be approved by the City Engineer to ensure visibility is not obstructed.
- (k) The placement of fences and walls along an accessible alley must be approved by the City Engineer to ensure maneuverability and visibility are not obstructed.
- (l) A permit application for a fence or wall that will extend into a utility easement or right-of-way must include written approval of the agency governing the easement or right-of-way.
- (m) Sitting walls shall not exceed 24-inches in height or 24-inches in width.
- (n) Fences and walls shall include a gate or opening with a minimum access width of 36-inches.
- (o) Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining walls may be topped by a fence with an overall height, as measured from grade to the top of the fence, that would otherwise be permitted at the location if no retaining wall existed.

- (p) An existing non-conforming fence or wall must be brought into conformance if it is removed, or if 25-percent of the overall fence is altered or replaced.
- (q) An existing non-conforming fence or wall must be brought into conformance if the lot is redeveloped, or if the principal structure is improved to the extent of more than fifty- (50) percent of its current replacement value.
- (r) *The following materials shall be prohibited in the construction of fences and walls:*
  - (i) Materials not typically used, designed, or manufactured for fencing such as used metal roofing panels, pallets, tarps, chip board, or plywood.
  - (ii) Scrap materials, such as scrap lumber or scrap metal.
  - (iii) Security wire, such as barbed wire, concertina wire, or razor wire.
  - (iv) Electrified fencing, except for underground pet fencing.
- (s) No fence or wall shall be erected, installed, constructed, or otherwise structurally altered unless the material utilized therefore is of like-new condition and such that the grade and quality of said material is the same on all sides, including the front and back.
- (t) The finished side of any fence need not face to the outside of the lot on which the fence is constructed. The choice rests with the owner of the fence.
- (u) Fences and walls located in a Special Flood Hazard Area, or a flood prone area as determined by the City Engineer, shall meet the placement and design standards for structures outlined in the City's adopted Flood Damage Prevention Ordinance, including but not limited to:
  - (i) Certification by a registered professional engineer that the location or materials of the fence or wall will cause no adverse impact.
- (2) Regulations for fences and walls in detached dwelling zoning districts. In addition to (1) General Regulations, exterior fences, and walls to be located, erected or constructed in detached dwelling zoning districts or which will enclose a lot or tract of land used for detached dwelling purposes, in any zoning district, must conform to the requirements of this Section.
  - (a) Fences and walls located in a side or rear yard shall have a maximum height of eight (8) feet.
  - (b) No fence shall extend beyond the predominant front wall of a dwelling.
  - (c) In the case of a corner lot, or a lot with two or more front yards, fences and walls of eight (8) feet or less in height, may be permitted within all yards except the predominant front. In the event that the predominant front is in conflict with the

apparent front of the dwelling, the Zoning Official may not permit a fence in the secondary front yard.

- (d) Fences and walls shall be set back a minimum of nine (9) feet from a street right-of-way.
  - (e) Permit applications for fences or walls to be placed within 5-feet of a property line that is adjacent or runs parallel to an accessible alley must include a current survey (dated within 12-months of the permit application submittal) and must be approved by the City Engineer to ensure maneuverability and visibility will not be impeded or obstructed.
  - (f) Fences and walls shall include a gate for egress in conformance with applicable building and fire codes.
- (3) Regulations for fences and walls in attached-dwelling, commercial, institutional, manufacturing and the planned zoning districts. In addition to (1) General Regulations, exterior fences, and walls to be located, erected or constructed in attached-dwelling, commercial, institutional, manufacturing or planned zoning districts shall conform with this Section.
- (a) Exterior fences and walls are permitted in the predominant front yard in the manufacturing and institution districts provided that:
    - (i) The lot area exceeds 2-acres.
    - (ii) Fences or walls shall be constructed of an open design material, such as chain-link/wire-mesh, split-railed, or aluminum/wrought-iron, with at least fifty- (50) percent of the surface area open and providing direct view through the fence or wall.
    - (iii) An open design fence may be mounted on a solid brick base with a maximum base height of two- (2) feet.
    - (iv) Fences and walls shall not exceed eight- (8) feet in height.
    - (v) Fences and walls shall meet applicable wind load requirements.
    - (vi) Fences and walls shall include a gate for egress in conformance with applicable building and fire codes.
  - (b) Exterior fences and walls are permitted in the predominant front yard in the attached dwelling unit districts, or on an attached dwelling site located within a planned district, provided that:
    - (i) Fences or walls shall be constructed of an open design material, such as split-railed, or aluminum/wrought-iron, with at least fifty- (50) percent of the surface area open and providing direct view through the fence or wall.

- (ii) In attached dwelling unit districts, or on an attached dwelling site located within a planned district, chain-link, wire-mesh and similar materials are prohibited in the predominant front yard, or in any yard visible from a city street or right-of-way.
  - (iii) An open design fence may be mounted on a solid brick base with a maximum base height of two- (2) feet.
  - (iv) Fences and walls shall not exceed four- (4) feet in height.
  - (v) Fences and walls shall meet applicable wind load requirements.
  - (vi) Fences and walls shall include a gate for egress in conformance with applicable building and fire codes.
- (c) Exterior fences and walls are permitted in the commercial and planned districts provided that:
- (i) Fences and walls shall be permitted in a side or rear yard.
  - (ii) No fence shall extend beyond the predominant front wall of the principal structure.
  - (iii) In the case of a corner lot, or a lot with two or more front yards, fences and walls of eight- (8) feet or less in height may be permitted within all yards except the predominant front.
  - (iv) Fences and walls shall be set back a minimum of nine- (9) feet from a street right-of-way and five- (5) feet from an accessible alley.
  - (v) Fences and walls shall have a maximum height of eight- (8) feet.
  - (vi) Fences and walls shall meet applicable wind load requirements.
  - (vii) Fences and walls shall include a gate for egress in conformance with applicable building and fire codes.
- (d) A security fence or wall may be constructed within a side or rear yard of a public or private school, nursery or daycare facility, or a public park or playground provided that:
- (i) Fences or walls shall be of an open design, such as chain-link, wire-mesh, split-railed, aluminum or wrought-iron, with at least fifty- (50) percent of the surface area open and providing direct view through the fence or wall.
  - (ii) An open design fence may be mounted on a solid brick base with a maximum base height of two- (2) feet.
  - (iii) Fences and walls shall not exceed eight- (8) feet in height.

- (iv) Fences and walls shall meet applicable wind load requirements.
- (v) Fences and walls shall include a gate for egress in conformance with applicable building and fire codes.

## **Sec. M. Open Space and Amenities for Attached Residential Districts.**

### *Open Space:*

- (1) For developments in attached residential districts (R-4, R-5, R-6, and R-7) containing more than 8 units, a minimum of fifteen (15) percent of the site area shall be improved and maintained as Open Space for the recreational use of residents. At least twenty-five (25) percent of the Open Space shall be dedicated, designed, and improved as a Common Open Space for the recreational use of residents. Such space shall be no less than forty (40) ft in width along its narrowest dimension. Shade must be provided for 1/3 of the area at minimum.
- (2) The areas designated as Open Space must be shown on the final plat and/or development plan and constructed prior to the issuance of a certificate of occupancy or certificate of completion.
- (3) Amenities provided within the Open Space, such as benches, planters, art and water features shall be maintained in perpetuity by the property owner, or as established in covenants recorded along with the final plat or development plan.
- (4) Open Space and other permitted uses may require additional parking, beyond the required number of parking spaces per unit, in accordance with Off-Street Parking and Loading Requirements.
- (5) The Open Space shall not include steep grades, areas with poor drainage or other constraints to its recreational use.
- (6) The following uses are permitted within Open Space:
  - (a) Environmental corridors and greenways;
  - (b) Pocket parks, neighborhood parks and playgrounds;
  - (c) Stormwater retention/detention facilities (where incorporated into one of the above);
  - (d) Cooperative gardens;
  - (e) Tennis, volleyball, pickleball, shuffleboard, cornhole and other types of sports areas and courts; and
  - (f) Dog parks.

- (7) For all proposals involving the creation of open spaces or facilities to be owned and maintained by a homeowner, property owner, or condominium association, the following shall apply:
- (a) An association representing the owners shall own the common open space or facility in perpetuity. Membership in the association shall be mandatory and automatic for all owners of the subdivision or condominium and their successors. The association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and associated facilities shall be borne by the association.
  - (b) *Management Plan:* The applicant shall submit a plan for management of open space and/or common facilities that:
    - (i) Allocates responsibility and guidelines for the maintenance and operation of the common open space/facilities including provisions for ongoing maintenance and for long-term capital improvements;
    - (ii) Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the common open space/facilities and outlines the means by which such funding will be obtained or provided;
    - (iii) Provides that any changes to the plan be approved by the planning commission; and
    - (iv) Provides for enforcement of the plan.
  - (c) In the event the party responsible for maintenance of the Common Open Space fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the association, or to the individual owners that make up the association, and may include administrative costs and penalties. Such costs shall become a lien on all involved properties.

*Amenities:*

- (1) Amenities for all developments in attached residential districts containing two (2) or more units shall be improved and maintained for the recreational use of residents only and shall not be open to the public, except as guests of residents of the development.
- (2) The areas designated for amenities must be shown on the final plat or development plan and constructed prior to the issuance of a certificate of occupancy or certificate of completion. Amenities shall be maintained in perpetuity by the property owner, or as established in covenants recorded along with the final plat or development plan. for the life of the project.

- (3) Common Open Space and other permitted amenities may require additional parking, beyond the required number of parking spaces per unit, in accordance with Off-Street Parking and Loading Requirements.
- (4) The following uses shall be permitted as amenities:
  - (a) Health clubs, fitness studios and gyms;
  - (b) Swimming pools;
  - (c) Car and dog washing stations;
  - (d) Outdoor kitchens and grilling provisions; and
  - (e) Office centers/internet cafés.

#### **Sec. N. Special Rules for Vehicle Sales Lots.**

- (1) Lots used to store and display vehicles for sale, including but not limited to new and used cars, trucks, recreational vehicles, trailers, campers, boats, motor homes, shall only be permitted on lots located in C5 and M1 Zoning Districts and shall have a minimum area of 3 acres improved in accordance with parking lot requirements of this Ordinance and the Subdivision Regulations.
  - (a) A development plan, consistent with the provisions of this Ordinance, shall be prepared for all vehicle sales lots and reviewed by the Planning Commission.
  - (b) All such lots shall be required to provide perimeter landscaping in accordance with Article IX of this Ordinance and the following additional requirements:
    - (i) Landscaping screening specimens shall be evergreen materials verified to reduce noise, such as Japanese Cryptomeria; Leyland Cypress; Eastern Red Cedar; Magnolia; Arborvitae; Savannah Holly; Nellie R. Stevens Holly; Yaupon Holly; Wax myrtle; Carrisa Holly; Burford holly; Pfitzer Juniper, or similar trees and shrubs.
    - (ii) Additional screening and buffering requirements may be recommended by the Zoning Official for approval by the Planning Commission.
  - (c) Parking for all vehicle sales and rentals – min. parking: 1/1,000 sq. ft. of indoor & outdoor sales display area, max parking: 1/500 sq. ft.

## **ARTICLE VII. REQUIRED DEVELOPMENT PLAN**

### **Sec. A. Intent.**

Development under several of the zoning districts, as listed in Sec. B. below, requires approval of a development plan by the City of Homewood, in accord with procedures contained in this Article, prior to zoning action and issue of a building permit.

### **Sec. B. Required Development Plan.**

- (1) Approval of a development plan by the Homewood City Council, after recommendation is made by the Planning Commission, is required:
  - (a) Prior to zoning of property to the R-6 Residential District
  - (b) For the planned districts, which include the PR-1 Planned Residential District, PR-2 Planned Residential District, PCD-1 Planned Office District, PCD-2 Planned Commercial District, PI Planned Industrial District, PMUD Planned Mixed Use District.
  - (c) For MXD Mixed Use District. See Art IV, Sec AA for additional MXD Mixed Use District development plan requirements.
  - (d) For the I-1 Institutional District, I-2 Institutional District, I-3 Institutional District, with existing or proposed developments on sites of three (3) acres or more, or featuring more than one (1) building on a lot or parcel
  - (e) For proposed buildings with height determined by the floor area ratio method.
  - (f) For shopping centers in C-3 and C-4 Districts (see Art II, definition of shopping center)
  - (g) For WHD West Homewood District. See Art IV, Sec EE for the West Homewood District development plan process.
  - (h) Prior to issuance of a building permit for developments requiring a development plan.
- (2) Developments requiring a development plan as stipulated in this Section shall include changes in use or changes to property lines, whether or not changes are proposed to a structure.

### **Sec. C. Required Data for All Development Plans.**

- (1) Every development plan submitted for consideration by the Homewood Planning Commission shall be in accordance with the following:

- (a) The development plan shall be of a scale not greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals one hundred (100) feet and of such accuracy that the Planning Commission can readily interpret the details of the plan and shall include more than one drawing where required for clarity.
- (b) Two (2) full size copies shall be provided for distribution along with an electronic copy for staff review.
- (c) The proposed title and street address of the project and the name of the owners, engineer, architect, designer, or landscape architect of the development, north arrow and date.
- (d) Vicinity map showing the location of the project in relation to the surrounding community, including adjacent zoning.
- (e) Zoning district in which the site is located and the anticipated uses of the structures. Existing zoning and zoning district boundaries.
- (f) In the case of a Special Exception approved by the Board of Zoning Adjustment any conditions and safeguards imposed by the Board shall also be indicated on the development plan.
- (g) In the case of any Variances approved by the Board of Zoning Adjustment, any conditions and safeguards imposed by the Board shall also be indicated on the development plan.
- (h) The boundaries of the property involved, the location of all existing easements, section lines, and property lines, and other physical and natural features in or adjoining the project.
- (i) Acreage in total project; acres to be developed.
- (j) The location of existing and proposed buildings, sanitary and storm sewers, water mains, culverts, and other public utilities in or adjacent to the project.
- (k) The development plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
- (l) Location, dimensions, and type of buffer strip and other open spaces including recreation areas, if any.
- (m) The development plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings and square footage of floor space. Development plans for residential development

shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.

- (n) The development plan shall show the proposed location, use and size of open spaces and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.
- (o) Density or intensity of use, expressed as floor area ratio.
- (p) Location, size and character of all ground and building signage.
- (q) Location, size and character of all ground and building lighting.
- (r) Open Space Requirements and calculations for open space provided.
- (s) Sufficient information for the reviewer to determine if all dimensional requirements and required conditions related to the zoning district(s) are met.
- (t) A copy of the record plat showing all easements, dimensions, and other information required to be presented on the record plat.
- (u) A landscape plan, in conformance with the Tree Protection and Landscape Ordinance, prepared by a landscape architect licensed by the State of Alabama.
- (v) Special Flood Hazard Area designations and boundaries.
- (w) Certificates, to appear on the reproducible of the development plan, for the signatures of the City Council President, Planning Commission Chair, City Engineer, Fire Marshal, Zoning Administrator and Planning Commission secretary, as applicable.
- (x) A blueline or color representation of any building elevation visible from a public street, alley, or adjacent property, together with a written description of colors and materials to be used.
- (y) Type construction of principal and accessory structures based on classifications in adopted building code.
- (z) Proposed occupancy type based on classifications in adopted building code.
- (aa) Proposed number of stories in principal structure with square footage of each floor.
- (bb) The development shall be located in an area for which public facilities and services are available and adequate for the uses proposed; provided, however, that the applicant may provide such facilities which are not presently available, and written assurance of such provision shall be included as a part of the development plan.
- (cc) The public improvements included in the final development plan shall be consistent with the Homewood Subdivision Regulations.

- (dd) A copy of any deed restrictions to be recorded.
  - (ee) A comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered professional engineer. (When required by the planning commission or City Engineer).
  - (ff) A development schedule indicating the approximate date when construction of the development or stages thereof can be expected to begin.
  - (gg) Any other information necessary to establish compliance with this and other ordinances or the availability of adequate utility capacity.
  - (hh) A fire protection plan, approved by the Homewood Fire Department, indicating the location of all proposed fire hydrants, and fire access lanes, as well as a description of all fire protection measures and devices for structures, which is to include sprinkler system designed and approved pursuant to the fire prevention code as currently adopted by the City of Homewood.
- (2) Development plans for Planned Development Districts shall conform to the following additional criteria:
- (a) The applicant shall provide for and establish an organization or other legal entity for the control and maintenance of any common areas designated on the final development plan. Such organization shall be created by covenants running with the land, and such covenants shall be included as a part of final development plans and subject to approval by the city council.
  - (b) Improved, commonly owned or controlled, functional open space shall be required for planned developments, any portion of which features densities deemed by the planning commission, to be in excess of that which is appropriate for the site. The appropriate density for any site shall be determined by: the developed density of the surrounding area, the density permitted in the zone district in which the proposed use is a permitted use, and other factors deemed appropriate by the planning commission.
  - (c) Structures and open space shall be arranged in such a way as best to serve the needs of residents and commercial users of the planned development and to minimize any adverse effects on neighboring districts.
  - (d) Scenic assets and natural features, such as trees, streams, and topographic features, shall be protected and preserved to the extent possible.
  - (e) At least fifty (50) percent of area remaining after the development of buildings, parking, rights-of-way, and utility or drainage easements, shall be developed to serve the needs of the residents of the development; including but not limited to landscaping, patios, walks, play areas, recreation and other uses consistent with the character of the planned development.

- (f) Buffers and building setbacks shall recognize and honor existing adjacent land development. All structures shall be situated so as to conform to the National Fire Code, "Standard 80A, Protection of Buildings from External Exposure Fires," as amended or supplemented.
  - (g) Adequate screening and separation between different land uses shall be provided by means of buffers or other acceptable methods.
  - (h) Vehicular access to the planned development shall be from streets capable of supporting existing and projected traffic. No streets or roads within the planned development shall connect to the public street system in such a way to encourage use of minor streets for through streets.
  - (i) The planned development shall include provisions for safe and convenient pedestrian access and circulation.
- (3) The planning commission shall make recommendation, and city council shall review and dispose of the proposed zoning amendment or any amendment to an approved preliminary development plan, in accord with procedures set forth in Title 11, Chapter 52, Article 4 of the Code of Alabama 1975, as amended.

#### **Sec. D. Final Development Plan Review.**

- (1) Upon receipt of an applicant's complete development plan, the DEZ shall place the development plan on the agenda for a public hearing before the Homewood Planning Commission. The City Engineer, Zoning Official and such other officials and agencies as deemed appropriate for their review, report, and recommendation, shall each furnish to the planning commission a written report pertinent to their respective jurisdiction and concerns, which shall be transmitted to the planning commission prior to the public hearing.
- (2) The planning commission shall review the applicant's development plan and within ninety (90) days following the applicant's submission of the plan to the planning commission, the planning commission shall make a recommendation to city council to approve or disapprove the plan. If disapproved, the planning commission shall also prepare a written report stating clearly the reasons and justification therefore, and identify what changes are necessary in order for the plan to be approved. Such written disapproval shall be transmitted to the applicant and the city council.
- (3) When the development plan has been recommended for approval by the planning commission, the planning commission shall so certify on the record copy of the approved development plan.
- (4) When the development plan has been approved by the city council, the President of the city council shall so certify on the record copy of the approved development plan. The certified copy of the approved development plan shall be recorded in Probate at the Jefferson County, AL Courthouse.

- (5) The approved development plan is not a subdivision plat. The city's subdivision regulations shall be enforced with regard to the subdivision of land and the dedication of public improvements.

#### **Sec. E. Amending Final Development Plan.**

- (1) The final development plan may be amended by the planning commission and city council, provided the procedure specified in section E for review and approval is followed.
- (2) Minor changes to the site or in the location, orientation, or elevation of buildings and structures as shown on the final development plan may be authorized by the Zoning Official. No change authorized by the Zoning Official under this Section may increase the size of any building or structure by more than ten (10) percent, nor change the location of any building, or structure by more than ten (10) feet in any direction; provided, notwithstanding anything in the foregoing, the Zoning Official may not permit changes beyond the minimum or maximum requirements set forth in this Ordinance. All other changes in the development plan, including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of a development plan.

## **ARTICLE VIII. OFF-STREET PARKING AND LOADING REQUIREMENTS**

### **Sec. A.**

Each off-street parking space shall have a minimum dimension of nine (9) feet wide by nineteen (19) feet long. A parking space located above ground level in a parking structure may have a minimum dimension of eight and one-half (8 1/2) feet wide by eighteen (18) feet long.

### **Sec. B.**

There shall be provided in all districts at the time of creation or enlargement of any main building or accessory structure, off-street parking spaces as required in this Article, for motor vehicles with adequate access to all spaces.

### **Sec. C.**

The number of parking spaces required for uses in the various districts is set forth in this Article. Where a use is not specifically listed or only a broad use category is shown, it shall be the Zoning Official's responsibility to categorize the use.

In the case of mixed or joint uses, parking spaces required shall equal the sum of the requirements of the uses computed separately, except in the Land Preserve and Mixed Use Districts as provided for in Section O.

