

ORDINANCE NO. 2978

AN ORDINANCE TO FURTHER AMEND ORDINANCE NO. 2933 OF THE CITY OF HOMEWOOD ENTITLED "THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF HOMEWOOD," AS HERETOFORE ADOPTED ON THE 28TH DAY OF APRIL, 2025, AND AS HERETOFORE AMENDED.

WHEREAS, the Planning Commission of the City of Homewood, Alabama, has favorably recommended to the City Council that Ordinance No. 2933 of the City of Homewood, Alabama, entitled "The Zoning Ordinance and the Zoning Map of the City of Homewood, Alabama," as heretofore adopted on the 28th day of April, 2025, and as heretofore amended, be further amended by taking the property described in Section 1 hereof from the City of Homewood's C-2 (Neighborhood Shopping District) Zoning District to the City of Homewood's C-4 (Central Business District) Zoning District; and

WHEREAS, the proposed amendment is consistent with the City's plans and serves the public interest; and

WHEREAS, the City Council of the City of Homewood has found it necessary and desirable that the zoning on the hereinafter described parcel of property be considered and has set a public hearing on said Ordinance on **June 8, 2026**, and has directed the City Clerk to give notice thereof, as provided by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMEWOOD, ALABAMA, that Ordinance No. 2933 of said City, as heretofore adopted, as amended, and the Zoning Map of said City, be and the same hereby are amended as follows:

Section 1. That the following described parcel of property described in Exhibit A located in the City of Homewood, Jefferson County, Alabama, more particularly described as follows:

**2773 BM Montgomery Street and 2777 BM Montgomery Street
Homewood, Alabama 35209
Parcel ID Nos. 2800073009014000 and 2800073009015000**

(See Exhibit A - Legal Descriptions)

be and the same hereby is taken out of the City of Homewood's C-2 (Neighborhood Shopping District) Zoning District and rezoned to the City of Homewood's C-4 (Central Business District) Zoning District, pursuant to the Development Plan attached as Exhibit B, and subject to the following conditions:

- (1) A proffer by the owner to exclude the following potential uses:
 - (a) Package liquor store;

- (b) Tobacco and vape retail shops;
 - (c) Gas station;
 - (d) Auto parts store; and
 - (e) Indoor theater.
- (2) An agreement by the owner to develop the subject property in accord with the submitted Site Plan, including building layout, materials, landscaping and parking; and
- (3) An agreement by the owner to resurvey the subject properties in order to combine them into a single lot.

Section 2. That from and after the enactment of this Ordinance by the City Council of the City of Homewood and its approval by the Mayor, or its otherwise becoming a law, the uses and restrictions applicable to the C-4 Zoning District as set out in this Ordinance and Ordinance No. 2933 of the City of Homewood previously adopted and as heretofore amended, control the uses made of and permitted on the property described in Section 1 hereof.

Section 3. That on **June 8, 2026, at 6:00 o'clock p.m.**, in 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 4. That the City Clerk shall give notice of the time and place of such hearing by posting a copy of this Ordinance at the places listed below once a week for two consecutive weeks in advance of its passage, and, in addition thereto, shall give not less than fifteen (15) days' notice in writing prior to **June 8, 2026**, to all owners of property located in whole, or in part, within 500 feet from the boundaries of the above-described property, as shown on the records in the office of the Tax Assessor of Jefferson County, Alabama, on a date not more than one (1) year prior to the date of said notice.

Section 5. 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 6. That this Ordinance shall become effective immediately upon its passage and approval by the City Council.

ADOPTED and APPROVED by the City Council of the City of Homewood, Alabama this the 22 day of June, 2026.



Mayor

ATTEST:



City Clerk

This notice posted: June 23, 2026

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

EXHIBIT A

LEGAL DESCRIPTION

PLANNING COMMISSION CASE NO. RZ 26-04-01

THE SUBJECT PROPERTIES REFERRED TO HEREIN BELOW, BEING SITUATION IN THE COUNTY OF JEFFERSON STATE OF ALABAMA, ARE DESCRIBED AS FOLLOWS:

Parcel I (2777 BM MONTGOMERY STREET):

Lot 24-A, according to a Resurvey of Lots 22, 23, and 24, JT Loveless Addition to Clifton, said resurvey recorded in Map Book 82, Page 50, in Probate Office of Jefferson County, Alabama.

ALSO: North 20 feet of Lot 25, according to J.T. Loveless Addition to Clifton, as recorded in Map Book 1, Page 55, in the Probate Office of Jefferson County, Alabama.

Parcel II (2773 BM MONTGOMERY STREET):

Lot 23-A, according to a Resurvey of Lots 22, 23, and 24, J.T. Loveless Addition to Clifton, as recorded in Map Book 82, Page 50, in the Probate Office of Jefferson County, Alabama.

The lots described above are in process of being resurveyed into a single lot as part of a companion subdivision case (Case No. RS - 26-04-02). A Legal Description of the combined single lot will be provided as part of the resurveyed plat to be recorded with the Probate Office of Jefferson County.

EXHIBIT B

PLANNING COMMISSION CASE NO.
RZ 26-04-01

REZONING
APPLICATION
2773 & 2777 BM MONTGOMERY
STREET

Studio Vestige
studiovestige.com
4314 Newwood Boulevard
Birmingham, AL 35224
205.222.3763

License Stamp

Revisions
Rev. Description Date
XX SET XXXXXXXX

Set Title
REZONING
APPLICATION
Drawing Title
2773 + 2777 SITE
PLAN

Sheet No.
A100

Date
Project No.
01-20-2025
20002



1 SITE PLAN
1/8" = 1'-0"

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned City Clerk of the City of Homewood, do hereby certify that the foregoing Ordinance No. 2978 is a true and correct copy of an ordinance passed by the City Council of said City at a regular meeting held on June 22, 2026, a quorum being present, and as same appears of record in Minute Book No. 2026.



City Clerk, City of Homewood

Q978

11.04.26