

Executive Summary of Completed Edits to the Zoning Ordinance

This project sought to update the Homewood Zoning Ordinance by eliminating inconsistencies, adding clarity to vague clauses, and accurately reflecting how modern policies and procedures are implemented. This Executive Summary summarizes these lists of the most impactful updates. Note, most of the changes reflected in this document are administrative only, and listed below are the handful of content changes:

- Definitions were inserted, revised and deleted where necessary.
- The permitted uses for each district were revised and modernized where appropriate. This is reflected in the new use matrixes for residential and non-residential uses in Article IV District Uses.
- The off-street parking requirements were revised and right-sized where appropriate (e.g., food and beverage uses).
- Maximum lot coverage area requirements and impervious surface area requirements were reduced for detached residential districts to ensure future stormwater needs can be accommodated.

Below is an executive summary of the revisions for each article. To request a summary of all the edits, please contact Cale Smith at Cale.Smith@homewoodal.org.

Article I. Introduction

- Purpose: added a reference to Comprehensive Plan.

Article II. Definitions

- City staff and RPC inserted definitions from the Tree and Landscape Ordinance.
- RPC inserted definitions from the Fence Ordinance and revised existing definitions to match those from the Fence Ordinance.
- RPC updated/ added the following new definitions:
 - Assisted living
 - Building height
 - Driveway, Impervious
 - Driveway, Pervious
 - Dwelling unit
 - Dwelling unit, accessory
 - Grade plane

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- Family
- Impervious surface / impervious surface area
- Lot coverage
- Manufactured (mobile) home
- Modular home
- Nursing home
- Parking Space/Pad
- Place of worship (formerly religious institution or church)
- Rehabilitation center
- Rehabilitation clinic
- Structure
 - Structure, accessory
 - Structure, principal (formerly building, main)
- Setback (front, rear and side)
- Sexually oriented business
- Single room occupancy (SRO) housing
- Substantial improvement
- Wall, sitting
- Yard
- Zoning Official

Article III. General Regulations

- SEC. C – Replaced Zoning Administrator with Zoning Official.
- SEC. E. Interpretation of Uses – Added section empowering Zoning Official to interpret uses.
- SEC G. and I. Created separate sections for nonconforming uses and buildings and nonconforming lots.
 - SEC. I. (3) Clarified that when adjacent lots under common ownership are nonconforming and not buildable, they shall be resurveyed to create one or more conforming lots.

Article IV. District Uses

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- Renamed non-planned residential districts according to dwelling type (detached or attached), instead of single-family or multifamily, but left NPD district name unchanged.
- For all detached dwelling unit districts (NPD, R-1, R-2, R-3):
 - Inserted new intents to clarify districts from one another.
 - Added 37% maximum primary structure coverage requirement and 45% maximum impervious surface coverage.
 - For permitted uses, referred to Section K in Article IV.
 - Inserted district-specific dimensional and area requirements under each district instead of the combined table.
 - Referred to Article V in Chapter 5 of the City of Homewood Code of Ordinances and referred to the Subdivision Regulations.
- For all attached dwelling unit districts and planned residential districts (R-4, R-5, R-6, R-7, PR-1, PR-2):
 - Inserted new intents to better distinguish districts from one another.
 - For permitted uses, referred to Section K in Article IV.
 - Restrictions on uses are specified within Section G: R-6 Attached Dwelling Unit District. These restrictions were present in the previous Zoning Ordinance.
 - Inserted district-specific dimensional and area requirements under each district instead of the combined table. A combined table is being provided to the city as an appendix.
 - For open space requirements, referred to Section M in Article VI
 - Referred to Article V in Chapter 5 of the City of Homewood Code of Ordinances and referred to the Subdivision Regulations.
 - Included townhouse-specific regulations in R-5 and R-7 districts to require parking to the rear and limit groups to 3-8 units per cluster.
- Inserted Section K: Residential Use Table which contains a matrix of all residential districts and their permitted uses. This table refers back to individual zoning district sections for use restrictions, where applicable.
- For business, institutional, planned office/commercial, mixed use, and urban renewal 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, and LPD):
 - Inserted new intents to better distinguish districts from one another.
 - For permitted uses, referred to Section GG in Article IV. Restrictions on uses were present in the previous Zoning Ordinance and are specified for the following zoning districts: C-1, C-2, C-3, C-4, C-4(a), C-4(b), C-5, PCD-1, PCD-2, M-1, PI, PMUD, MXD, EURD, GURD, and LPD.

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- Inserted district-specific dimensional and area requirements under each district instead of the combined table.
- Referred to the Supplemental Use Regulations.
- Referred to Article V in Chapter 5 of the City of Homewood Code of Ordinances and referred to the Subdivision Regulations (not applicable to Land Preserve District).
- There were no changes for the Brookwood Overlay District.
- The West Homewood District was updated to include the recently adopted amendment from May 2023.
- Inserted Section GG: Non-Residential Use Table which contains a matrix of all non-residential districts and their permitted uses.
- For MXD and LPD: Added Supplemental Use Regulations to list of other regulations that do not apply to these districts.