### **Sec. D.**

Unless otherwise stated, square footage (SF) shall be measured as net floor area (NFA), which allows the deduction of square footage equal to that occupied by closets, storage areas, stairwells, elevator shafts, corridors, restrooms, kitchens, lobbies, and other amenity areas.

### **Sec. E.**

Required off-street parking may be provided either on the same lot or another lot, provided the parking area is not separated from the use which it serves by more than one hundred fifty (150) feet, measured along the proposed pedestrian access route from the closest property line of the parking facility to the primary entrance of the building. If located on a separate lot, site plan approval for both lots is required. The proposed development shall provide safe and efficient pedestrian ways between and within the lots.

### **Sec. F.**

Not to include detached dwelling zoning districts, parking for any use shall be located in a district in which the use it serves is a permitted use. If publicly owned parking spaces share a property line with the subject property, the adjacent parking spaces may be counted towards the number of required parking spaces for the use.

## **Sec. G.**

Up to fifty (50) percent of the parking spaces required for institutional uses such as civic and cultural uses, places of worship, or similar uses may be provided and used jointly by office, retail or service commercial, or similar uses which are not generally open, used or operated during the same hours as those listed above with a written agreement thereto is properly executed and recorded.

## **Sec. H.**

In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney and shall be filed with the application for a building permit, and shall be in full force and effect until released by resolution of the board of adjustment.

## **Sec. I.**

These regulations shall apply to all additions, expansions or reconstructions, on the basis of the addition, expansion or reconstruction only.

## **Sec. J.**

The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the temporary parking of motor vehicles, is prohibited.

## **Sec. K.**

Use of off-street parking areas in residential districts for non-residential purposes is specifically prohibited.

## **Sec. L. Required Parking Spaces for Individual Uses.**

<b>Residential Land Uses</b>	<b>Number of Spaces</b>		<b>Plus</b>
1 dwelling unit per lot	2	Per principal dwelling unit	1 per ADU
1 dwelling unit per lot, zero lot line	2	Per unit	0.2 per unit for guests
2 dwelling units per lot	1.75	Per unit	0.2 per unit for guests
Attached dwelling unit: 0-1 bedroom	1	Per unit	0.2 per unit for guests
Attached dwelling unit: 2 bedrooms	1.75	Per unit	0.2 per unit for guests
Attached dwelling unit: 3+ bedroom	2	Per unit	0.2 per unit for guests
Assisted living	0.5	Per bedroom	1 per employee on largest shift
Nursing home	0.5	Per bedroom	1 per employee on largest shift
Residential treatment facility	0.5	Per bedroom	1 per employee on largest shift

Single room occupancy (SRO)	1	Per 3 units	1 per employee on largest shift
<b>Commercial: Retail Land Uses</b>	<b>Number of Spaces</b>		<b>Plus</b>
Food and beverage (drive through)	7	Per 1,000 SF of dining area	4 stacking spaces per drive through window
Food and beverage (no drive through)	7	Per 1,000 SF of dining area	
Food and beverage (no indoor dining)	7	Per 1,000 SF of dining area	0.5 per employee on the largest shift, and 4 stacking spaces per drive through window
General retail: up to 50,000 SF	1	Per 300 SF NFA	
General retail: 50,000 - 90,000 SF	1	Per 400 SF NFA	
General retail: more than 90,000 SF	1	Per 500 SF NFA	
Major vehicle repair	1	Per 1,000 SF NFA	2 spaces per bay
Minor vehicle repair	1	Per 1,000 SF NFA	2 spaces per bay
Package liquor store	1	Per 300 SF NFA	
Sexually oriented business	1	Per 300 SF NFA	
Shopping center: up to 100,000 SF	1	Per 400 SF NFA	
Shopping center: more than 100,000 SF	1	Per 500 SF NFA	
Tobacco – vape and related products shops	1	Per 300 SF NFA	
<b>Commercial: Service Land Uses</b>	<b>Number of Spaces</b>		<b>Plus</b>
Alternative financial services, pawn shop	1	Per 300 SF NFA	
Car wash	2	Per bay	
Day care center	1	Per 500 SF NFA	
Funeral home	0.25	Per seat	or 10 spaces per chapel unit, whichever is greater
<b>Commercial: Service Land Uses</b>	<b>Number of Spaces</b>		<b>Plus</b>
Gasoline service station	0.5	Per pump	
Hospital/medical center	2	Per bed	
Medical office or clinic	1	Per 300 SF NFA	
Office	1	Per 500 SF NFA	
Outdoor kennel or boarding	1	Per 500 SF indoor area	
Services: business, financial, professional	1	Per 300 SF NFA	
Services: personal	1	Per 300 SF NFA	
Sexually oriented business	1	Per 300 SF NFA	
<b>Institutional Land Uses</b>	<b>Number of Spaces</b>		<b>Plus</b>
Botanical gardens, cemetery	3	Per acre	
City hall, community center	1	Per 500 SF NFA	
Convention or exhibition facilities	1	Per 500 SF NFA	
Cultural (library, museum, gallery)	1	Per 500 SF NFA	
Government administrative facilities	1	Per 500 SF NFA	

Meeting hall / performing arts	1	Per 500 SF NFA	
Playground	1	Per 1000 SF programmed space	
Public park and recreation facilities	2	Per acre	
Places of worship	1	Per 4 fixed seats in the largest assembly area, or per 40 SF of floor area available for the accommodation of moveable seats in the largest assembly room, whichever is smaller	
School: elementary or middle	0.1	Per student of design capacity	
School: high	0.2	Per student of design capacity	
School: college or university	0.3	Per student of design capacity	
<b>Lodging Land Uses</b>	<b>Number of Spaces</b>	<b>Plus</b>	
Lodging: interior room access	1	Per lodging room	1 per 500 SF conference space
Lodging: exterior room access	1	Per lodging room	
<b>Entertainment Land Uses</b>	<b>Number of Spaces</b>	<b>Plus</b>	
Athletic fields, coliseum	1	Per 5 seats	(1 seat = 2' bleacher length)
Golf course	2.5	Per hole	
Indoor sport facilities	1	Per 500 SF NFA	
Outdoor amusements and commercial recreation	1	Per 500 SF NFA	
Theaters, indoor	1	Per 500 SF NFA	
<b>Entertainment Land Uses</b>	<b>Number of Spaces</b>	<b>Plus</b>	
Theater, drive-in	None required		
Sexually oriented business	1	Per 300 SF NFA	
<b>Industrial Land Uses</b>	<b>Number of Spaces</b>	<b>Plus</b>	
Armory	1	Per 300 SF office	
Manufacturing, light (artisanal)	1	Per 300 SF office	1 per 2000 SF additional indoor space
Manufacturing and industrial, light	1	Per 300 SF office	1 per 2000 SF additional indoor space
Manufacturing and industrial, heavy	1	Per 300 SF office	1 per 2000 SF additional indoor space

## Sec. M. Loading Area Requirement.

- (1) Required loading space: On the same premises with every building or structure involving the receipt or dispatch of vehicles as a necessity for, or incidental to, the operation, or use of the building, there shall be provided and maintained adequate space for standing, loading and unloading services, in order to avoid undue interference with public use of streets or alleys. Each such space shall have a minimum clear height of fifteen (15) feet and shall be a minimum of fourteen (14) feet wide by forty (40) feet long, where vans are to be received,

or a minimum of fourteen (14) feet wide by sixty (60) feet long, where tractors and semi-trailers are to be received.

- (2) Loading area site arrangement: All loading areas shall be provided with safe entrance to and exit from the public thoroughfare. The entire loading area shall be paved and graded to properly drain.
- (3) Number of loading spaces required:
  - (a) One space for floor areas up to 30,000 sq. ft.
  - (b) Two (2) spaces for floor areas from 30,000 to 50,000 sq. ft.
  - (c) Three spaces for floor areas from 50,000 to 100,000 sq. ft.
  - (d) One additional space for each additional 100,000 sq. ft. of floor area.

**Sec. N. Parking and Loading Area Requirements for Uses that Require a Development Plan.**

For developments that require a development plan:

- (1) The size, number and location of parking spaces required for specific uses shall be determined as part of the development plan review as required in the zoning process.
- (2) Adjacent on-street public parking may be used to meet the parking requirements in these districts.

## **ARTICLE IX. TREE PROTECTION AND LANDSCAPE**

### **Sec. A. Intent.**

This Article IX is intended to promote public health, safety, and civic beauty; to provide for green spaces; to assist in preserving a sustainable urban forest; to protect and enhance private and public property values, and to provide for the general welfare and aesthetics of Homewood and all its citizens, in accordance with the guidance and regulations published by the American National Standards Institute (ANSI).

### **Sec. B. Applicability.**

The terms and provisions of this Article shall apply to:

- (1) All real property in Homewood, except as otherwise provided hereinafter.
- (2) Any development which requires the issuance of a land disturbance permit, development permit, or building permit, except as otherwise provided hereinafter.
- (3) Development on any city-owned property, including property owned by city agencies, boards, and authorities, except as otherwise provided hereinafter.

### **Sec. C. Administration.**

- (1) This article shall be administered by the Zoning Official or their designated representative, including but not limited to the City Engineer or staff of the Engineering & Zoning Department. The Zoning Official may, when necessary and feasible, consult with other departments, private firms, or persons with noted experience in qualifying disciplines, who, when so acting, shall be considered representatives of the City.
- (2) City Arborist or City approved official
  - (a) The City Arborist shall be charged with the responsibility and authority to review and oversee all tree related activities within the City limits which may involve tree planting, maintenance and removal. The City Arborist shall have absolutely no authority to vary any City-approved plans, issued permits, or executed agreements.
  - (b) The role of the City Arborist or City approved official, may include the following, as deemed necessary by the Director of the Department of Engineering & Zoning (DEZ), but not necessarily be limited to:
    - (i) Receive and review applications for tree removal, land clearing/disturbing activity and other permits under this Article.
    - (ii) Confirm that information provided by an applicant is correct and accurate.
    - (iii) Inspect trees and tree protection zones.

(iv) Validate permit applications including the following components:

- a. Tree inventory including number, species and status of all qualifying trees on site, and the locations of trees requested for removal and/or for preservation.
- b. MTD calculation showing the locations, species and sizes of all qualifying trees counting towards the MTD and the required number of replacement trees, if applicable.
  1. Where applicable, calculate a value assessment of public trees, to recommend a fine or replacement cost to damaged or removed city trees.
  2. Where appropriate, offer alternative arboriculture practices that may satisfy the applicant's needs (as discussed with the applicant) instead of tree removal (only applicable if trees requested for removal are qualifying, nonhazardous trees.)
  3. Issue cease-and-desist orders upon persons or entities in violation of this Article for a maximum of two working days. Upon review of the violation, the Zoning Official may extend the cease-and-desist order until the violation is brought into compliance and all fines are paid, if applicable.
  4. Augment the City's forest by overseeing tree planting on public property.
  5. Liaise with the Homewood Environmental Commission to implement and maintain an active tree planting program in the city.
  6. Educate City personnel responsible for tree removal, planting, pruning and landscape maintenance.
  7. Assist in implementing development agreements, plans, or permits relating to landscaping and trees
  8. Perform other related job duties as assigned by the DEZ.

**Sec. D. Permitting for Tree Removal and Preservation.**

(1) Tree Permit is required for:

- (a) Removal of a qualifying tree.
- (b) Tree preservation during construction or land disturbance activities.

- (c) Increases to impervious area of any lot by 20%.
- (2) Tree Permit Conditions:
- (a) Persons obtaining a permit for tree preservation or removal or landscaping must be duly licensed with the City of Homewood to conduct tree services, tree removal, or landscaping or shall provide proof of subcontracting with a company duly licensed with the City of Homewood to perform the aforementioned services.
  - (b) Persons obtaining a permit which involves tree or landscape preservation, planting, pruning or removal must follow applicable ANSI 300 Tree Care standards.
  - (c) Applications for tree removal or tree preservation shall require a tree inventory which shall capture MTD for the site, before and after proposed activity, the locations, DBH, species (botanical name), and intended treatment (removal or preservation) of all qualifying trees.
  - (d) All permits issued by the Zoning Official under this Section shall be required to be consistent, and not in conflict with any City-approved plans, permits, or development agreements.
- (3) Tree Permit Application and Fees:
- (a) An application for a Tree Permit shall be filed on official forms provided by the Zoning Official.
  - (b) The applicant shall be required to pay a nonrefundable permit fee as established by the Zoning Official for purposes of processing the application, enforcing requirements of this Section, and inspecting the real property subject to the application.
  - (c) If the applicant is not the property owner, then the applicant shall attach the written permission of the property owner to the application. All completed applications shall be returned to the Zoning Official with permit fees, and required inclusions (i.e., tree inventory).
  - (d) Display of Permit: Any permit issued pursuant to this Article shall be displayed on the site of the subject area covered by the permit in such a manner as to be clearly visible and available for inspection by residents and City personnel.
  - (e) Applications for permits shall be made prior to tree removal or land disturbance activity; except in the following cases, applications shall be filed when indicated:
    - (i) All new subdivisions shall be required to submit an application for a Tree Permit at the time of initial submittal of the subdivision plan to the City so that due consideration may be given to protection of trees during the subdivision design process.

- (ii) Any commercial, multi-family or other use requiring site plan approval under the City land development regulations shall be required to submit an application for a Tree Permit at the time of site plan submittal so that due consideration may be given to the protection of trees during the site plan design process.
  - (iii) All permit applications for a new single-family or multi-family dwelling units shall include an application for a Tree Permit; a tree inventory must be shown on the site/development plan or as required by the Zoning Official, as a condition of the issuance of any permit.
- (f) Tree Permit Violations. Persons that fail to acquire a permit for tree removal will be subject to a five-hundred-dollar (\$500) penalty per qualifying tree removed. The fees required by this Article and all fines relating to violations of this Ordinance shall be paid into a Tree Preservation Fund which shall be used solely by the City to replant trees in the City.
- (g) Tree Permit Evaluation Process. When a lot or parcel is being developed, reasonable effort shall be made to protect trees existing on the lot or parcel, except for those trees shown on a city-approved plot, site or development plan as being within the footprint area of the proposed development or building.
- (h) Tree Removal Only. Permit applications that include tree removal will require the following:
  - (i) A complete tree inventory of the site identifying the number of trees, species, diameter at breast height (DBH), and identifying the qualifying trees requested for removal. Qualifying trees must also be identified as hazardous or non-hazardous according to the definition herein.
  - (ii) MTD must be calculated to determine if tree replacement is required. If tree replacement would be required, the following permit conditions apply:
    - a. The owner of the property must sign the permit stating they have been made aware of the requirements for tree replacement and agree to abide by those requirements.
    - b. The City Arborist may assess the potential for alternative arboriculture practices, such as pruning, to satisfy the applicants request in place of removal (if applicant is willing).
    - c. The City Arborist may recommend appropriate replacement trees.
- (i) Tree removal with development, or other land disturbance activity:
  - (i) The Zoning Official will ensure all other required permits and plans have been approved in accordance with the associated land disturbance activity

(i.e., any other building and development requirements of the City) before proceeding to assess the application for tree removal.

- (ii) The Zoning Official will assess compliance with any other landscape requirements of this Article that may be or may need to be included as part of the Tree Permit application before proceeding to assess the tree removal component of the application.
- (iii) Applications found not to be in full compliance with the landscape requirements of this Article will need to be resubmitted with the appropriate landscape requirements included.
- (iv) If compliance is satisfied, the Zoning Official will proceed with the application process as follows:
  - a. For applications that include removal of only qualifying trees that are located within a building area as shown on City-approved plans and validated by site visit, a permit will be issued but MTD shall be met for subject site, therefore, tree replacement may be required.
  - b. For applications that include removal of any qualifying tree(s) located outside of the building area as shown on city-approved plans, a site visit by the City Arborist is required to assess the status of the tree(s) as qualifying, non-hazardous or hazardous; and to calculate MTD and determine if MTD would be met or not met after tree removal and, therefore, if tree replacement would be required;
- (v) If MTD would be met after tree removal, a permit will be issued at this point.
- (vi) If MTD would not be met after tree removal:
  - a. The City Arborist will determine if any qualifying trees, requested for removal, are suitable for preservation in accordance with appropriate tree preservation methods as described by ANSI 300 Tree Care Standards.;
  - b. If qualifying trees are suitable for conservation, the Zoning Official will request the applicant to amend the permit to include preservation of the qualifying trees.
- (j) If qualifying trees are not suitable for conservation, tree replacement will be required in compliance with Sec. H of this Article.

(4) Public Tree Removal:

No public tree(s) shall be removed or damaged from City property or City rights-of-way without consent of the City Council, unless deemed a hazard. Requests should be

made to the Zoning Official, after which they will be placed on the next available council/committee agenda. Hazard trees on public property or rights-of-way that pose an apparent, immediate threat must be brought to the attention of the Zoning Official without delay.

- (5) Tree Preservation: When a tree inventory, site survey or landscape plan is submitted which includes tree preservation the following requirements apply:
  - (a) A site visit by the Zoning Official, Building Inspector or the City Arborist will be required to assess that the trees are suitable for conservation or for preservation before, during and after land disturbance and development activities.
  - (b) For non-residential zoning districts:
    - (i) Trees approved for preservation become Qualifying Trees under this Article, regardless of size.
    - (ii) Trees and landscaping must be continually cared for with adequate watering, mulch, and protection from herbicides
    - (iii) If a tree does not survive or if it declines to the point of becoming a hazard within one year, it must be removed and replaced by the Owner following Sec. H.2 Tree Planting & Replacement Requirements.
- (6) Impervious Area is increased by 20%. The following describes the process for evaluating permit applications that are triggered by an increase in impervious area of 20% or more.
  - (a) Compliance with MTD will be required, which may include required tree plantings elsewhere on the site to achieve MID as described in Sec. H of this Article.
  - (b) Zoning Official will confirm this increase is not in conflict with other City codes or regulations before proceeding with a Tree Permit.

#### **Sec. E. Permitting for Landscaping.**

- (1) All building, development and land disturbance permits for commercial and multi-family development issued by the City of Homewood are subject to the landscaping requirements of this Article and must show the applicable requirements on landscape plans as part of site/development plans.
- (2) A schedule of all new and existing plants proposed for landscaping must also be included in the landscape plans, including trees, shrubs, grasses and other ground cover types.
- (3) All commercial and multi-family landscape plans, site plans and/or tree inventories shall be prepared by a landscape architect licensed by the State of Alabama.

- (4) Known invasive species, including but not limited to, those identified by the Alabama Invasive Plant Council in its *List of Alabama's Invasive Plants by Land-Use and Water-Use Sectors* are prohibited within the city limits of Homewood.

#### **Sec. F. Exemptions.**

- (1) All trees removed by a utility, county or state agency and which are located within a public road, drainage rights-of-way, or permanent utilities and drainage easements shall be exempt from the requirements of this Article.
- (2) Building permits issued for any alteration or renovation that does not increase the building footprint of the primary structure.
- (3) In lieu of satisfying the requirements for landscaping required by this Article, the applicant or homeowner may satisfy the provisions of this Article by paying to the City at the time of the application a sum equal to \$1,500.00 per required tree for any tree over 50% of the required MTD. For example, if the MTD is 4 trees, 2 trees shall be installed and \$1,500 per tree may be paid for the remaining 2 trees. The funds shall be paid into a tree replacement fund which shall be used solely by the city to replant trees in the City.
- (4) Tree is verified dead and/or deemed a hazardous tree by the City Arborist.

#### **Sec. G. Variance Application.**

- (1) Variance requests may be granted under the following conditions:
  - (a) Exceptional, alternative methods of meeting the standards and intent set forth in this Article, especially where existing healthy, native vegetation is preserved, and/or innovation in site design is demonstrated, or;
  - (b) Under the procedures for variances established in Article XI, Sec. B.
- (2) The Board of Zoning and Adjustment will hear variance requests only if the variance application meets the intent of this Article and conforms to other ordinances or as shown on adopted City plans.

#### **Sec. H. Tree and Landscape Requirements.**

- (1) **Minimum Tree Density Requirement:** The City recognizes a Minimum Tree Density (MTD) defined by this Article as the minimum number of trees that must be present on a given site. It is the intent of the City that all property types, whether public, private, residential, commercial, developed, undeveloped, or unimproved, be brought into compliance with the MTD requirements as stated herein, even if development activity is not occurring or planned. However, sites will only be assessed for compliance with MTD when they are brought under review through the issuance of building, development, land disturbance, or tree permits. MTD must be met before a certificate of completion or certificate of occupancy can be issued, regardless of whether trees existed on the site before development or construction and regardless of whether the site met MTD before

development or construction. When tree planting is required to meet MTD on the site they shall include only species defined in Appendix A and shall follow the ANSI 300 Standards for planting.

(a) MTD Standards:

- (i) 0 to 1 acre: 16 trees per acre
- (ii) >1 to ≤ 5 acres: 20 trees per acre
- (iii) Greater than 5 acres: 24 trees per acre

(b) MTD Calculation:

- (i) Convert acreage to square feet using the conversion 1 acre= 43,560 square feet.
- (ii) For purposes of determining MTD, the footprint square footage of the primary structure/dwelling unit plus 325 square feet for the required parking area, shall be deducted from the lot square footage.
- (iii) For purposes of determining the number of trees required for a lot, the total lot square footage, (minus the footprint of the primary structure and required driveway), should be multiplied by the MTD Standards in a) above. Fractional numbers, or decimals, shall be rounded up to the next whole number to determine to number of required trees.

(2) Tree planting and replacement requirements:

(a) Species.

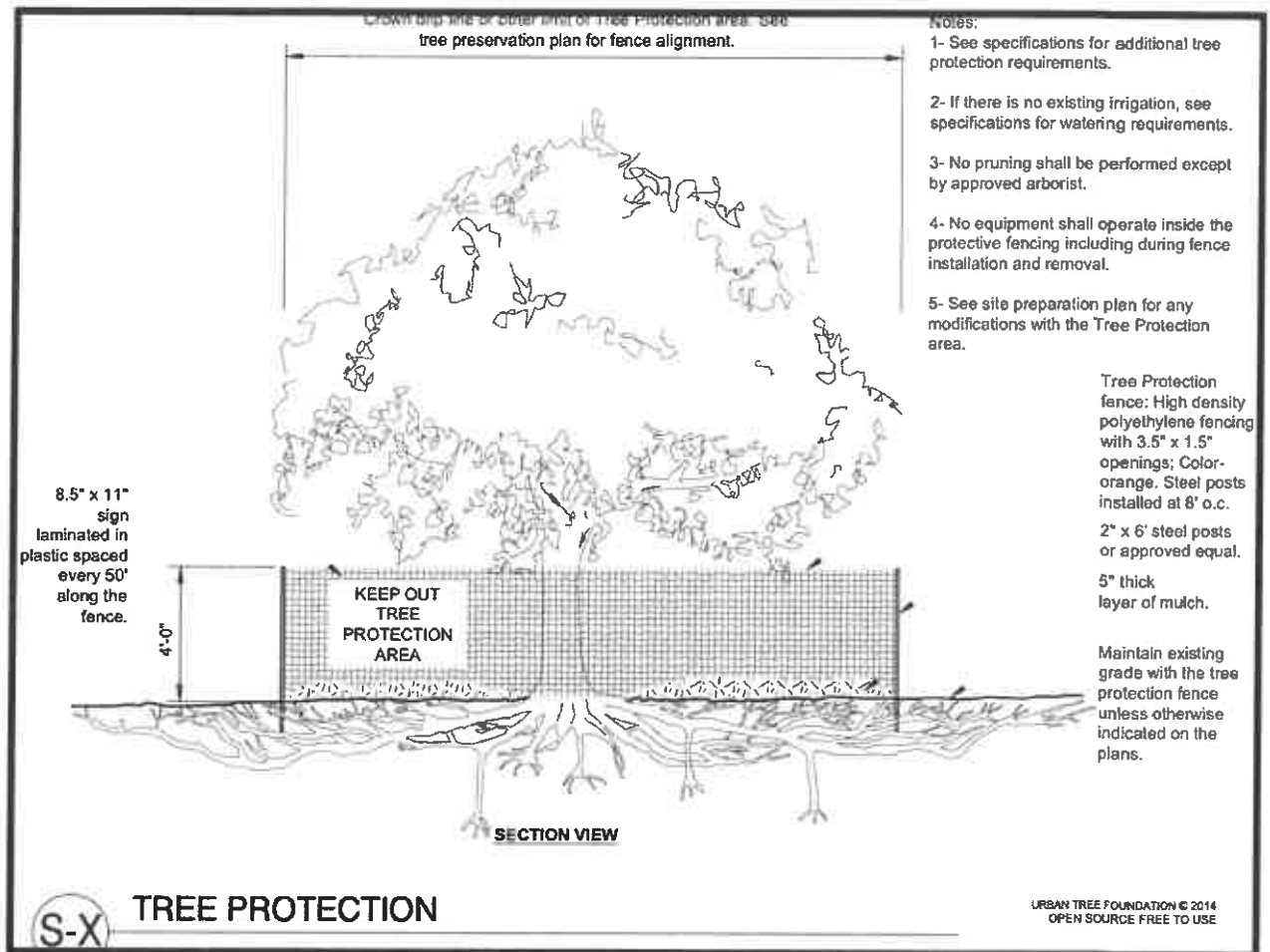
- (i) All trees planted to meet MTD by this Article shall be a canopy tree cited in Appendix A: Native Tree List.
- (ii) The City Arborist may make exceptions and approve other trees based on site conditions, including soil quality, water availability, shade potential, ecological characteristics, screening needs, and/or other challenging or conflicting characteristics. However, invasive species will not be allowed.
- (iii) When planting or replacing qualifying trees, the trees specified must contain no more than 50% of a single species.

(b) Size.

- (i) Containerized, replacement tree(s) must be a minimum of 25 gallon or larger.
- (ii) Field grown, ball and burlap, trees must be a minimum of 2.5" caliper or larger.

- (iii) Replacement trees must have been grown in compliance with the current edition of “American Standard for Nursery Stock” published by American Nursery and Landscape Association.
- (c) Location.
  - (i) Where applicable, canopy trees shall not be planted closer than forty feet of each other and understory trees a minimum of ten to a maximum of twenty feet of each other.
  - (ii) It is noted that, because of the ability of tree roots to anchor the soil, trees shall be employed to control erosion on steep slopes and cleared areas. Therefore, whenever the slope of an area to be cleared is 3:1 or steeper, the slope shall be stabilized by planting one canopy tree or two understory trees for each 30 by 30-foot area (excluding the footprint of the primary structure).
  - (iii) Trees shall not be planted underneath an existing power line or within, or immediately adjacent, any utility easement or City right-of-way. Trees must comply with the regulations of the applicable utility.
- (d) Installation of all required landscaping and/or trees shall occur prior to the issuance of a certificate of occupancy or certificate of completion. The Zoning Official may approve an extension, not to exceed 120 days, when good cause is demonstrated and documented.
- (e) All trees planted pursuant to this Section are deemed Qualifying Trees, and shall be maintained in a healthy, living condition. Any such trees which die shall be replaced.
- (f) The property owner shall be responsible for the cost of tree planting and replacing the trees.
- (3) Tree Preservation Requirements. Tree protection practices must comply with Part 5 of the ANSI 300 Tree Care Standards including, but not limited to:
  - (a) A plan for tree protection must be included on the preliminary development plan or site plan, as appropriate, before land disturbing activity, demolition & construction occurs, as required for subdivision submittal, site plan submittal, or building/development permits.
  - (b) Barriers and signage are required throughout permitted activity and shall be installed prior to activity begins. Barriers and signage must be placed around every tree or group of trees to be preserved, including, by written request, those on adjacent properties, in compliance with the following requirements.

- (i) Waterproof, rigid "Tree Protection Zone" signs of appropriate size and spacing to reasonably inform crews and public the tree is being preserved along the tree protection zone barriers.
- (ii) Tree protection zones shall be at a minimum determined by the definition of Critical Root Zone but may need to be larger as determined by the City Arborist.



- (iii) All construction activities and storage of materials and/or equipment shall be prohibited within the tree protection zones. Construction activities include, but not limited to, excavating, filling, trenching, construction storage and dumping, portable restroom facilities, and parking or operating construction equipment and vehicles.
- (iv) It shall be unlawful for any person, during the construction of any structures or other improvements, to place solvents, petroleum products, paint or masonry materials, construction machinery or temporary soil deposits within the dripline of any qualifying tree for which a tree removal permit is

required but has not been obtained, including soil that is placed in the dripline permanently for the purpose of a grade change.

- (c) It shall be the responsibility of the property owner and their agents to ensure that these requirements are adhered to for any tree to be preserved as shown on the tree inventory.
- (4) The property owner shall guarantee survival of retained trees and replacement trees for one year from completion of permitted construction, unless a greater time period is required by development agreement or the DEZ. If a preserved tree dies, or the crown dieback is at 50% within one year from the date the certificate of occupancy or completion is issued, the property owner shall replace the tree in accordance with this Article, or be subject to a five-hundred-dollar (\$500) penalty per dead/dying tree.

## Sec. I. Other Landscaping Requirements.

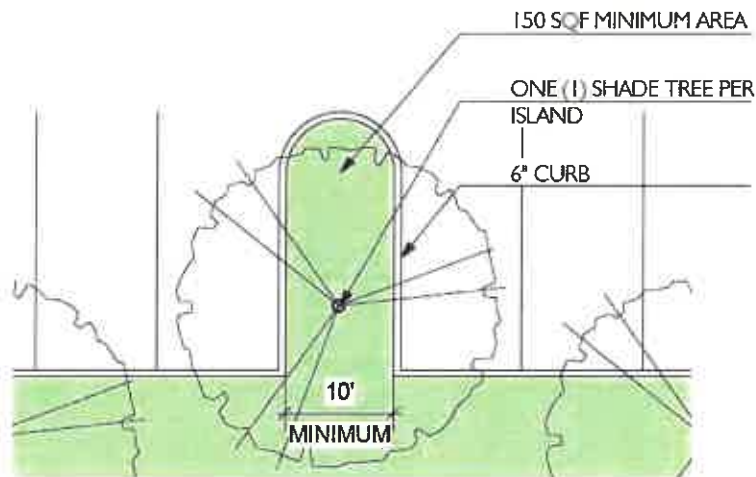
The applicability of the requirements of this Section are given for each requirement by listing of Zoning District Codes. Table 1. Landscaping Requirements gives an overview of the requirements of this Section aligned with Zoning Districts and Applicable Land Uses.

<b>TABLE 1. LANDSCAPING REQUIREMENTS</b>			
<i>Landscape Area Types</i>			
<b>Zoning Districts:</b> <i>R-5, R-6, R-7, PR-1, PR2, C-1, C-2, C-3, C-4, C-4(a), C-4(b), C-5, I-1, I-2, I-3, PCD-1, PCD-2, PI, PMUD, MXD, M-1, GURD, WHD</i>	<b>Foundation Landscape</b>	<b>Perimeter VA Landscape</b>	<b>Interior Island Landscape</b>
<i>Land Use</i>			
<i>Parking Lots (with 10 or more spaces)</i>		X	X
<i>Parking Garages – Businesses on ground floor</i>	X		
<i>Multi-family attached, Commercial, and Institutional</i>	X	X	X

- (1) General Off-Street Parking and Vehicular Use Area (VA) Landscape Requirements:
  - (a) A well-designed, landscaped parking lot or vehicular use area utilizes perimeter landscaping and landscaped islands to create clear delineations between parking

lots for driving and pedestrian safety, to mitigate urban heat island effects, improve air quality and create an appealing aesthetic.

- (b) Applicability: This Section applies to all non-single-family district surface parking areas with more than 10 spaces. For purposes of this Section, multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.
  - (c) All off-street parking areas within any zoning district with frontage on any portions of a street right-of-way (not including alley) must adhere to the perimeter island requirements set forth in this Section.
  - (d) For attached residential, commercial, institutional, industrial zoning districts and parking garages with businesses or offices on the ground level, all newly planted and/or relocated plant material shall be watered by a fully automatic irrigation system, providing 100% coverage of all required landscaped areas.
- (2) Perimeter VA Landscape Area (PVA):
- (a) A perimeter VA landscape (PVA) shall be provided along the outside of an off-street parking and vehicular use area (VA).
  - (b) PVA landscape area must be a minimum of 15 feet wide as measured from the back of curb of the VA toward the property boundary.
  - (c) The PVA shall be landscaped at a rate of 1 canopy tree per 50 linear feet of perimeter curb and gutter, excluding required egress width.
  - (d) Shrubs, that under typical conditions can be expected to reach a height and spread of 3 feet within three years of planting, shall be installed at a rate of 30 shrubs per 100 linear feet, within which shrubs may be grouped or randomly spaced as long as the total number of shrubs required is utilized. All shrubs shall be a minimum of 36 inches in height at installation.
  - (e) A PVA landscape area may also serve as the location for a sidewalk connecting the use and the street. In such case, the sidewalk shall be a minimum of 5 feet wide and the remaining planting area shall be a minimum of 10 feet wide.
  - (f) PVA landscape required in conjunction with street yard requirements can be counted together, with the stricter of the two requirements taking precedent. PVA trees may count toward the required MTD on the site.
  - (g) Existing healthy vegetation and the area of land used to maintain the vegetation may be counted toward meeting the performance criteria for VA landscape areas.
- (3) Interior Island Landscape Area Requirements:



**PARKING ISLAND REQUIREMENTS:**

- 1) MINIMUM 10' WIDTH MEASURED FROM BACK-OF-CURB (B.O.C)
- 2) MINIMUM 150 SQF OF 'LANDSCAPED' AREA
- 3) PARKING ISLAND REQUIRED EVERY 10 PARKING SPACES
- 4) PARKING ISLANDS REQUIRE ONE SHADE TREE

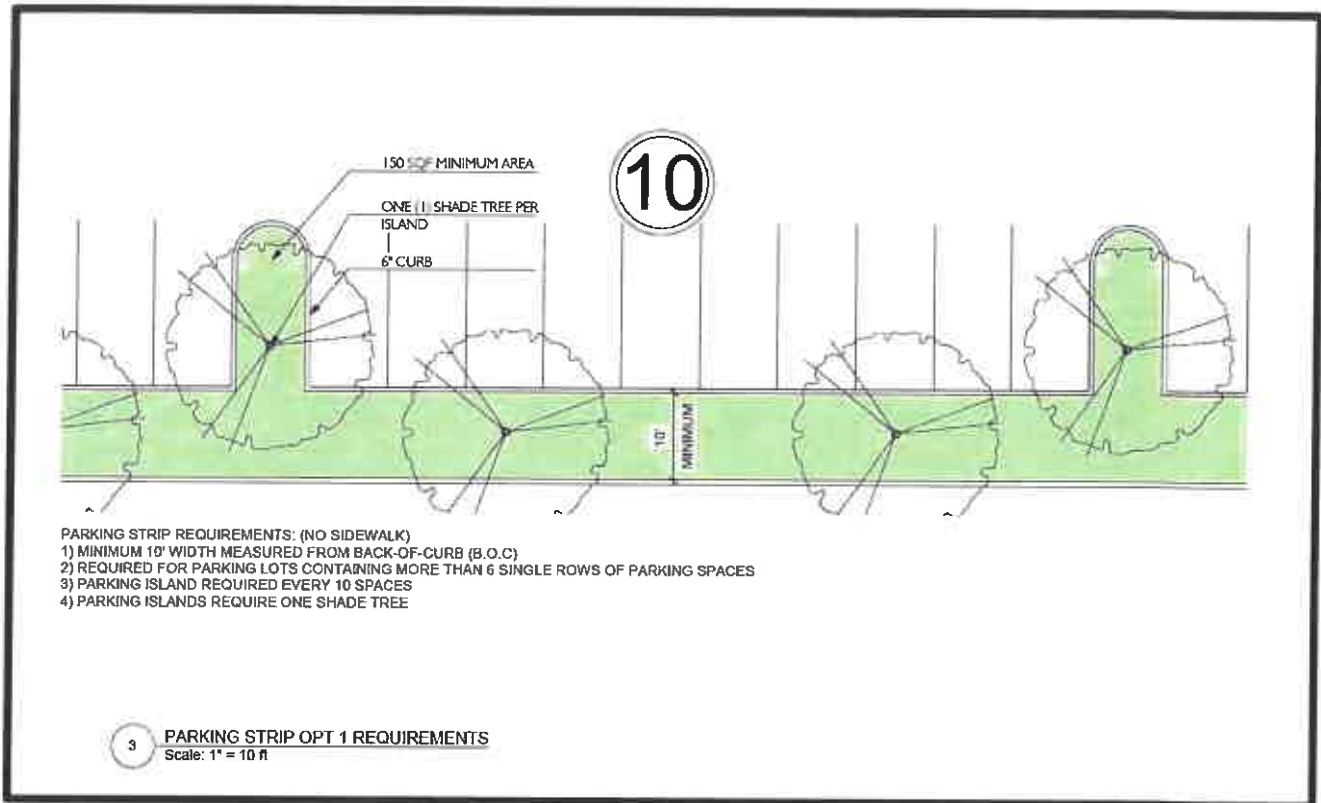


**PARKING ISLAND REQUIREMENTS**

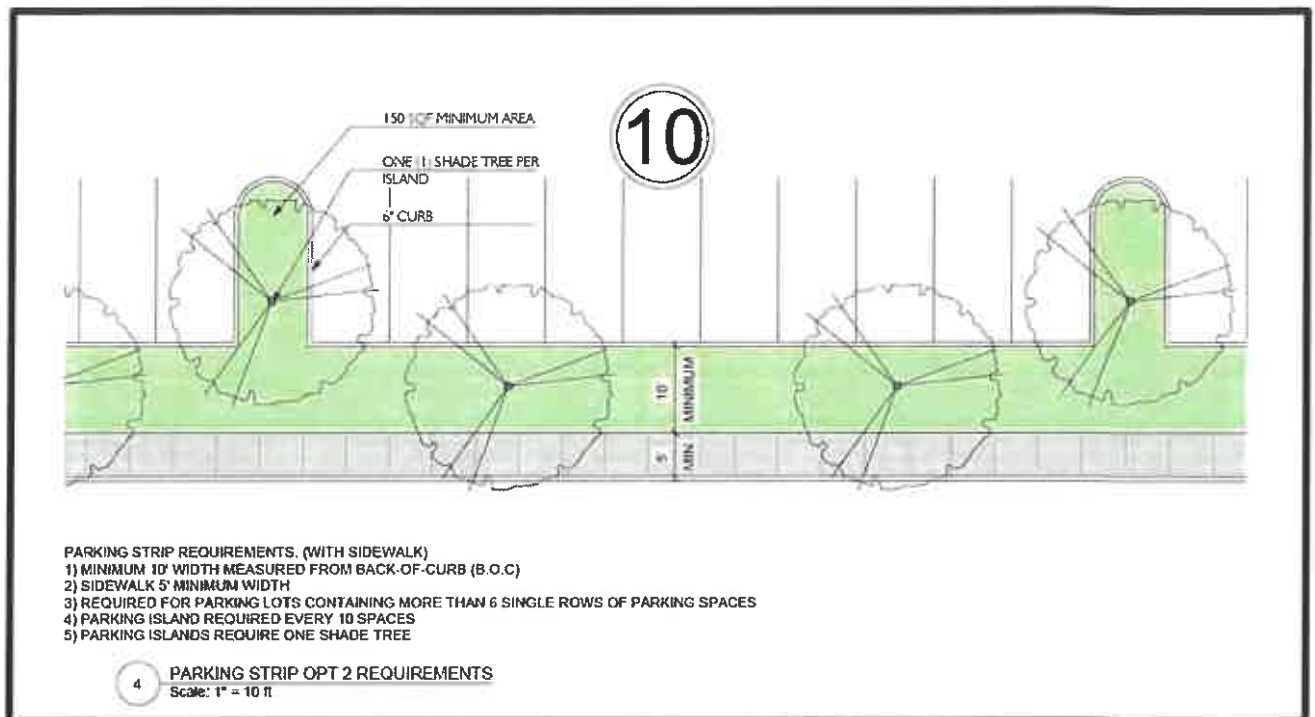
Scale: 1" = 10 ft

- (a) An interior island landscape area, in the form of an island and/or peninsula, shall be provided within a VA that has 10 parking spaces or more.
- (b) An interior island landscape area must be a minimum of 10 feet in width back of curb to back of curb and be a minimum of 150 square feet in area.
- (c) An interior island landscape area must be provided every 10 parking spaces. Interior islands must be distributed evenly throughout the parking area.
- (d) Median Islands - A type of Interior Island landscape area that must be provided between every 6 single parking rows.

- (i) A landscaped median island must be a minimum of 10 feet wide, back of curb to back of curb.