Article V. Supplemental Use Regulations

- Created this Supplementary Use Article to govern specific land uses, wherever they may occur across zoning districts.
- Added sections governing tobacco and vape shops, alternative, financial services, and tattoo and/or body art establishments to limit the proliferation of these land uses.
- Added section to establish screening and buffering requirements for outdoor kennels and boarding.
- Added a section establishing special exception criteria for assisted living facilities, nursing homes, and for single room occupancy (SRO) housing.

Article VI. District Development Criteria

- SEC C. Front Setback Modifications
 - SEC C (1): Updated so that front setback modifications match those given in Art IV(A)(3)d.
 - SEC C (2): Stipulated that the front setback in residential districts is subject to the requirements established in Art. VI. SEC C (1).
- SEC D. Accessory Structures
 - SEC D (2): Limited the location of accessory structures to the side and rear setbacks. Added regulations of size and height of accessory structures. Clarified the minimum distance between accessory structures

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and other structures. Added stipulation that accessory structures may not be connected to primary structure by a breezeway.

- Inserted SEC E. Accessory Dwelling Units
 - Accessory dwelling units (ADUs) are defined as having kitchen and bathroom facilities. ADUs are permitted in all detached residential districts. Limited the number of ADUs allowed to one per lot and limited ADU occupancy to members of the family of the primary structure.
- SEC H: Commercial Glazing Requirements
 - Added this new section which states requiring clear, unobstructed glazing in commercial and mixed-use districts.
- The Quantitative Development Criteria Table has been moved to an appendix at the end of the Zoning Ordinance. Dimensional criteria for each district has been inserted under each district in Article IV.
- SEC L – Added the Fence Ordinance (Erection, Location, and Construction of Exterior Fences and Walls) in its entirety.
 - SEC L (2) c: Clarified that if the front yard is in conflict with the apparent front of the dwelling, the Zoning Official may not permit a fence in the secondary front yard.
- Added SEC M – Open Space for Attached Residential Districts. This section requires a minimum percentage of land be set aside as common, usable open space in developments over a certain size in attached residential districts. This section also requires that the property owners maintain this common open space in perpetuity.

Article VII. Required Development Plan

- Replaced with article as revised by City staff.

Article VIII. Off Street Parking and Loading Requirements

- SEC C. – Clarified that spaces for mixed/joint uses are not computed separately in Urban Renewal and Mixed Use Districts.
- SEC. D. – Added section stating that space requirements are calculated according to net floor area and defines net floor area.
- SEC F. – Updated to allow building owners to utilize publicly owned off-street spaces to count toward the required parking minimum if they share a property line; this does not apply to detached dwelling zoning districts.

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- SEC G. – Revised shared parking regulations to include more plain language. In general, multiple uses may share parking if they sign a joint parking agreement.
- SEC K. – Deleted this section, which stated that, “No off-street parking spaces, except for detached dwelling unit districts, shall be entered or exited directly from a public street or alley.”
- SEC N. – Updated required parking table to align with the simplified tables of permitted uses in Article IV.
- SEC O – Rewrote to allow developments requiring a development plan to determine parking as part of that process.

Article IX. Tree Protection and Landscape

- Added the Tree Protection and Landscape Ordinance in its entirety.
- Changed references to Director of Engineering and Zoning (DEZ) to Zoning Official, City official, or other term, as appropriate. Some references remain, e.g., Director of Engineering & Zoning determines job duties of City Arborist.
- Appendix A: Native Tree Species List, revised the “understory” to understory.

Article X. Reserved

- No changes.

Article XI. Administration and Review Procedures

- SEC A. – Updated the Zoning Official, City Engineer, or Building Official as permitted to administer and enforce.
 - Removed sentence about entering buildings to enforce the Zoning Ordinance.
- SEC A (2) – Added section detailing other technical codes adopted by the City and renumbered below sections as needed.
- SEC A (5) – Clarified that the Zoning Official authorizes the Final Development Plan.
- SEC B. Variances – Added new section to delineate intent, procedure, and conditions for variances and renumbered as needed.

Sign Ordinance Updates

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- Sec 5-152 (1) I – Clarified that temporary signs may not be attached or window signs. This change is reflected in Table 1. Temporary Sign Restrictions.
- Sec. 5-152 – Table 2. General Sign Restrictions – Changed window sign maximum area from 50% to 20%.
- Sec. 5-152 Table 3. Specific Freestanding Sign Regulations and Illustrations – Updated to require that monument signs be set back at least five feet from the right-of-way.