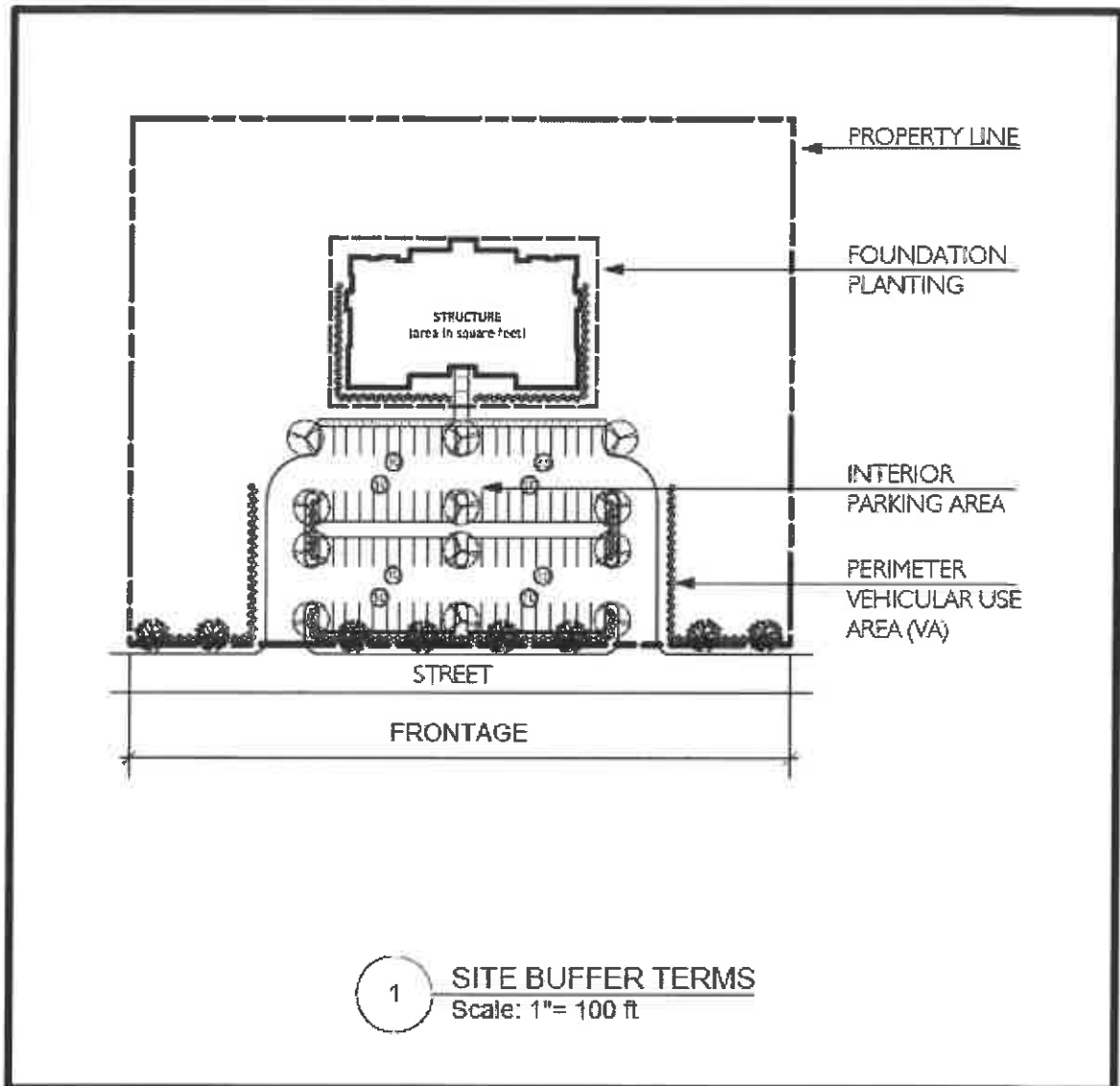


- (ii) A median island may also serve as the location for a sidewalk connecting the parking and the use served by the parking area. The sidewalk must be a minimum of 5 feet wide. When the median is utilized for location of a sidewalk, the median width must be expanded by at least 5 feet for a total minimum of 15.



- (iii) One (1) understory tree per every 150 square feet of interior island landscape area shall be required (See Appendix A for approved tree list). Two understory trees equal one canopy tree for the required MTD on the site.
- (e) Interior island landscape areas may be consolidated, in order to preserve existing trees.
- (f) Plantings which may not be counted toward meeting the interior island landscape coverage requirements are:
  - (i) Plantings required for perimeter VA (PVA) landscape area.
  - (ii) Plantings required by the street yard or foundation landscape requirements of this Section.
  - (iii) Plantings required by the screening requirements for dumpsters and loading docks.
  - (iv) Plantings required in buffer strip.
- (4) Foundation Landscaping:
  - (a) Foundation landscaping requirements are applicable for attached residential, commercial, institutional, and parking garages.

- (i) A minimum of 50% of the linear feet of any side of a building facing a public street must be planted.



- (ii) Plantings must be placed adjacent to building sides or provided in planters near the building sides.
- (iii) Planting areas must be a minimum of 3 feet in width, excluding a minimum 2-foot-wide strip along the curb for vehicular overhang, unless wheel stops are used.
- (iv) Six (6) shrubs are required for every 15 square feet of total required planted area.

- (v) Shrubs planted immediately adjacent to the building shall be a minimum of 18 inches in height at installation.
- (vi) Shrubs planted in elevated planters located near the building should be a minimum of 15 to 18 inches in height and a minimum 3-gallon container at installation.
- (vii) Foundation plants should be grouped so as not to block or obstruct windows and doors.
- (viii) No landscaping or screening shall be planted inside utility and drainage easements, excluding overhead easements, without the consent of the City and the easement owner. Any landscaping located near a power line, shall not exceed a mature height of 15 feet and is subject to following local power authority regulations.

#### **Sec. J. Elimination of Invasive Trees and Shrubs.**

The City's natural resources, including groves, woodland areas and regulatory floodways, shall be protected by the control and elimination of invasive, non-native species. To that end, the following guidelines shall apply:

- (1) Planting of trees and shrubs listed by the Alabama Invasive Plant Council, is prohibited for fulfilling the requirements of this Article.
- (2) Removal of trees and shrubs listed by the Alabama Invasive Plant Council, from commercial, office, industrial, institutional, or multifamily sites (excluding jurisdictional wetlands) shall be completed as a requirement for approval of any development permit issued by the City or the issuance of a certificate of occupancy.
- (3) Control and elimination procedures shall in no way harm or cause the decline of preserved or planted trees and landscaping.

#### **Sec. K. Plant Hardiness Considerations.**

All plant materials must be hardy to zone 8A-B, in accordance with the U.S. Department of Agriculture's Plant Hardiness Zone Map.

#### **Sec. L. Maintenance of Landscaping and Trees.**

The owner and/or tenant is responsible for maintaining the good health of all required landscaping.

- (1) Any dead, unhealthy, or missing landscaping must be replaced with landscaping that conforms to this Article within thirty days of notification by the Zoning Official, City Arborist or their designee. In the event the dead, unhealthy, or missing landscaping is the result of an unusual weather occurrence, or other act of nature, or if the weather conditions

are not conducive to planting, the owner or tenant may request an extension, not to exceed one (1) year.

- (2) Commercial landscaping and trees shall be subject to annual review. Any dead, unhealthy, or missing landscaping must be replaced with landscaping that conforms to this Article within thirty days of notification by the Zoning Official.

#### **Sec. M. Penalties.**

Responsible Parties that fail to preserve, plant or replace trees, as required by this Article, within 120 days of notification by the Zoning Official, will be subject to a five hundred-dollar (\$500) penalty per tree.

- (1) In the event that any public tree or landscaping is damaged or destroyed, or otherwise caused to be removed, due to the fault of a party, other than the city, whether intentionally or by accident the party shall be responsible for replacing the landscaping and public tree, and will be subject to a \$500 fine for each damaged tree. If the incurred damage may be remediated with pruning or other arboriculture practices, to enable its best chance of survival tree, the costs, which would otherwise not have accrued, will be assessed against the responsible party, for a period of two (2) years.

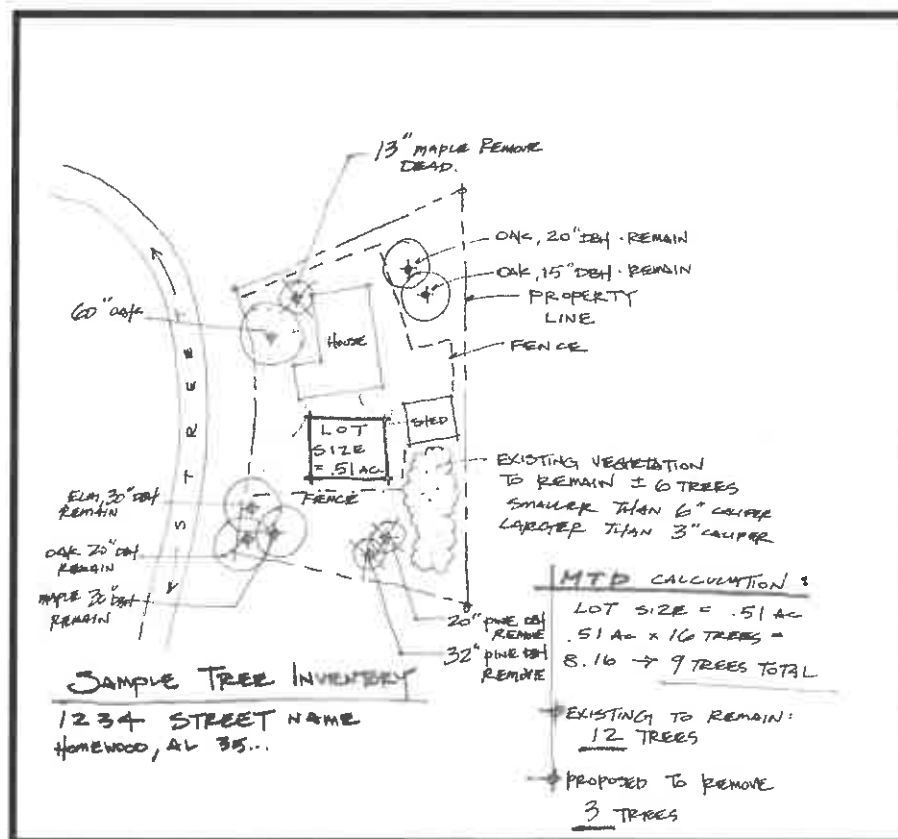
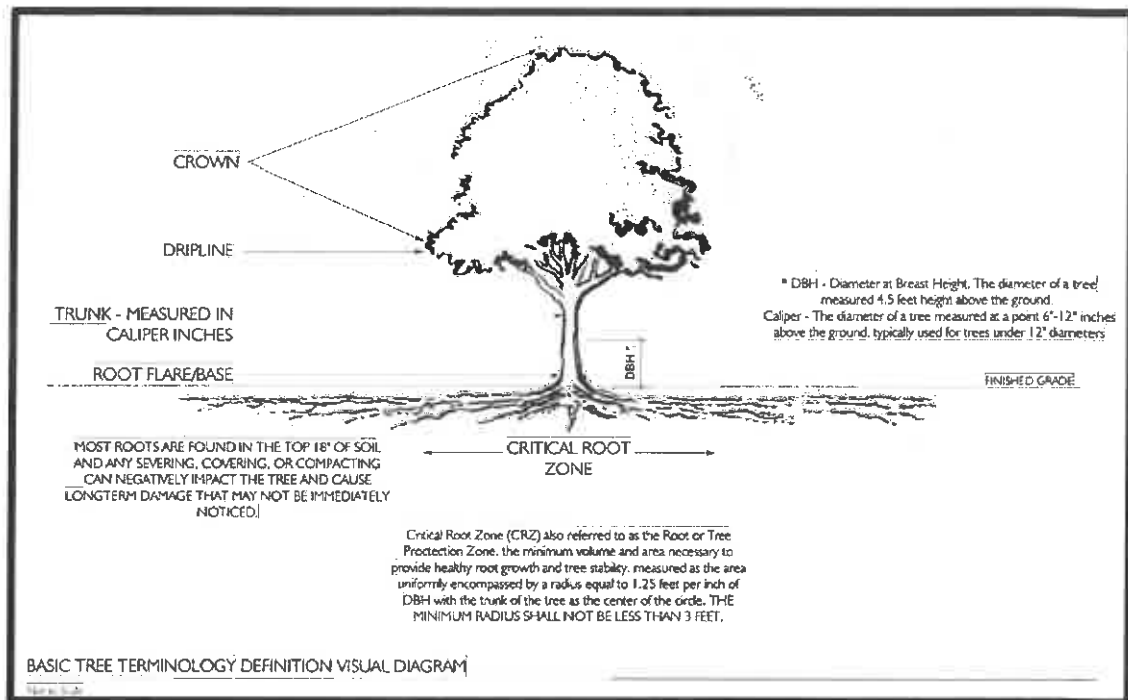
#### **Sec. N. Site Inspections.**

The Zoning Official may conduct periodic inspections of the site. It is the responsibility of the property owner and their agents to ensure that all provisions of this Article are met at all times throughout permitted activities and during any applicable warranty periods.

#### **Sec. O. Certificate of Completion/Occupancy.**

The Building Inspector cannot issue a certificate of compliance or occupancy until all tree and landscaping requirements of this Article are met.

## APPENDICES:



## APPENDIX A: NATIVE TREE LIST

### CANOPY TREES

Common Name	Botanical Name
Southern Sugar Maple	<i>Acer barbatum</i>
Hedge maple	<i>Acer campestre</i>
Chalk maple	<i>Acer leucoderme</i>
Red maple	<i>Acer rubrum</i>
Silver maple	<i>Acer saccharium</i>
Sugar Maple	<i>Acher saccharum</i>
River Birch	<i>Betula nigra</i>
Pignut Hickory	<i>Carya glabra</i>
Pecan	<i>Carya illinoinensis</i>
Red Hickory	<i>Carya Ovalis</i>
Shagbark Hickory	<i>Carya ovata</i>
Mockernut Hickory	<i>Carya tomentoss</i>
American Chestnut	<i>Castanea dentata</i>
Catalps	<i>Catalpa specioss</i>
American Beech	<i>Fagus grandifolia</i>
White Ash	<i>Fraxinus pernnsylvanicum</i>
Green Ash	<i>Fraxinus pennsylvanicum</i>
Black Walnut	<i>Jugens nigra</i>
Tulip Poplar	<i>Liriodendron tulipfera</i>
Black Gum	<i>Nyass sylvatica</i>
Sourwood	<i>Oxydendron arboretum</i>
Shortleaf Pine	<i>Pinus echinate</i>

Longleaf Pine	<i>Pinus palustris</i>
Virginia Pine	<i>Pinus virginiana</i>
American Sycamore	<i>Platanus occidentalis</i>
Cottonwood	<i>Populus deltoides</i>
White Oak	<i>Quercus alba</i>
Scarlet Oak	<i>Quercus coccinea</i>
Southern Red Oak	<i>Quercus falcata</i>
Laurel Oak	<i>Quercus laurifolia</i>
Overcup Oak	<i>Quercus lyrata</i>
Blackjack Oak	<i>Quercus marilandica</i>
Nuttall Oak	<i>Quercus mutabilis</i>
Willow Oak	<i>Quercus phellos</i>
Northern Red Oak	<i>Quercus rubra</i>
Shumard Oak	<i>Quercus shumardii</i>
Post Oak	<i>Quercus stellata</i>
Black Oak	<i>Quercus velutina</i>
Black Willow	<i>Salix nigra</i>
Sassafras	<i>Sassafras albidum</i>
Pond Cypress	<i>Taxodium ascendens</i>
American Linden	<i>Tilia americana</i>
Winged Elm	<i>Ulmus alata</i>
American Elm	<i>Ulmus americana</i>
Red/Slippery Elm	<i>Ulmus rubra</i>

## UNDERSTORY TREES

(Note: For MTD, 2 Understory Trees count for 1 Canopy Tree and shall be used when site conditions limit the use of Canopy Trees)

Serviceberry	Amelanchier arborea
American Hornbeam	Carplnus caroliniana
Eastern Redbud	Csercis candensis
White Redbud	Cercis reniformis
Fringe tree	Chionanthus virginica
Flowering Dogwood	Cornus florida
Washington Hawthorn	Rataegus phaenopyrum
Green Hawthorn	Craiaegus veridle
Two-winged Silverbell	Halesia diptera
Carolina Silverbell	Halesia tetraptera
American Holly	Illex opacs
Sweet Bay Magnolia	Magnolia virginiana
Eastern Hop-hornbeam	Ostrya virginians
American Snowbell	Styrax americanus
Carolina Buckthorn	Rharonus Carolinians

### EVERGREEN (BUFFER/SCREENING) TREES

(Note: Evergreen Trees shall be used in buffers or screens only. They do not count in MTD calculations as replacement canopy trees.)

White Cypress	Chamasoyparis thyoides
American Holly	Ilex opaca
Eastern Red Cedar*	Juniperus virginians
Southern Magnolia*	Magnolia grandifolia
Bigleaf Magnolia	Magnolia macrophylla
Bald Cypress*	Taxiothum distchum
Amerian Arboryitae	Thuja occidentalis
Canadian Hemlock	Tauga carnadenis

\*may count for Canopy trees

## ARTICLE X. SIGNS

### Sec. A. Purpose and Scope.

It is the purpose of this Article to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this Article are not intended to censor speech or to regulate viewpoints but are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics and traffic and pedestrian safety. The sign regulations are designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety and warning signs of threats to bodily injury or death. These regulations balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community and the need for adequate identification, communication and advertising for land uses.

- (1) *Applicability.* This Article regulates signs that are visible from public rights-of-way, streets or accessible alleys, or which are visible from one site to another. All such signs constructed within the city limits of Homewood, Alabama, must comply with this Article, with the exception of:
  - (a) West Homewood signs;
  - (b) Traffic signs and all other signs erected or maintained by a governmental body;
  - (c) Signs located entirely inside the premises of a building or enclosed space, other than window signs; and
  - (d) Signs protected by state statute.
- (2) *Conflicting ordinances.* Where this Article imposes a greater restriction on signs than is imposed or required by existing provisions of the law, ordinance, contract, or deed, the provisions of this Section control. For sign standards not covered by this Article, other applicable sections in Appendix A, Zoning are the requirement. All signs must comply with all relevant federal, state or local regulations and ordinances regarding health, safety and welfare.
- (3) *Liability and responsibility.* The provisions of this Article will not be construed as limiting in any way the responsibility or liability of any person erecting or owning any sign for personal injury or property damage resulting from the placing of a sign, or resulting from the negligence or willful acts of such person, his or her agents, employees, or workers in the construction, maintenance, repair, or removal of any sign erected in accordance with a permit issued hereunder. Nor is it construed as imposing upon the City or its officers or employees any responsibility or liability by reason of the approval of any signs, materials, or devices under the provisions of this Ordinance.

- (4) *Severability.* The provisions of this Article are intended to be severable. If any of its sections, provisions, exceptions, or parts should be held unconstitutional or void, then the remainder of the ordinance will continue to be in full force and effect.
- (5) *Effective date and repeal.* This Article will take effect from and after the effective date of its passage and publication as required by law, the public safety and welfare requiring it. Upon adoption of this Article, all previously existing regulations contained within Article V entitled “Signs” of Chapter 5 entitled “Buildings; Construction and Related Activities” of the Code of Ordinance of the City are hereby repealed to the extent necessary to give these regulations full force and effect.

## **Sec. B. Definitions.**

This Section will add to or replace terms that are not used or used in a different manner than those in Appendix A – Zoning, Article II Definitions.

The following sign terms, when used in this Article, have the meanings defined by this Section. Terms not defined in this Section but defined in the zoning ordinance or subdivision regulations of the City are given the meanings set forth in that ordinance or regulations. All other terms used in this Article are given their common, ordinary meaning, unless the context clearly requires otherwise.

*Banner.* A temporary on-premises sign, other than a flag, pennant, streamer, canopy or similar sign made of lightweight fabric, plastic, paper or similar materials that is mounted at all of its edges to the exterior of a building face or other outdoor structure. Temporary promotional signs mounted to the interior of a window are not considered banners (see Window Signs). Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a “Sign, Yard.”

*Channel Letters.* Any combination of letters, numbers, graphics, shapes or other characters that, when combined, make up a sign. Channel letter signs may be front lit, reverse, back or halo lit, or combination lit. Channel letters may also be non-illuminated, also known as dimensional letter signs. Channel letters may be mounted onto a raceway or backer or directly flush-mounted individually onto a building.

*City.* The City is Homewood, Alabama.

*City Code.* The Code of Ordinances of the City.

*Code Enforcement Officer.* Any official of the City designated by the City Council or the Mayor as the Code Enforcement Officer which may include the Zoning Administrator for the City or any police officer of the City of Homewood, or any other person designated to enforce the provisions of this Article by the City Council or the Mayor.

*Development.* A parcel of land planned and developed in a unified design, used or set aside and available for use as the site of one (1) or more buildings and accessory buildings, or for any other purpose. A development is not divided by a street, and for the purpose of this Article may or may not coincide with a lot of record.

*Erect.* To build, construct, attach, hang, place, suspend, paint, enlarge, alter or affix a sign, except the alteration of a message on a changeable copy sign.

*Exempt Sign.* A sign made exempt from a sign permit.

*Façade.* The exterior wall and window area on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

*Façade, Primary.* For the purpose of this Article, a primary façade shall be deemed a façade that directly faces a public street. For multi-tenant spaces, the primary façade shall be the façade related to the per-tenant lease portion of the façade or area subject to the lease.

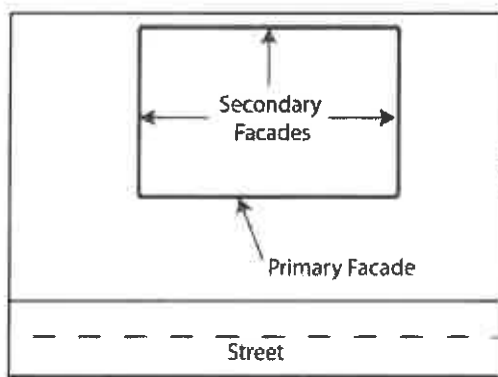


Illustration of the primary façade versus the secondary façades.

*Façade, Secondary.* For the purpose of the sign regulations, a secondary façade shall be deemed a façade that faces a public street or alley but does not contain the primary entrance into a business.

*Frontage, Building.* The length of a building measured at the two (2) outermost limits of the plane or elevation defining the building facing a public or private street. When a business is located on a corner lot or does not front a public right-of-way the Zoning Supervisor shall have the authority to designate the building frontage. In structures with more than one business, the frontage of each business shall be calculated separately in determining its sign area.

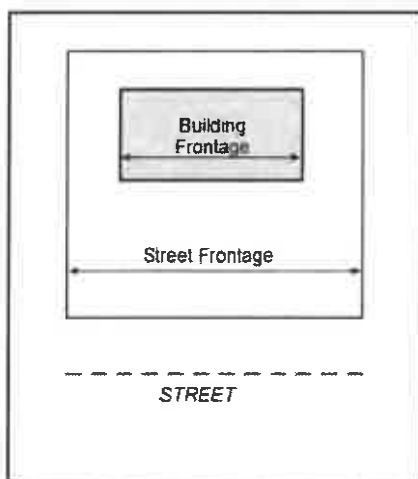


Illustration of building frontage versus street frontage.

*Frontage, Lot or Street.* Any property line along a street right-of-way. See also Property lines, Article II, Definitions.

*Gooseneck Lighting.* A type of light fixture in which a lamp or lightbulb is attached to a flexible, adjustable shaft to allow the user to position the light source without moving the fixture or item to be illuminated. For the purposes of this Article, the lighting is directed on a sign element.

*Lot Area.* The area contained within the property of the individual parcels of land shown on a subdivision plat or survey.

*Mural.* An original design, picture or representation, which does not contain promotional or commercial advertising, painted or drawn on an interior or exterior wall of a building and can be seen by passers-by from off premises.

*Number of Signs.* For the purpose of determining the number of signs, each sign is considered a single display surface or display device containing elements organized, related, and composed to form a unit. A multisided sign is considered one (1) sign.

*Raceway.* A raceway is a thin rectangular structure mounted to a façade that encloses wiring and other electrical components for a sign that channel letters or other sign components are then mounted to in order to prevent the need to drill an excessive number of holes in a façade for the mounting of individual sign components.

*Residential Lot.* A lot zoned for residential use or intended for residential use within a planned district.

*Shopping Center.* A group of commercial establishments located on a lot of three (3) or more acres planned and developed in a unified design with shared parking and driveway facilities and under a common management authority.

*Sign.* Any object, device, display, or structure, or part thereof, partially or fully visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, designed and used to inform or attract the attention of persons to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The area and height of a sign shall be calculated as follows:

- (a) *Sign Area.* That area delineated by one (1) continuous perimeter line, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The area will be determined by using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure. If a sign consists of more than one (1) section or module, all of the area, including that between sections or modules, must be included in the computation of sign area. On a two-sided, multisided, or three-dimensional sign,

sign area includes the total of all sides designed to attract attention or communicate information that can be seen at any one vantage point. However, the sign area of a double-faced, back-to-back sign (less than three (3) feet between sign faces) or V-shape sign (less than thirty-degree angle between sign faces) include only the area of one (1) sign face.

- (b) *Sign Height.* The average distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade is construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

*Sign, Air-Activated.* Graphic A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion. See also the definition for “Sign, Balloon.”

*Sign, Attached.* Any permanent on-premises sign, other than a freestanding sign, attached to, erected on or supported by any building, including a canopy or marquee sign, projecting sign, roof sign, wall sign, sign or similar sign that is permanently attached to a building. Attached signs are distinguishable as follows:

- (a) *Awning Sign.* Awning signs are mounted to awnings of cloth, canvas, vinyl or other appropriate materials and are of the same or similar material as the awning.
- (b) *Canopy or Marquee Sign.* A permanent on-premises sign affixed, fastened, painted upon or made part of and erected parallel to a canopy or marquee which projects from a building to shield a doorway or window or provides shelter from the weather. The term also includes a shelter above a fuel service island.
- (c) *Projecting Sign.* A permanent on-premises sign affixed to a building, and whose leading edge extends more than twelve (12) inches beyond the building or wall. They may be mounted perpendicular to the supporting building wall or the underside of a canopy. The sign can be supported from the wall or canopy with tubes, brackets, cables, or other appropriate mounting hardware.
- (d) *Roof Sign.* A permanent on-premises sign affixed to the roof of a building.
- (e) *Wall Sign.* A permanent on-premises sign that is affixed parallel to the building face, below the roof line, within the outer limits of a building wall, and not projecting more than twelve (12) inches from the building face, including such signs painted directly on the surface of a building.
- (f) *Window Sign.* A permanent or temporary on-premises sign that is affixed to, painted on or hanging behind or in front of a window and which is intended to be seen from the exterior of the building.

*Sign, Balloon.* A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor

that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for “Sign, Air-Activated Graphic.”

*Sign, Electronic Message Display.* An on-premises sign that displays electronic static images, static graphics or static pictures, with or without textual information. An electronic message display may be changed or altered by electronic means on a fixed display screen composed of a series of lights including light emitting diodes (LED’s), fiber optics, light bulbs or other illumination devices within the display area.

*Sign, Freestanding.* Any permanent sign, other than an attached sign, supported by some structure or the ground and independent of support from any building, including ground sign, or similar sign that is not mounted on a building. Freestanding signs are distinguishable as follows:

- (a) *Monument or Ground Sign.* An on-premises freestanding sign attached directly to the ground by its entire sign base.
- (b) *Pole Sign.* A permanent freestanding sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building. A pole sign does not meet the characteristics of a monument sign. Pole signs are prohibited in the City.

*Sign, Illuminated.* A sign lit by, or exposed to, artificial lighting which is further distinguishable as follows:

- (a) *External Illumination.* A source of external artificial lighting that reflects off the surface of the sign.
- (b) *Internal Illumination.* A source of internal artificial lighting located inside the sign allowing artificial light to emanate through the message of the sign, including exposed bulbs.

*Sign, Off-premises.* A permanent sign which directs attention to or conveys information about a business, profession, service, commodity, accommodation, attraction or other activity that exists or is conducted, sold, offered, maintained or provided at a location other than on the premises where the sign is located. Off-premises signs include, but are not limited to, billboards. Off-premises signs are prohibited in the City.

*Sign, On-premises.* A permanent sign which directs attention to or conveys information about a business, profession, service, merchandise, accommodation, attraction or other activity that exists or is conducted, sold, offered, maintained or provided on nonresidential premises where the sign is located. Such sign may also communicate personal, religious, or political statements or announce community events.

*Sign, Permanent.* Any sign, other than a temporary sign, designed with a permanent display area and not fabricated of paper, fabric, window whitewash or other light impermanent materials. If a sign display area is permanent but the message displayed is subject to periodic changes, that

sign is still regarded as permanent. A canopy permanently affixed to a building is regarded as permanent, even if fabricated of canvas, plastic or equivalent fabric-like materials.

*Sign, Portable.* Any sign that is designed to be transported, including, but not limited to, such signs: With wheels removed; With chassis or support constructed without wheels; Designed to be transported by trailer or wheels; Converted to an A- or T-frame sign; Attached temporarily or permanently to the ground, structure, or other signs; or Mounted on a vehicle for advertising purposes, parked, and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business.

*Sign, Snipe or bandit.* Signs of any material, including paper, cardboard, wood or metal when tacked, nailed or attached in any way to trees, poles, stakes, fences or other objects on land where signs are not authorized to be displayed.

*Sign, Temporary.* Any sign fabricated of plywood or other light, impermanent materials and intended to be displayed for a limited duration. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign is not to be regarded as temporary.

*Sign, Unlawful.* Any sign erected in violation of any previous or present sign regulations, building codes, electrical codes or any other ordinance of the City.

*Sign, Yard.* Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

*Speech, Commercial.* Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

*Speech, Noncommercial.* Any sign, wording or logo that does not represent a commercial message or commercial speech. See also "speech, commercial."

## **Sec. C. General Regulations for All Zoning Districts.**

Unless otherwise specifically stated, the following general regulations shall apply to all signs within the City of Homewood, including the Downtown Sign Districts.

## **Sec. D. Prohibited Signs.**

Signs with the following features are prohibited:

- (1) Animated signs;
- (2) Guy wires or similar insubstantial supports of freestanding or attached signs;
- (3) Inflatable signs, such as but not limited to balloons, gas inflated signs, air-activated graphic signs or similar signs;

- (4) Moving or flashing signs, including, but not limited to, searchlights, streamers and spinners;
- (5) Off-premise signs;
- (6) Pole signs;
- (7) Rope-style, LED, fluorescent or any other style or type of lights used to illuminate the area outlining a window, with or without window signs, a door or any other area of a building facade or roof.
- (8) Portable signs, including A-frame signs, are prohibited, unless specifically permitted elsewhere in this Article;
- (9) Signs attached or painted on trees, utility poles, rocks or natural features;
- (10) Signs incorporating noisy mechanical devices or emitting smoke or steam;
- (11) Signs in the right-of-way, unless specifically permitted elsewhere in this Article;
- (12) Signs which pose a traffic hazard. No sign may be erected, operated, used or maintained which:
  - (a) Due to its position, shape, color, format, or illumination, obstructs the view of, or may be confused with, an official traffic sign, signal, or device or any other official sign.
  - (b) Displays lights resembling the flashing lights customarily associated with danger or those used by police, fire, ambulance and other emergency vehicles.
  - (c) Uses in a manner which may confuse motor vehicle operators, the words "stop," "warning," "danger," "turn," or similar words implying the existence of danger or the need for stopping or maneuvering.
  - (d) Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, alley, or other thoroughfare;
- (13) LED signs;
- (14) Snipe or bandit signs; and
- (15) Vehicle-mounted signs. Except as provided elsewhere in this Article or specifically exempted by other sections of this code, signs mounted upon, painted upon, or otherwise erected on trucks, cars, boats, trailers and other motorized vehicles or equipment are regulated as ground signs and signs mounted upon a trailer chassis with or without wheels will be considered to be portable ground signs, which are prohibited.

## **Sec. E. Administration and Enforcement.**

This Article shall be administered by the Zoning Official or his designated representative, including, but not limited to, the City Engineer or staff of the Engineering & Zoning Department. The Zoning Official may, when necessary and feasible, consult with other departments, private firms or persons with noted experience in qualifying disciplines, who, when so acting, shall be considered representatives of the City.

- (1) *Code Enforcement Officer.* The Code Enforcement Officer is the person(s) charged with the administration and enforcement of this Article. The Code Enforcement Officer may be any City employee(s) charged by the Mayor with the administration and enforcement of this Article. This employee(s) has the right to enter upon any premises at any reasonable time for the purpose of making inspections necessary to carry out prescribed duties in the enforcement of this Article.
- (2) *Removal and confiscation of signs.*
  - (a) City police and enforcement staff are authorized to remove and dispose of, or order the removal and disposal of, any prohibited sign, any sign that was not permitted in accordance with this Article and any nonconforming sign that does not meet the requirements of this Article.
  - (b) Any temporary sign installed or placed in a public right-of-way or easement, except as allowed in this Article, shall be forfeited by the public and subject to confiscation without notice by authorized enforcement staff, officers of the City or members of the public. In addition to other remedies provided in this Article, the City shall have the right to recover from the person placing such sign the full costs of removal and disposal.
  - (c) Any permanent sign installed or placed in a public right-of-way or easement, except as allowed in this Article, shall be forfeited to the public and subject to removal by authorized enforcement staff and officers of the City. In addition to other remedies provided in this Article, the City shall have the right to recover from the person placing such signs the full costs of removal and disposal.
- (3) *Required permits, fees and inspections.* Unless otherwise provided in this Section, all signs require a sign permit from the Code Enforcement Officer before being erected, displayed, relocated or altered. Written approval from the Code Enforcement Officer is required before any change, modification, alteration or other deviation from the terms and conditions of the sign permit and before any such change in the use of the sign as originally permitted can be made. The Department of Inspections and Permits shall maintain a record of all such requests and approvals.
  - (a) Whether a sign is exempt or not, an electrical permit is required for all illuminated signs.

- (b) All outdoor advertising signs located within 660 feet of the nearest edge of the right-of-way of a highway on the Interstate or Federal Aid Primary Highway System must file an application for a permit with the State of Alabama Highway Department, as required by the Highway Beautification Act's Outdoor Advertising Control Bill. A copy of the State permit will be required prior to installation of the sign.
- (c) *Revocation of permits for noncompliance with the permit's terms or for being void.* A permit may be revoked if it is determined that:
  - (i) The work under any sign permit is not in accordance with the terms of the permit;
  - (ii) The sign is in violation of any provision of this Ordinance or any other City ordinance; or
  - (iii) There was any false statement or misrepresentation of material fact in the permit application, payment for the permit or plans on which issuance of the permit was based.

A written notification of the defect, including the timeframe in which the defect must be corrected and date of permit revocation if the defect is not corrected, shall be hand-delivered or mailed to the property owner, applicant and contractor, as applicable and practicable. No work under the permit, other than correction of the defect, may continue after the initial notice of the defect is served. If the defect is not corrected as prescribed in the written notification, the permit will be revoked.

- (d) *Application.* Each application for a sign permit shall include information sufficient for the Zoning Official to determine compliance with this Ordinance, including the following items:
  - (i) Name, signature and address of the property owner, authorized agent of the property owner, if any, and sign contractor.
  - (ii) Address of the property where the sign is to be erected.
  - (iii) Zoning district and principal land use(s) on the lot subject to erection of a sign.
  - (iv) A complete description of the sign(s) to be erected, including, but not limited to, number, type, freestanding or attached, method of illumination, on or off- premises display and setbacks.
  - (v) A dimensioned sketch of the sign and a plot plan showing the location of each sign on the lot and dimensional characteristics necessary to determine maximum sign area, height, number, spacing, etc., such as lot area, lot frontage, building frontage, building face area, etc.

- (vi) Other details sufficient for the Code Enforcement Officer to determine compliance with the requirements of this Article, which may include a building elevation, survey, or other drawings or documentation satisfactory to assess a permit.
- (vii) *Application fees.*
  - 1. *Application fees.* Each application for a sign permit must be accompanied by a permit fee of \$50.00 plus \$0.25 for each square foot of sign area. Additional building and electrical permit and inspection fees are established by Chapter 5 of the City Code.
  - 2. *Double permit fees.* When work for which a permit is required is commenced prior to the obtaining of a permit, the permit applicant shall be required to pay a \$100.00 penalty as provided by Chapter 5, Article I, Sec. 5-9, subsection (o) of the Code of Ordinances, plus a double permit fee. In no event shall the applicant pay less than \$300.00. The payment of the required fee shall not relieve any person from fully complying with all of the requirements of all applicable regulations, ordinances and codes, nor shall it relieve them from being subject to any of the penalties therein. The double fee requirement shall be applicable to all divisions of the Building Inspections and Permits Department as noted herein.
- (e) *Issuance of permits.*
  - (i) The Zoning Official will examine applications for sign permits within ten (10) working days after receipt of a complete application. If it is determined that the requested sign(s), and any existing sign(s) conform to the requirements of this Section, the sign permit application will be approved this Section
  - (ii) If the Zoning Official finds that any requested or existing sign(s) or uses directly related to the application and in the ownership and/or control of the permit applicant violate any applicable provision of this Section or any other City code or ordinance, a sign permit shall not be approved until the violation is corrected.
  - (iii) A sign permit is a license to proceed with the work specified in the permit as approved by the Zoning Official. It does not grant the authority to violate, cancel, alter or set aside any of the provisions of this Article or any other City code, ordinance or regulation. Issuance of a sign permit does not preclude the Zoning Official from requiring correction of errors in plans or in construction where such errors, including administrative errors, are in violation of the terms or stipulations of the permit, this Section or any other City code, ordinance or regulation.

- (iv) No additional permits will be issued for signs appurtenant to any use or establishment having overdue sign regulations charges or unpaid reinspection charges due on the use or establishment.
- (f) *Inspection.* The Zoning Official will inspect each sign authorized by permit to determine compliance with the permit application and the terms of this Article. Routine inspections of signs may occur to determine continued compliance.
- (g) *Nullification.* A sign permit will become null and void if:
  - (i) The work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit.
  - (ii) The sign varies in any respect from the approved design or location.
- (4) *Signs that do not require a permit.* The following signs do not require a permit. However, they must conform to the requirements of any applicable sections of all City-adopted codes.
  - (a) Signs not visible from public streets or which are not visible from one property to another.
  - (b) The flag or insignia of any organization. However, the display of more than two flags on a flagpole is not permitted. No flag may exceed 30 square feet in area. Only one side of the flag is subject to area calculation.
  - (c) Tablets, grave markers, headstones, statuary or remembrances of persons or events that are noncommercial in nature and tablets such as memorials or cornerstones, or the name, date of erection and use of building when built into its walls.
  - (d) Works of fine art and/or murals when not displayed in conjunction with a commercial enterprise and through which an enterprise may not receive direct commercial gain.
  - (e) Temporary decorations or displays celebrating the occasion of traditionally accepted holidays.
  - (f) Temporary non-residential yard signs. One (1) temporary yard sign per street frontage is permitted on a non-residential site without time limitation. The sign may not exceed sixteen (16) square feet in area and six (6) feet in height.
  - (g) Temporary residential yard signs. Two (2) temporary yard signs per street frontage are permitted on a residential site without a time limitation. The sign shall not exceed twelve (12) square feet in area and four (4) feet in height in residential zoning districts.
  - (h) Temporary, nonilluminated signs. See temporary sign requirements in [Sec. G., Subsection \(I\)](#), except banners, which require permits.

- (i) Signs on a truck, bus, car, boat, trailer or other motorized vehicle and equipment provided all the following conditions are adhered to:
    - (i) The primary purpose of the vehicle or equipment is not the display of signs.
    - (ii) Such signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
    - (iii) Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable and actively used in the daily function of the business to which such signs relate.
    - (iv) Vehicles and equipment are not used primarily as static displays, advertising a product or service, nor utilized as storage or shelter.
    - (v) During periods of inactivity exceeding forty-eight (48) hours, the vehicle/equipment are not parked or placed with the signs displayed to the public. Vehicles and equipment engaged in active construction projects shall not be subjected to this condition. This Section does not include vehicles driven by owners or employees of a business that are parked at a residence.
  - (j) Address identification signs. New and existing non-residential buildings shall install a minimum of one (1) address identification sign. An address identification sign shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than four (4) inches high with a minimum stroke width of one-half ( $1/2$ ) inch. Where required by the Fire Code Official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.
- (5) *Nonconforming signs.* General restrictions on nonconforming signs include:
- (a) Any sign that was lawfully in existence at the time of the effective date of this Ordinance, or amendment thereto, that does not conform to the provisions herein, shall be deemed a legal nonconforming sign and may remain on a lot of record except as qualified below. No legal nonconforming sign shall be enlarged, extended, structurally altered or reconstructed in any manner, except as allowed for in this Ordinance and the non-conforming structure regulations within the Zoning Ordinance shall not apply.
  - (b) A sign shall lose its legal nonconforming status and must be brought into full compliance with the provisions of this Article by an application for and issuance of a sign permit, or by complete removal, if any of the following occurs:

- (i) If such a sign is damaged to an amount exceeding 50% of the sign's fair market replacement value, as determined by at least two (2) sign companies requested by the City to provide a quote;
  - (ii) The structure of a freestanding sign is altered in any form except for routine and general maintenance;
  - (iii) The structure of a building sign is altered in any form;
  - (iv) If a billboard sign installed prior to the effective date of this Ordinance is altered or replaced in any manner except for routine and general maintenance;
  - (v) The sign is relocated;
  - (vi) The sign material is consistent with a temporary sign but has been in use as a permanent sign for more than one year following the effective date of this Ordinance; or
  - (vii) The nonconforming sign and its structure (including support and frame and panel) are determined by the Zoning Official to be unsafe or in violation of this code and are declared a nuisance.
- (c) General or routine maintenance and cleaning of nonconforming signs shall be permitted without loss of legal nonconformity status. General or routine maintenance shall include the replacement of light bulbs, where applicable, or replacement of broken parts with the same parts. Any upgrade of electrical systems or replacement of structural parts shall be reviewed by the Zoning Official to determine if the repair or maintenance changes the nonconforming status of a legally nonconforming sign.
- (d) The nonconforming status of a sign is not affected by repainting or routine maintenance where no structural changes are made, such as painting, cleaning, replacement of light bulbs or the changing of the interchangeable letters on signs designed for them.
- (e) Sign face changes where there is no change to the nonconforming sign structure. A sign face change may be made without losing the legal nonconforming status of the sign. These actions include, but are not limited to, the replacement of a sign face within a pre-existing sign cabinet or repainting or changing the characters or logo of an existing sign face. Changes to a sign structure shall include the change in sign face area, height, or any alteration of the sign cabinet, if applicable.
- (f) Billboard sign, also known as an off-premise sign. Only billboard signs that were installed prior to the effective date of this Ordinance and are damaged, or removed by an act of God, by more than 50% of its value at the time of said damage may be replaced, and such replacement shall conform to the following requirements. For the purposes of this Section, an act of God is an extraordinary interruption by a

natural cause (such as a flood, tornado or earthquake) of the usual course of events that experience, prescience or care cannot reasonably foresee or prevent:

- (i) The owner must replace the billboard sign within six (6) months after its destruction or removal, or the owner will forfeit the right to replace the billboard sign.
  - (ii) The replacement billboard sign shall not exceed the height or sign area of the sign it is replacing.
  - (iii) The replacement billboard sign shall be installed in the same location as the sign it is replacing, unless:
    - 1. The lot on which the billboard sign sits is not contiguous to the Interstate 65 right-of-way; and
    - 2. The billboard sign is moved in a line perpendicular to the Interstate 65 right-of-way and no farther than fifty (50) feet away from its original location;
  - (iv) The replacement billboard sign shall meet all setback requirements of this Ordinance at the time the billboard sign is to be re-installed.
  - (v) Billboards may incorporate electronic message centers provided they comply with the regulations of the Alabama Department of Transportation.
  - (vi) Billboards that are removed in any other way, whether by the property owner, sign owner or a third party, shall not be replaced.
- (6) *Unlawfully erected signs.* Any sign erected in violation of any previously existing sign regulations, building codes, electrical codes, or any other ordinance of the City is not deemed lawfully nonconforming. Such signs must be altered to conform with the provisions of this Article or be removed immediately following the effective date of this Article upon notice by the Zoning Official. It is the obligation of the sign owner to show proof of a valid permit for lawful erection of a sign if the Zoning Official cannot readily obtain proof of a valid permit in the records of the City.
- (7) *Citations.* All citations will be signed by the enforcement officer finding the violations and will be issued by personal appearance or sent by certified mail to the responsible owner of the sign for which the violation is found.
- (a) A warning of a violation may be issued to the responsible party in writing, in person or telephone by the enforcement officer finding the violation. Correction of any violations shall be completed within thirty (30) days or less before a citation is sent.
- (8) *Penalty for violation.* Once a citation or warrant has been issued and tried before the Municipal Court, a person found guilty is guilty of a misdemeanor and will be punished as provided in Section 1-8 of the Code of Ordinances of the City, which includes the payment

of any fines levied by the Court, plus any court costs as provided and issued by the Court. Each day such offense continues constitutes a separate offense.

- (9) *Appeal to the Board of Zoning Adjustment.* Variances to the terms of these sign regulations may be granted in individual cases upon a finding of a hardship by the Board of Zoning Adjustment, under the procedures for variances established in Article XI, Sec. B. The Board of Zoning Adjustment will hear variance requests only if the variance application meets the intent of Article XI, Sec. B and conforms to all other ordinances or as shown on adopted City plans.
- (10) *Confiscation of signs in public right-of-way.* Any sign installed or placed on a public right-of-way, except in conformance with the requirements of this Article, is forfeited to the public and subject to confiscation and disposal by the public or an enforcement officer. In addition to other remedies provided under this Article, the City has the right to recover from the owner, or the person placing the sign, the full costs of removal and disposal.

#### **Sec. F. Sign Code Exception.**

The Zoning Official may grant approval for a sign code exception of not more than 10% in permitted sign height or sign area. The following findings shall be made prior to approval of any sign code exception:

- (1) The sign is compatible with the character of the area and is needed due to special and unique circumstances defined by the applicant and applicable only to the property or building;
- (2) The exception requested is the smallest necessary to address the unique situation;
- (3) The applicant did not create the special or unique circumstances themselves due to the design of the site and or building;
- (4) The sign will not adversely affect other signs in the area nor give the sign applicant an unnecessary advantage over other signs the area;
- (5) The sign will not be detrimental to properties located in the vicinity; and
- b. The sign will not obstruct vehicular or pedestrian traffic visibility and will not be a hazardous distraction.

#### **Sec. G. General Requirements Outside the Downtown Sign Districts.**

All on-premises signs outside the Downtown Sign Districts must conform to the following regulations:

- (1) *Permitted signs and restrictions.* Permitted sign types are limited by land use and the following restrictions according to [Table 3. Specific Freestanding Sign Regulations and Illustrations](#) and [Table 4. Specific Attached Sign Regulations and Illustrations](#):
  - (a) *Clearance.* All signs must meet the following clearance to the lowest portion of the sign:

- (i) Minimum eight (8) feet above sidewalks or public walkways; or
  - (ii) Minimum fourteen (14) feet clearance above vehicular areas.
- (b) *Double sided.* All signs may be double-sided by right, if the configuration of the sign permits. The second side does not affect the calculation of height, width or area.
- (c) *Measurement.* Square footage for this Article is measured as follows:
- (i) “Height” shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely undertaken for the purpose of locating or increasing the height of sign.;
    - 1. In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street.
  - (ii) “Width” shall be measured across the widest portion of a sign that runs parallel to the ground at the base of the sign or at the widest points of sign if above the base. Sign width shall include all structural elements of a sign (e.g., support posts, sign cabinet, etc.).
- (d) *Illumination.* Illuminated signs are permitted as follows:
- (i) All signs may be illuminated by an external light source.
  - (ii) The source of indirect illumination for signs must be oriented or shielded so that it is not visible from any residential use or public street.
  - (iii) Internal sign illumination is limited to window signs, wall signs and canopy signs.
    - 1. Internally illuminated signs are prohibited in the Downtown Sign Districts and all residential zoning districts, except for vending machines, automated tellers and displays smaller than three square feet in area.
  - (iv) All electric signs must conform to the Electrical Code of the City of Homewood.
  - (v) No metal halide lights exceeding seventy-five watts, or high- or low-pressure sodium light bulbs will be permitted for either permanent or

temporary signs. In no case will mercury vapor light sources be used for direct or internal illumination.

- (e) *Traffic visibility.* No permanent or temporary sign exceeding four (4) square feet in area is permitted within twenty (20) feet of an intersection right-of-way line (forty (40) feet if the intersecting street is an arterial highway), within ten (10) feet from the primary front lot line or secondary front property line on lots that are contiguous with more than one right-of-way, or a private drive. This limitation may be waived if the sign does not obstruct visibility between a height of thirty (30) inches and eight (8) feet above the nearest street grade level or does not interfere with traffic visibility for entrance onto and exit from the lot and adjacent lots and the visibility of traffic flow through nearby intersections, as determined by the Code Enforcement Officer. In any event no sign may extend into any right-of-way, except for attached signs projecting over a public sidewalk.
- (f) *Viewpoint neutrality.* No sign may be erected, operated, used or maintained which:
  - (i) Obstructs the view of, or may be confused with, an official traffic sign, signal, or device or any other official sign;
  - (ii) Displays lights resembling the flashing lights customarily associated with danger or those used by police, fire, ambulance and other emergency vehicles;
  - (iii) May confuse motor vehicle operators by using the words "stop," "warning," "danger," "turn," or similar words implying the existence of danger or the need for stopping or maneuvering; or
  - (iv) Creates in any other way an unsafe distraction for motor vehicle operations.
- (g) *Sound.* No sign may emit sound.
- (h) *Residential entry signs.* Permanent ground signs to residential developments may be erected at principal entrances to the project, in accordance with the following limitations:
  - (i) One sign may be permitted on each side of the principal entrance to the development.
  - (ii) No entrance sign may be internally illuminated.
  - (iii) The sign shall be located in a landscaped area equal to or larger than the total sign area of the applicable sign.
- (i) *Construction.* All signs must conform with City building and technical codes which provide a comprehensive set of construction standards for signs.

- (i) The area surrounding the base of a freestanding sign must be kept clear of all debris and undergrowth.
  - (ii) Vegetation within the right-of-way may not be damaged, pruned, or removed to provide greater visibility of any sign.
- (j) *Maintenance and repair.* All signs and components, including structural supports, must be kept in a state of good repair.
  - (i) The area surrounding the base of any freestanding sign must be kept clear of all debris and undergrowth.
  - (ii) No person may damage, trim, destroy, or remove any trees, shrubs, or other vegetation within a right-of-way or on any area where landscaping is required by City regulations.
- (k) *Electronic message boards, digital signs and displays.* Electronic message boards, digital signs and displays shall only be permitted as part of a permanent monument sign in the commercial, institution and industrial districts. All of the following standards shall apply to all electronic message centers:
  - (i) Electronic message boards, digital signs and displays are only permitted on lots that are a minimum of three (3) acres in size and the lot shall have street frontage on a major highway, arterial, or collector road.
  - (ii) Any monument sign with an electronic message board, digital sign or display shall be set back a minimum of 350 feet from any lot line in a residential zoning district.
  - (iii) If more than one monument sign is permitted on a lot, only one monument sign may contain an electronic message board, digital sign or display.
  - (iv) Any message change shall be a static, instant message change.
  - (v) Messages shall only change once every ten (10) seconds, or more.
  - (vi) The transition time between messages shall be less than one (1) second.
  - (vii) All electronic message boards, digital signs or displays shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions or shall be turned off manually within 24-hours of a malfunction.
  - (viii) Only light emitting diodes (LED) technology or similar quality signs shall be permitted for an electronic message board, digital sign or display.

- (ix) The electronic message board, digital sign or display shall be equipped with an automatic dimming photocell which automatically adjusts the display's brightness based on ambient light conditions.
  - (x) The brightness level shall not increase by more than 0.3 footcandles or 3.23 lumens per square meter or lux over ambient levels as measured using a footcandle meter at a pre-set distance. The procedure and distances for measurement of brightness shall be established by the International Sign Association's Recommend Nighttime Brightness Levels for On-Premise Electronic Message Centers.
- (l) *Temporary signs.* Temporary signs may only be freestanding, except in the Downtown Sign Districts.
- (i) General criteria. A temporary sign is unlawful if it does not meet the criteria established for the land use in which it is located according to [Table 2. General Sign Restrictions](#).
  - (ii) Extended events. Events that last over multiple days or weeks, such as construction signs, are not subject to the duration criteria. Signs associated with a construction site may be erected when a building permit is issued and must be removed upon receipt of a certificate of occupancy. They must be removed within 48 hours after the conclusion of the event or certificate of completion.
  - (iii) Temporary banners. A banner may be displayed if it is associated with a specific event and must be erected at the address where the event is to take place. Banners are limited to one per address, or as specified elsewhere in this Article. Banners are limited to thirty (30) square feet and may not be displayed longer than the event or thirty (30) days. Temporary banners are limited to twice a year per tenant, separated by a span of thirty (30) days.

## **Sec. H. Master Sign Plan.**

The master sign plan allowance established herein is to provide for additional permanent signage for large-scale developments in non-residential, planned commercial and mixed-use districts. The master sign plan provides a review process where any qualifying development that includes 25 acres or more or contains buildings with a cumulative floor area of 300,000 square feet or more, can submit a master sign plan package that illustrates all the signage that will be used on the lot and the relationships of all these signs to the development.

### **Master Sign Plan Requirements:**

- (1) Master sign plans shall be reviewed by the Planning Commission for any non-residential, planned commercial or mixed-use development that meets the acreage or square foot threshold above, and where the applicant wishes to submit a single, comprehensive sign plan for review.

- (2) A master sign plan is intended to promote consistency among signs within a development and enhance the compatibility of signs with the architectural and site design features within a development, as well as with the surrounding neighborhood.
- (3) A master sign plan may include more than one freestanding sign per frontage and increases to the maximum height of freestanding signs and maximum sign area allowance where the signage will contribute to the overall design of the development as well as comply with any of the city's adopted plans or policies.
- (4) Master sign plans may include up to a 25% increase in the maximum building sign area allowed in other sections of this Ordinance.
- (5) An application for review of a master sign plan shall include:
  - (a) A master sign plan, drawn to scale, delineating the site proposed to be included within the master sign plan and the general locations of all permanent signs including freestanding and building signs and the property lines, buildings and roadways;
  - (b) Drawings and/or sketches indicating the dimensions in square feet, location and sign area for all the permanent signs;
  - (c) Drawings and/or sketches indicating the exterior surface details of all buildings on the site on which wall signs, awning signs, canopy signs, projecting signs, window signs or other building signs are proposed;
  - (d) Samples or photos of colors and materials to be used for signs and the relationship to the building materials; and
  - (e) Information regarding the illumination of any signs.
- (6) In order for the Planning Commission to approve a master sign plan, it must find all of the following:
  - (a) That the plan's contribution to the design of the site and surrounding area will be superior to the quality that would result under the regulations and standards of this Article;
  - (b) That the signs proposed as part of the master sign plan will create a uniform sign package for the site related to materials, lighting, design and other features of the individual signs; and
  - (c) That the proposed signs are compatible with the style or character of improvements and are well-related to each other in terms of location and spacing.
- (7) The Planning Commission may impose reasonable conditions on a master sign plan necessary to carry out the intent of this Article.

- (8) No building permits or other permits required for the construction of any sign shall be issued unless the sign is in compliance with the approved master sign plan.
- (9) An approved master sign plan may only be amended or modified through the same review process required for its approval.

**Table 1. Temporary Sign Restrictions.**

RESTRICTION	RESIDENTIAL ZONING DISTRICTS	NON-RESIDENTIAL ZONING DISTRICTS	PLANNED NON-RESIDENTIAL DISTRICTS
Maximum number per parcel	2 per street frontage	1 per tenant	1 per tenant
Maximum area per sign	12 sq. ft.	16 sq. ft.	8 sq. ft.
Maximum height for a freestanding sign	4 ft.	6 ft.	4 ft.
Minimum setback from the property line	10 ft.	10 ft.	10 ft.
Permission of owner required	Yes	Yes	Yes
Allowed within sight visibility triangle	No	No	No
Allowed within public right-of-way	No	No	No
Illumination allowed	No	No	No
May be attached sign or window sign	No	No	No

- (m) *Notations.* Notations in [Table 2. General Sign Restrictions](#) have the following meanings:

- (i) “P” means the sign is permitted.
- (ii) “X” means the sign is prohibited.

**Table 2. General Sign Restrictions.**

SIGN TYPE	RESIDENTIAL ZONING DISTRICTS	NONRESIDENTIAL ZONING DISTRICTS	EDGEWOOD URBAN RENEWAL DISTRICT	PLANNED NON-RESIDENTIAL DISTRICTS <sup>1</sup>
<b>MONUMENT</b>	Permitted only at entry to residential subdivision	P	P	P
Sign number	2 at entry	1 per frontage	1 per frontage	Per Sec. 5-156
Max. area	32 sq. ft.	150 sq. ft.	48 sq. ft.	Per Sec. 5-156
Max. height	6 ft.	15 ft.	6 ft.	Per Sec. 5-156
<b>SHOPPING CENTER BONUS</b>				
Max. area	n/a	225 sq. ft.	72 sq. ft.	375 sq. ft.
Max. height	n/a	22.5 ft.	9 ft.	150% of Sec. 5-156
<b>ATTACHED SIGNS</b>				
<b>ROOF<sup>2</sup></b>	X	P	P	P

<sup>1</sup> PMUD, MXD, GURD

<sup>2</sup> Roof signs must not project above the peak of the roof.

SIGN TYPE	RESIDENTIAL ZONING DISTRICTS	NONRESIDENTIAL ZONING DISTRICTS	EDGEWOOD URBAN RENEWAL DISTRICT	PLANNED NON-RESIDENTIAL DISTRICTS <sup>1</sup>
Sign number	n/a	1 per building	1 per building	1 per building
Max. area	n/a	3 sf per linear foot of building	2 sf per linear foot of building	Per Sec. 5-156
Max. copy height	n/a	32 in. max.	24 in. max.	Per Sec. 5-156
<b>AWNING</b>	X	P	P	P
Sign number	n/a	1 sloping panel plus 1 valance per awning	1 sloping panel plus 1 valance per awning	1 sloping panel plus 1 valance per awning
Max. area	n/a	75% of sloping panel; 85% of valance	75% of sloping panel; 85% of valance	75% of sloping panel; 85% of valance
Max. copy height	n/a	24 in. on sloping panel; 8 in. on valance	16 in. on sloping panel; 8 in. on valance	24 in. on sloping panel; 8 in. on valance
<b>CANOPY OR MARQUEE</b>	X	P	P	P
Sign number	n/a	1 per canopy or marquee	1 per canopy or marquee	1 per canopy or marquee
Max. area	n/a	2 sq. ft. per linear foot of storefront	2 sq. ft. per linear foot of storefront	2 sq. ft. per linear foot of storefront
Max. copy height	n/a	30 in. max.	24 in. max.	24 in. max.
<b>PROJECTING</b>	X	P	P	P
Sign number	n/a	1 per tenant	1 per tenant	2 per tenant
Max. area	n/a	12 sq. ft.	9 sq. ft.	12 sq. ft.
Max. copy height	n/a	8 in.	8 in.	24 in.
<b>SCULPTURAL</b>	X	P	P	P
Sign number	n/a	1 per tenant	1 per tenant	1 per tenant
Max. area	n/a	12 sq. ft.	12 sq. ft.	12 sq. ft.
Max. copy height	n/a	n/a	n/a	n/a
<b>WALL<sup>3</sup></b>	X	P	P	P
Sign number	n/a	1 per tenant	1 per tenant	1 per tenant
Max. area	n/a	3 sq. ft. per 1 linear foot up to 90% of the width of the building <sup>4</sup>	2 sq. ft. per 1 linear foot up to 90% of the width of the storefront	20% of first floor facade area
Max. copy height	n/a	36 in.	24 in.	Per Sec. 5-156
<b>WINDOW</b>	X	P	P	P
Sign number	n/a	Multiple per tenant	Multiple per tenant	Multiple per tenant
Max. area	n/a	20% of each window area, neon is limited to 24 in. in width and 12 in. in height	20% of each window area, neon is limited to 24 in. in width and 12 in. in height	20% of each window area, neon is limited to 24 in. in width and 12 in. in height
Max. copy height	n/a	12 in.	12 in.	12 in.

<sup>3</sup> For multilevel buildings, the primary tenant may have one wall sign of the maximum allowable area and secondary tenants with individual designated entrances accessible from the exterior of the building may each have one sign 50% of the permitted primary tenant area. Tenants with shared access through a main entrance from the exterior of the building, and a secondary entrance into individual suites or offices located along a common interior hallway, shall not be permitted a wall sign on the exterior of the building.


<sup>4</sup> Wall signs are permitted at the ground floor only. For multilevel buildings, primary tenant may have one sign of this area and secondary tenants may each have one sign 50% of the permitted primary tenant area.


## Sec. I. Freestanding Sign Requirements.

Additional sign restrictions apply per sign type according to this Section and [Table 3. Specific Freestanding Sign Regulations and Illustrations](#). Freestanding signs must be separated from all driveways, parking aisles, loading aisles, parking spaces and loading spaces. Freestanding signs must be securely fastened to the ground so that there is no danger that either the sign or the supportive structure may be moved and cause injury to persons or property. Any signage material placed over an existing sign is considered temporary and subject to the conditions of [Sec. G\(1\)\(I\) of this Article](#) and [Table 1. Temporary Sign Restrictions](#).

- (1) *Monument signs*. The maximum area and height for each monument sign is according to [Table 2. General Sign Restrictions](#) and [Table 3. Specific Freestanding Sign Regulations and Illustrations](#).
  - (a) Monument signs must have a landscaped area no less than twice the area of the sign at the base of the sign. Edgewood nonresidential properties are exempt from this requirement.
  - (b) All applications for monument signs must be accompanied by a survey that shows all existing structures and site conditions.

**Table 3. Specific Freestanding Sign Regulations and Illustrations.**

MONUMENT SIGN	
Requirements	<div style="display: flex; align-items: flex-start;"> <div style="flex: 1;"> <ol style="list-style-type: none"> <li>a. Sign must be set back a minimum of five (5) feet from a right-of-way or accessible alley.</li> <li>b. Sign must be placed so that it does not obstruct the view of motor vehicle operators entering a public roadway from any parking area, service drive, alley or other thoroughfare. In no case shall a monument sign be set back less than five (5) feet.</li> <li>c. Monument signs must be constructed of durable materials.</li> <li>d. Sign must be attached directly to the ground by its entire base.</li> </ol> </div> <div style="flex: 1;">  </div> </div>

OFF-PREMISE SIGN		
Requirements	<ul style="list-style-type: none"> <li>a. Cut-out extension area may not exceed 100 sf.</li> <li>b. Sign and structure must be constructed of durable materials.</li> <li>c. No off-premise sign may be attached to any building or structure other than the structural support members specifically designed for support of the sign.</li> <li>d. New off-premise signs are prohibited in the City except as provided for non-conforming signs.</li> </ul>	


## Sec. J. Attached Sign Requirements.

Additional sign restrictions apply per sign type according to this Section and the requirements of [Table 4. Specific Attached Sign Regulations and Illustrations](#). Attached signs must be securely fastened to the building or to some other substantial supportive structure attached to the building so that there is no danger that either the sign or the supportive structure may be moved and cause injury to persons or property. Any signage material placed over an existing sign is considered temporary and subject to the conditions of [Sec. G\(1\)\(l\) of this Article](#) and [Table 1. Temporary Sign Restrictions](#).

- (1) *Maximum number of attached signs.* Except as provided for exempt signs, attached signs are restricted to building facades facing a public street, alley or a customer parking lot. The maximum number of attached signs per building facade are as follows:
  - (a) One roof sign or one wall sign or one canopy sign or one marquee sign per tenant; or
  - (b) One awning sign per ground floor window; or
  - (c) One projecting sign per tenant or one sculptural sign per tenant; and
  - (d) Except as provided for neon signs displayed in windows in subsection (4) below, no limit on the number of window signs.
- (2) *Roof signs.* The maximum area and height for each roof sign is according to [Table 2. General Sign Restrictions](#), [Table 4. Specific Attached Sign Regulations and Illustrations](#) and the following requirements:
  - (a) Attached signs may not be placed upon any roof surface, unless the roof pitch is 45 degrees or more.

- (b) The height of any attached sign may not extend above the highest point of the roof line.
- (3) *Wall signs.* The maximum area and height for each wall sign is according to [Table 2. General Sign Restrictions](#), [Table 4. Specific Attached Sign Regulations and Illustrations](#) and the following requirements:
  - (a) Wall signs may not project more than 12 inches from the building wall and may not extend beyond the limits of the building.
- (4) *Window signs.* In addition to [Table 2. General Sign Restrictions](#), [Table 4. Specific Attached Sign Regulations and Illustrations](#) window signs are subject to the following requirements:
  - (a) Neon signs are limited to one per tenant, require an electrical permit and must comply with Underwriters Laboratory (UL) or equivalent standards. Neon signs are prohibited in the residential, institutional, C-1 office and PCD-1 office zoning districts.

**Table 4. Specific Attached Sign Regulations and Illustrations.**

ROOF SIGN		
Requirements	<ul style="list-style-type: none"> <li>a. Roof sign may be internally or externally illuminated.</li> <li>b. Fixtures must be shielded to prevent glare.</li> <li>c. Conduit, raceways and wiring shall not be exposed.</li> <li>d. The supporting structure is not computed as part of the allowable sign area.</li> <li>e. Roof sign shall not project above the peak of the roof.</li> </ul>	 <p>The illustration shows a two-story commercial building with a flat roof. A sign is mounted on the roof, labeled 'ROOF SIGN'. The sign is a rectangular structure that sits on the roof surface without extending above the roofline. The building has large windows on the ground floor and a smaller window on the second floor.</p>

#### WALL SIGN

##### Requirements

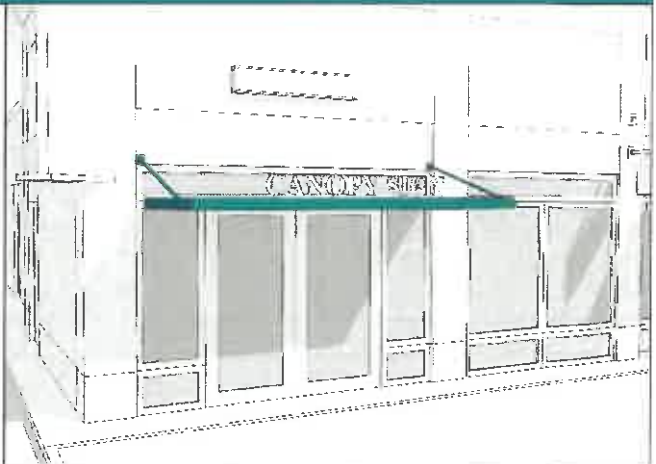
- a. Signs may not project more than one foot from the building.
- b. Wall signs may be internally or externally illuminated.
- c. Fixtures must be shielded to prevent glare.
- d. Conduit, raceways and wiring shall not be exposed.



#### CANOPY SIGN

##### Requirements

- a. Canopy signs may be externally illuminated.
- b. Fixtures must be shielded to prevent glare.
- c. Conduit, raceways and wiring may not be exposed to view from the sidewalk.



#### AWNING SIGN

##### Requirements

- a. Signs on awning valences must maintain a one-inch border.



MARQUEE SIGN	
Requirements	<p>a. Marquee signs may occur parallel to the facade or at the corner of the building on buildings over one story in height.</p> <p>b. Sign may extend up to 6 feet above the parapet.</p> <p>c. Bottom of the sign must be 12 feet above the sidewalk.</p>

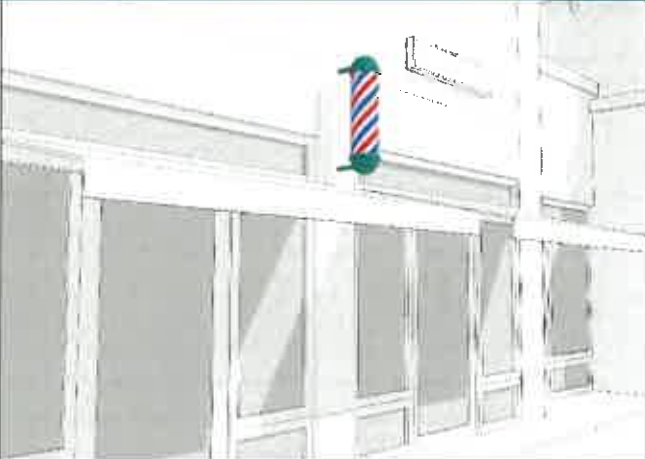


WINDOW SIGN	
Requirements	<p>a. The following signs are permitted: letters painted directly on the window, hanging signs behind the glass and vinyl appliques. Vinyl appliques must consist of either:</p> <ol style="list-style-type: none"> <li>1. Individual letters or graphics with no visible background.</li> <li>2. Individual letters or graphics with a visible background. The visible background shall not extend beyond the approved sign area.</li> </ol>



PROJECTING SIGN	
Requirements	<p>a. Projecting signs may project up to three feet from the facade.</p>



SCULPTURAL SIGN		
Requirements	<ul style="list-style-type: none"> <li>a. Signs may include painted, vinyl or extruded copy or graphics on a sculptural object.</li> <li>b. Sign may be attached to wall, parapet or roof of a building and must include a supporting structure which is not computed as part of the allowable sign area.</li> <li>c. Bottom of sign must be a minimum of 8 feet above the sidewalk.</li> </ul>	

## Sec. K. PMUD, MXD, GURD and Planned (Non-Residential) Districts.

This Section applies to the property identified as the Planned Districts. Signs in these districts are regulated independently by the following use categories: (1) single tenant, (2) multiple tenant buildings , and (3) shopping centers and corporate campuses.

- (1) Single tenants may choose to utilize any two of the following types of signs and are subject to the requirements of [Table 1. Temporary Sign Restrictions](#) and [Table 2. General Sign Restrictions](#), except for the following:
  - (a) *Attached signs:*
    - (i) No sign on a building facade may exceed 80 feet in length.
  - (b) *Monument signs:*
    - (i) Lots having less than 100 feet of street frontage may have one monument sign per street frontage. The maximum surface area is 25 square feet per side, with a total area of 50 square feet. The maximum height of the monument sign is three and one-half feet. The sign must have a minimum of 50 square feet of landscaped area at the base of the sign. If the sign is located in a median, the median must be a minimum of 10 feet wide and 50 feet long.
    - (ii) Lots having more than 100 feet of street frontage are permitted two monument signs per street frontage. There must be a minimum of 200 feet between signs for lots with more than 200 feet of street frontage. The maximum surface area of each sign is 30 square feet per side, with a total area of 60 square feet. The maximum height of the monument sign is 6 feet and it must be setback a minimum of 12 feet from the street right-of-way. Each sign must have a minimum of 50 square feet of landscaped area at the

base of the sign. If the sign is located in a median or parking lot landscape island, the median must be a minimum of 10 feet wide and 50 feet long.

- (iii) One monument sign used by multiple businesses is permitted per parcel with the following dimensions:
  - 1. Maximum height is 15 feet.
  - 2. Maximum width is 10 feet.
  - 3. Maximum surface area is 150 square feet per side, or 300 square feet total.
- (2) Multiple tenant buildings or shopping centers with a minimum gross floor area of 300,000 square feet and mixed-use or corporate campuses on lots of 25 acres or more may utilize the master sign plan process or the following types of signs. The sign may be located along any street or highway frontage.
  - (a) *Monument signs:*
    - (i) One monument sign is permitted per entrance into the development from a public street. If the street frontage exceeds 500 feet, a second sign may be permitted.
    - (ii) The maximum area for all monument signs is 200 square feet per side. The maximum height is 45 feet.
    - (iii) Each vehicular entrance to multi-tenant or mixed-use buildings within a corporate campus may have one monument sign identifying the individual businesses within the buildings, not exceeding 75 square feet per side and 10 feet in height.
    - (iv) Monument signs that were approved via the development plan process must follow the same process when being replaced or relocated within a development.
  - (b) *Wall signs:*
    - (i) Individual businesses within a multi-tenant building, shopping center or corporate campus that are accessed from designated entrances located on the exterior of a building may erect wall signs and projecting signs per the standards of [Table 1. Temporary Sign Restrictions](#) and [Table 2. General Sign Restrictions](#).
    - (ii) No illuminated sign is permitted within 100 feet of any residential district. No sign located within 300 feet of a residential district may be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

## **Sec. L. Specific Area Signs.**

The following specific areas are regulated by Appendix A – Zoning:

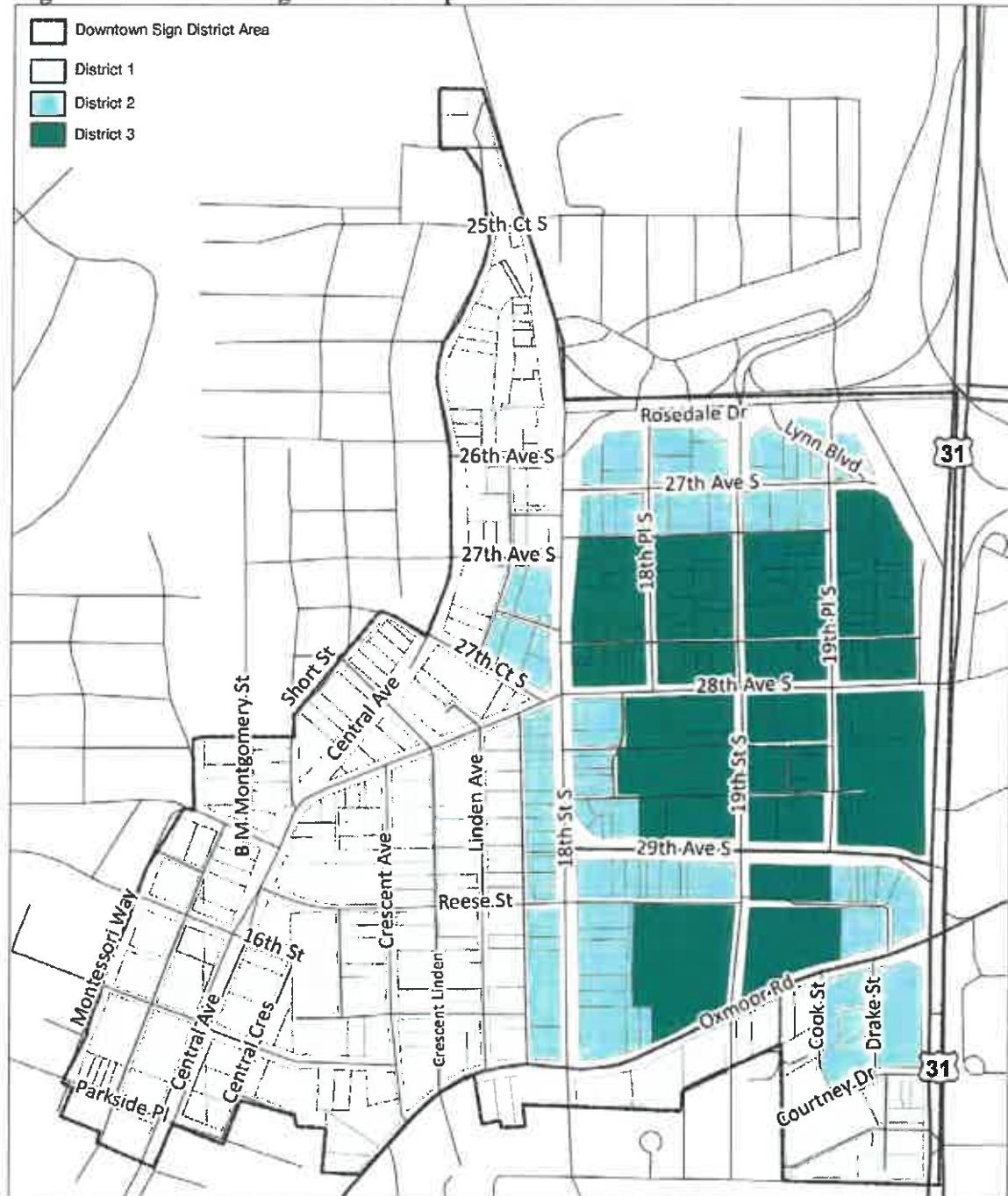
- (1) *West Homewood.* West Homewood signs are regulated by Appendix A – Zoning, Article IV. District Uses, Sec. FF West Homewood District.

## **Sec. M. Downtown Signs.**

This Section applies to the properties within the boundary of the Heart of Homewood Downtown Master Plan. All regulations applicable to Downtown signs are found within this Section. The purpose of this Section is to assure the scale and character of signs is appropriate to a walkable downtown.

- (1) *Downtown sign districts.* The boundaries of the downtown sign districts are as shown on [Figure 1. Downtown Sign District Map](#). The downtown sign district map is a part of this Ordinance.

**Figure 1. Downtown Sign District Map**



- (2) *Permitted signs and restrictions.* Permitted sign types are limited by downtown sign districts and the following restrictions according to [Table 5. General Sign Restrictions](#) and [Table 6. Specific Sign Regulations and Illustrations](#):
- (a) The number of signs per type;

- (b) The area of signs;
- (c) The height of sign copy.
- (d) All signs must meet the following clearance:
  - (i) Minimum 8 feet clear over sidewalks;
  - (ii) Minimum 10 feet clear over vehicular areas.
- (e) All signs may be double-sided by right, if the configuration of the sign permits. The second side does not affect the calculation of height and width.
- (f) Illuminated signs are permitted as follows:
  - (i) All signs may be illuminated by an external light source.
  - (ii) Internal illumination is prohibited.
- (g) *Notations.* Notations in [Table 5. General Sign Restrictions](#) have the following meanings:
  - (i) “P” means the sign is permitted.
  - (ii) “X” means the sign is prohibited.

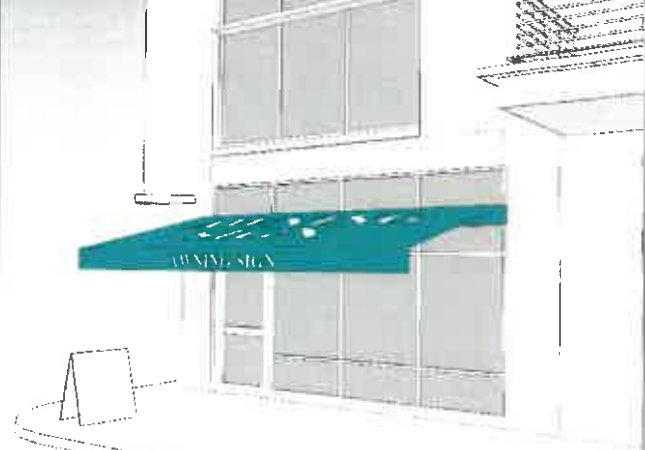
**Table 5. General Sign Restrictions**

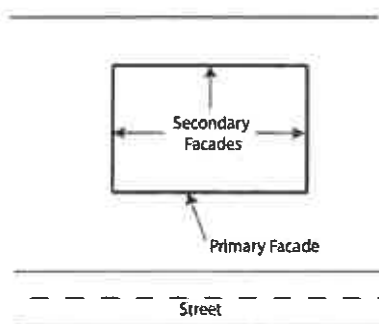
SIGN TYPE	1	2	3	SIGN NUMBER	MAX. SIGN AREA	MAX. COPY HEIGHT
<b>PROJECTING SIGNS</b>						
Awning	P	P	P	1 sloping panel plus 1 valence per awning	75% of sloping panel; 85% of valence	16 in. on sloping panel; 8 in. on valence
Canopy	P	P	P	1 per canopy	2 sq. ft. per linear foot of storefront	30 in. max.
Projecting	P	P	P	1 per tenant	9 sq. ft.	8 in.
Marquee	X	P	P	1 per building	40 sq. ft.	n/a
Sculptural	P	P	P	1 per tenant	12 sq. ft.	n/a
<b>WALL SIGNS<sup>5</sup></b>						

<sup>5</sup> *Wall Signs:* An applicant may provide signage on one secondary façade but shall not combine the total amount of building sign area permitted on each façade and apply it to any single façade. The amount of building sign area allowed on a secondary façade shall be 50% of that allowed on the primary façade.

SIGN TYPE	1	2	3	SIGN NUMBER	MAX. SIGN AREA	MAX. COPY HEIGHT
Wall mounted	P	P	P	1 per storefront	3 sq. ft. per 1 linear foot up to 90% of the width of the storefront	24 in.
Wall mounted-secondary facade	P	P	P	1 per secondary façade	50% of the area allowed on primary facade	24 in.
Window	P	P	P	n/a	20% of glazed area, neon is limited to 24 in. in width by 12 in. in height	12 in.
<b>GROUND SIGNS</b>						
Monument	P	X	P	1 per frontage	30 sq. ft.	12 in.
Pole	X	X	X	n/a	n/a	n/a
Sidewalk <sup>6</sup>	X	P	X	1 per tenant	6 sq. ft.	n/a

**Table 6. Specific Sign Regulations and Illustrations**

AWNING SIGN		
Requirements	<p>a. Valence sign area must maintain a one-inch border.</p> <p>b. Internal illumination is prohibited.</p>	

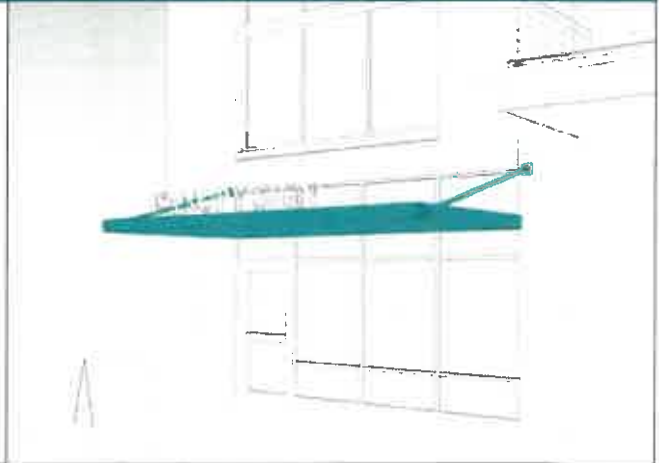


<sup>6</sup> Sidewalk signs shall not block the pedestrian area of the sidewalk.

### CANOPY SIGN

#### Requirements

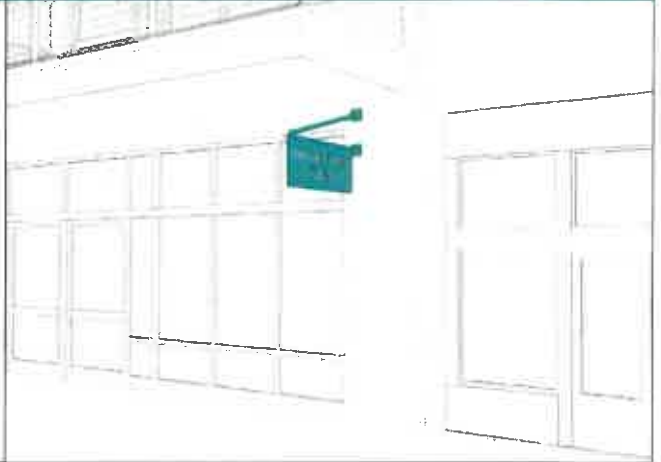
- Canopy signs may be externally illuminated.
- Internal illumination is prohibited.
- Fixtures must be shielded to prevent glare.
- Conduit, raceways and wiring may not be exposed to view from the sidewalk.



### PROJECTING SIGN

#### Requirements

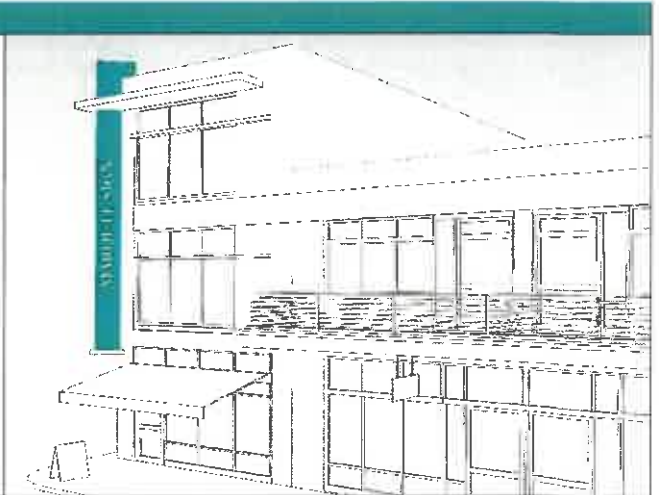
- Projecting signs may project up to 3 feet from the facade.
- Internal illumination is prohibited.



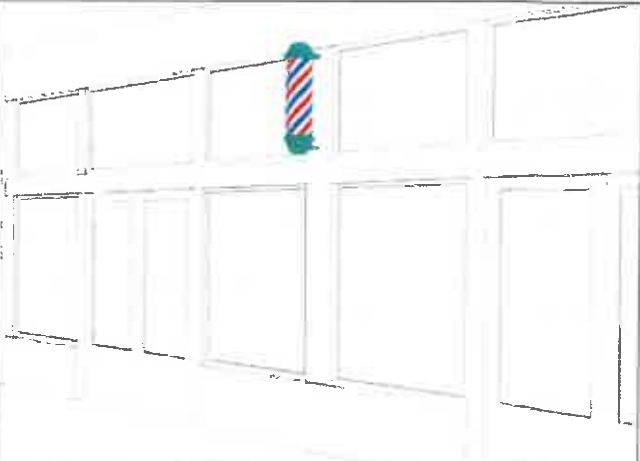
### MARQUEE SIGN

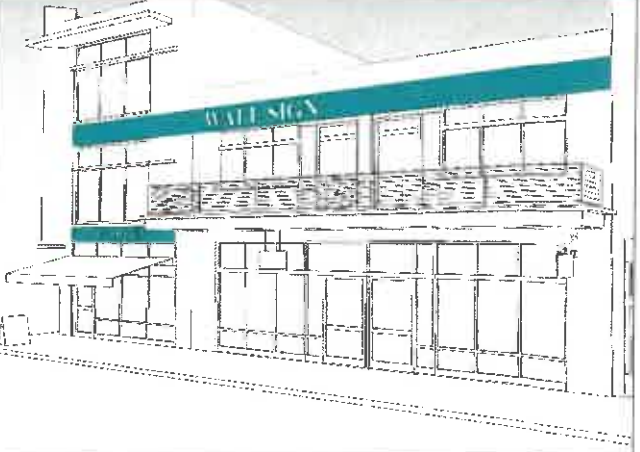
#### Requirements

- Marquee signs may occur parallel to the facade or at the corner of the building permitted only on buildings over one story in height.
- Sign may extend up to 6 feet above the parapet.
- Bottom of the sign must be 12 feet above the sidewalk.
- Internal illumination is prohibited.



### SCULPTURAL SIGN

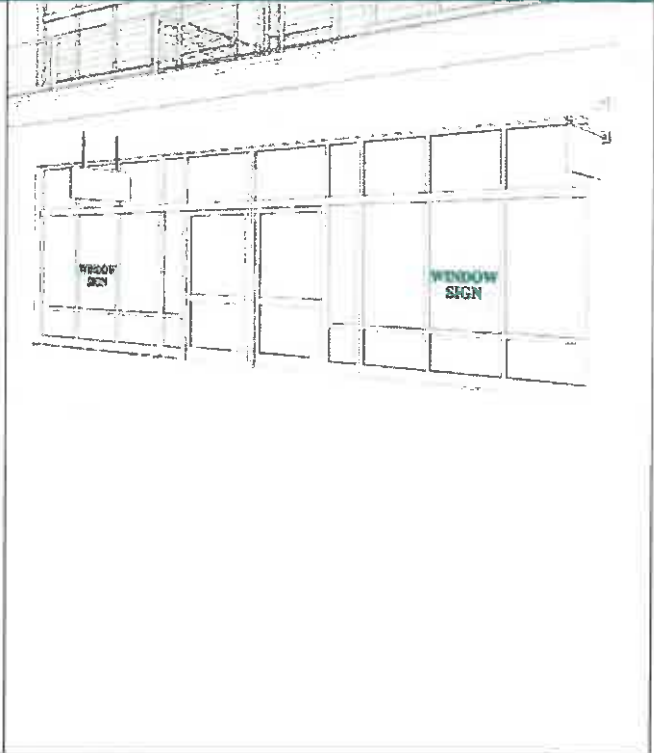
Requirements	<ul style="list-style-type: none"> <li>a. Projecting signs may include painted, vinyl or extruded copy or graphics on a sculptural object.</li> <li>b. Sign may be attached to a wall, parapet or roof of a building and must include a supporting structure which is not computed as part of the allowable sign area.</li> <li>c. Internal illumination is prohibited.</li> </ul>	
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WALL MOUNTED SIGN		
Requirements	<ul style="list-style-type: none"> <li>a. Wall mounted signs may only be externally illuminated.</li> <li>b. Internal illumination is prohibited.</li> <li>c. Fixtures must be shielded to prevent glare.</li> <li>d. Conduit, raceways and wiring may not be exposed.</li> </ul>	

## WINDOW SIGN

### Requirements

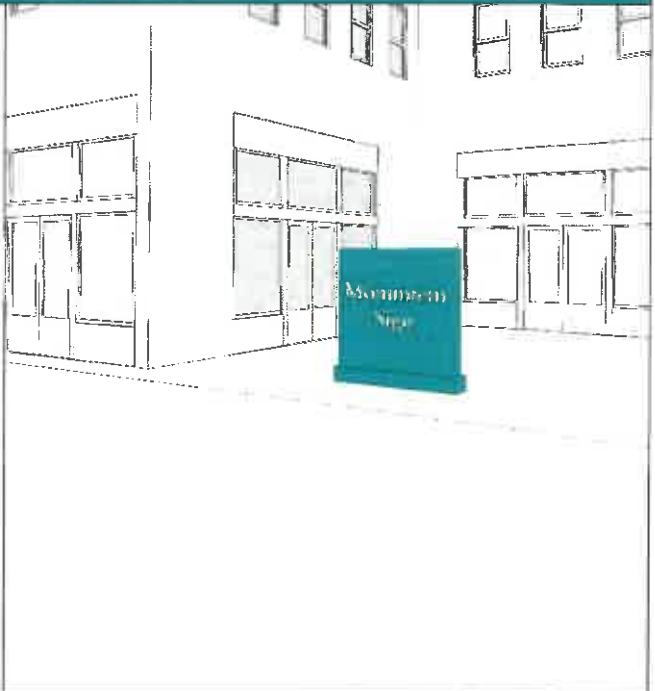
- a. The following signs are permitted: letters painted directly on the window, hanging signs behind the glass, temporary signs and vinyl appliques.
- b. Temporary signs may be paper posters or information and/or advertising mounted on corrugated plastic, foamboard or similar material.
- c. Vinyl appliques must consist of either:
  1. Individual letters or graphics with no visible background.
  2. Individual letters or graphics with a visible background. The visible background shall not extend beyond the approved sign area.

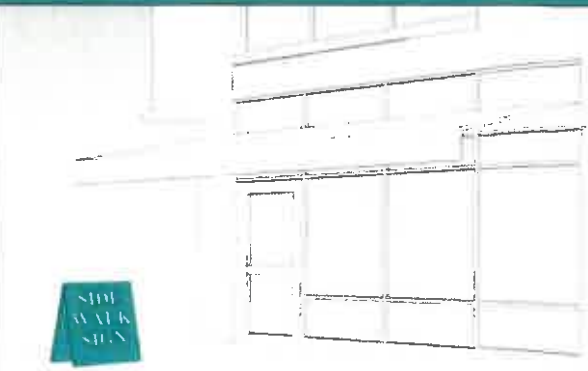


## MONUMENT SIGN

### Requirements

- a. A monument sign must be set back so that it does not obstruct the view of motor vehicle operators entering a public roadway from any parking area, service drive, alley, or other thoroughfare. In no case shall a monument sign be set back less than five (5) feet.
- b. Monument signs must be constructed of durable materials.
- c. Sign must be attached directly to the ground by its entire base.
- d. Monument signs may be externally illuminated.
- e. Internal illumination is prohibited.



SIDEWALK SIGN		
Requirements	<ul style="list-style-type: none"> <li>a. Sign height may not exceed 42 inches.</li> <li>b. Sign width may not exceed 20 inches.</li> <li>c. Sign may only be displayed during business hours.</li> <li>d. Sidewalk signs shall not block the pedestrian area of the sidewalk.</li> </ul>	

### Sec. N. Saving Provision.

These regulations shall not be construed as evading any action now pending under, or by virtue of, prior existing sign regulations, or as discontinued, abating, modifying or altering any penalty accruing or about to accrue, or as affecting liability of any person, or as waiving any right of the City under any section or provision existing at the time of the adoption of these regulations, or as vacating or annulling any right obtained by any person by lawful action of the City except as shall be expressly provided for in these regulations.

## **ARTICLE XI. ADMINISTRATION AND REVIEW PROCEDURES**

### **Sec. A. General Administration.**

The provisions of this Ordinance shall be administered and enforced by the Zoning Official.

- (1) *Board of Zoning Adjustment:* The Homewood Board of Zoning Adjustment was established pursuant to section 11-52-80, Code of Alabama 1975; and shall have all powers and duties delegated to boards of adjustment by said code, which generally are:
  - (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.
  - (b) To hear and decide special exceptions to the terms of this Ordinance upon which the board is required to pass under this Ordinance.
  - (c) To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.
- (2) In addition to this Zoning Ordinance, the City of Homewood has adopted a series of technical codes, some with modifications, as the building code for the city. These codes include the International Building Code (IBC), the International Property Maintenance Code (IPMC), the International Residential Code (IRC), the International Existing Building Code (IEBC), the International Mechanical Code (IMC), the International Fuel and Gas Code (IFGC), the 2015 Alabama Residential Energy Code as adopted by the Alabama Energy and Residential Energy Code Board, the National Electric Code (NEP), and the Alabama Energy Residential Code Board.
- (3) The International Building Code (ICC) provides minimum requirements to safeguard life, health and public welfare and the protection of property as it relates to these safeguards by regulating and controlling the design, construction, alteration, repair, equipment, use, and occupancy, location, maintenance, removal and demolition of all buildings or structures and appurtenances thereto. The first chapter of the building code sets forth the administrative process for the issue of a building permit.
- (4) *Building permit:* It shall be unlawful to: a. commence earthwork, or b. commence construction of any building or other structure, including accessory structures or signs, or c. store building materials or erect temporary field offices, or d. commence the moving, alteration or repair of any structure, until the building official of the city has issued for such work, a building permit. Building permits shall be required for any excavation or construction.

- (5) *Review of building permit applications:* It shall be unlawful for the building official of the city to approve any plans or issue a building permit until said official has inspected the plans in detail and found them in conformity with this Ordinance. No building permit shall be issued for any structures in Districts regulated by a Final Development Plan until authorized by the Zoning Official. All plans submitted with a building permit application shall contain the following:
- (a) Location, size, dimensions and current Zoning of the site;
  - (b) The use, location, size, and height of all existing and proposed structures on the site;
  - (c) The location and number of parking spaces, as well as points of ingress and egress;
  - (d) All easements and rights-of-way;
  - (e) The setback and side lines of buildings on adjoining property, and other information concerning the lot or adjacent property as may be required for determining conformance with the provisions of this Ordinance;
  - (f) The location and dimensions of all exterior graphic displays; and
  - (g) Buffers.
- (6) *Unlawful structure:* Any use of land or a structure, or construction or alteration of a structure in violation of this Ordinance, is hereby declared to be a nuisance per se. Whenever the building official declares that the use of land or a structure is in violation of this Ordinance, the owner or occupant shall, within seventy-two (72) hours from the issue of a notice from the building official to vacate such premises, accomplish the vacation of such land or structure until said use be made to conform to the provisions of this Ordinance.
- (7) *Penalties:* Any person, firm, corporation, or other organization which violates this Ordinance shall be fined upon conviction not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) and cost of court for each offense. Each day such violation continues shall constitute a separate offense.
- (8) *Remedies:* When any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of this Ordinance, the building official of the city or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation may bring an injunction, mandamus, or other appropriate action or proceeding, to correct or abate such violation or to prevent occupancy of such building, structure, or land.

## **Sec. B. Variances.**

- (1) *Intent:* It is the intent of this Zoning Ordinance that variances be used only to overcome some physical condition of a parcel of land, which poses a practical difficulty to its

development and prevents its owner from using it in conformance with this Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Zoning Adjustment that the conditions outlined below do, in fact, exist. In no case shall the Board of Zoning Adjustment grant a variance that permits the permanent use of land, building or structure for a use prohibited within the district in which the land, building or structure is located. Nor shall the Board of Zoning Adjustment grant a variance which permits the extension or addition of a non-conforming use or in any way makes a non-conforming use more permanent.

- (2) *Procedure:* Applications shall be filed with the Zoning Official at least thirty (30) days before the scheduled hearing date before the Board of Zoning Adjustment. The property owner or authorized agent shall file the application on a form made available by the Zoning Official. Notice shall be provided fifteen (15) days in advance and otherwise in accordance with Alabama Open Meetings Act, Section 36-25A and Code of Alabama, 1975, Section 11-52-80.
- (3) *Conditions:* Before any variance is granted, the Board of Zoning Adjustment must find that all of the following conditions exist:
  - (a) There are extraordinary and exceptional conditions, which are peculiar to the piece of property in question because of its size, shape or topography, that are not applicable to other lands or structures in the same district.
  - (b) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other owners of property in the District in which the property is located.
  - (c) All literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other owners of property in the district in which the property is located.
  - (d) The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
  - (e) The special circumstances are not the intended result of the actions of the applicant (i.e., self-imposed hardship)
  - (f) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
  - (g) That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or building in other districts shall be considered grounds for the issuance of a variance.
  - (h) That the variance will not allow the permanent establishment of a use not permissible under the terms of this Ordinance in the district involved, or any use

expressly or by implication prohibited by the terms of this Ordinance in said district.

- (4) In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists.
  - (a) Proof that a variance would increase the financial return from the land
  - (b) Personal or economic hardship
  - (c) Self-imposed hardship
  - (d) Hardship alone is not sufficient to permit variance. It must be an "unnecessary hardship". Mere financial loss, of a kind which might be common to all of the property owners in a district, is not an "unnecessary hardship".
- (5) *Notice:* The Board of Zoning Adjustment shall not grant any variance without first giving written notice a minimum of fifteen (15) days prior to the proposed date of such public hearing to all owners of property located adjacent or contiguous to the boundaries of the property which is subject to the requested variance, as shown by the records of the office of the Jefferson County Tax Assessor of the on a date not more than ninety (90) days prior to the date of such notice. Such notice shall state the street address of the property, if any, which is the subject of the proposed variance and that the said property owner is welcome to attend the public hearing and invited to speak on the issue if they so desire. Such notice shall be deemed given when deposited in the United States mail, first class postage prepaid, addressed to such property owners at their addresses as shown on the records of the office of the Tax Assessor of the applicable County on the date such owners are determined. Any error in the address of any notice shall not invalidate the giving of notice, provided that no more than ten (10) percent of the total number of notices given with respect to the applicable hearing contain any such error.
- (6) Variance granted by the Board of Zoning Adjustment shall lapse and be of no effect if, after the expiration of one (1) year from the date of such action by the Board of Zoning Adjustment, no construction pursuant to such Variance has taken place, provided that the Board of Zoning Adjustment may, for good cause shown, specify a longer period of time in conjunction with its action to grant the Variance.

### **Sec. C. Zoning Amendments.**

- (1) *Review procedure:* A proposed amendment to the zoning ordinance, including the map, may be initiated by the city, or at the request of the owner of the subject property. All proposed amendments shall be considered by the city, in accordance with Title 11, Chapter 52, Article 4, of the Code of Alabama 1975, as amended, and section 1059(28) - 1059(31), Volume 14(c) of the 1973 supplement to the Code of Alabama 1940 as recompiled in 1958.

- (2) *Application requirements:* At least thirty (30) days prior to a regularly scheduled planning commission meeting, the applicant shall submit to the secretary to the planning commission:
- (a) An administrative fee of two hundred fifty dollars (\$250.00) plus an amount equal to the sum of any and all expenses incurred by the City of Homewood for publication, notification for hearings, planning, engineering, and surveying services rendered or required in connection with said application, and/or as otherwise provided by ordinances of the City of Homewood.
  - (b) A completed application form supplied by the Zoning Official, accompanied by the following materials:
    - (i) *A site plan, drawn to scale, indicating:*
      - a. The dimensions and location of the site.
      - b. The shape, size, height and location of all existing structures on the site.
      - c. The number and location of parking spaces, and location of ingress and egress.
      - d. All rights-of-way and easements.
      - e. Other information which may be required by the planning commission during the review process.
    - (ii) *A written statement indicating:*
      - a. Reason for the request.
      - b. Legal description of the subject property.
      - c. Traffic volumes to be generated by the proposal.
      - d. Availability of required utilities.
    - (iii) *Public hearing notices on a form supplied by the Zoning Official, in accordance with the following provisions:*
      - a. The notice shall be addressed to the owners of property located in whole or in part within five hundred (500) feet from the boundaries of the property which is the basis of the proposed amendment in zoning classification, as shown by the records of the Jefferson County Tax Assessor on a date not more than one (1) year prior to the date of such notice.

- b. The applicant shall complete number 10 plain white envelopes, supplied by the city, addressed and stamped for certified return receipt mailing from the city to all persons to whom notice shall be sent.
  - c. Such notices shall state the street address of the property, if any, and the proposed amendment or change in zoning classification.
  - d. Such notices shall state that a written protest of the proposed amendment may be filed with the secretary to the planning commission of the City of Homewood one (1) day prior to the proposed date of the public hearing for the consideration of the zoning classification amendment. The protest must be signed by the property owner making such protest and only one (1) protest shall be allowed for each separately assessed unit of property.
  - e. Such notices shall be deposited in the United States mail by the secretary to the planning commission at least seven (7) days prior to the proposed date of the public hearing.
- (iv) Zoning amendments which require preliminary development plan approval shall submit said plan as required in Article VI of this Ordinance.
- (c) The Zoning Official shall be responsible for posting property with signs that note the proposed district change and the time and place of the planning commission hearing. The Zoning Official shall post property at least fifteen (15) days in advance of the public hearing before the planning commission. The property shall remain posted until the public hearing is completed. The required signs shall be placed at reasonable intervals along the public street abutting the property subject to rezoning.
- (3) *Conditional rezoning:*
  - (a) In situations where more flexible and adaptable zoning methods are needed, rezoning amendments may be allowed subject to certain conditions that are not generally applicable to land similarly zoned. Proposed rezoning amendments may include the voluntary proffering in writing, signed by the property owner (and the authorized agent of the property owner, if any), of reasonable conditions in addition to the regulations provided for in the desired zoning district. Any such proffered conditions must adhere to the following criteria:
    - (i) The rezoning itself must give rise to the need for the conditions.
    - (ii) Such conditions shall have a reasonable relation to the rezoning.
    - (iii) Such conditions shall not include a cash contribution to the city.

- (iv) Such conditions shall not include dedication of property for public right-of-way or facilities, unless otherwise required by the Homewood Subdivision Regulations.
  - (v) Such conditions shall not include payment for or construction of off-site improvements, unless otherwise required by the Homewood Subdivision Regulations.
  - (vi) No condition shall be proffered that is not related to the physical development or physical operation of the property.
  - (vii) No condition shall allow for the reversion of zoning held previous to the rezoning, unless a new application for rezoning is filed.
  - (viii) All such conditions shall be in conformity with the purposes and considerations of this Ordinance.
- (b) The Zoning Official shall be vested with all necessary authority on behalf of the city council to administer and enforce conditions attached to a rezoning amendment.
  - (c) The zoning map shall show by an appropriate symbol the existence of conditions attached to the zoning. The Zoning Official shall keep in his office and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district. The zoning designation of the property shall carry a C suffix in addition to the zoning district designation (for example, M-1C), and the zoning map shall reference the conditional zoning index by ordinance number.
  - (d) Any amendment, waiver, or variation of conditions created pursuant to the provisions of this Section shall be subject to zoning amendment procedures.
- (4) *Limitations on rezoning amendments:* Should the city council reject a rezoning amendment proposal by a property owner, the same kind of rezoning of the same tract land will not be considered by the planning commission until a period of one (1) year has elapsed from the date of such action by the city council. Further, a withdrawal of the application for rezoning after the hearing held by the planning commission, but prior to the hearing held by the city council shall also require a one-year time period before another application may be submitted. However, the planning commission may adjust this time period if in the opinion of a majority of the commission, an unusual situation or circumstance exists which would warrant another hearing. Each time the zoning amendment application is made, the required administrative fees must be paid. Under no condition shall fees be refunded for failure of such proposed amendment to be enacted into law.
  - (5) *Public hearing-planning commission:* Any requested zoning amendment or change is to be heard by the planning commission at a public hearing.

STATE OF ALABAMA     )  
JEFFERSON COUNTY     )

I, the undersigned City Clerk of the City of Homewood, do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ is a true and correct copy of an ordinance passed by the City Council of said City at a regular meeting held on \_\_\_\_\_, 2025, a quorum being present, and as same appears of record in Minute Book No. \_\_\_\_\_.

\_\_\_\_\_  
City Clerk, City of Homewood